

EPA has determined that the approval action proposed/promulgated does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action to approve revisions to the Maryland SIP which make Maryland's SIP regulations, COMAR 26.11.01.01, 26.11.02.10 (C)(9) and 26.11.06.14, consistent with the currently effective version of 40 CFR 52.21 must be filed in the United States Court of Appeals for the appropriate circuit by April 1, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur Oxides.

Dated: November 3, 1995.

Stanley L. Laskowski,
Acting Regional Administrator, Region III.

40 CFR part 52, is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

Subpart V—Maryland

2. Section 52.1070 is amended by adding paragraphs (c)(119) to read as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

(119) Revisions to the Code of Maryland Administrative Regulations for prevention of significant deterioration submitted on July 17, 1995 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of July 17, 1995 from the Maryland Department of the Environment transmitting revisions to the Maryland State Implementation Plan.

(B) Amendments to regulations 26.11.01.01, 26.11.02.10 (C)(9) and 26.11.06.14 under the Code of Maryland Administrative Regulations (COMAR) revising Maryland's prevention of significant deterioration program to incorporate changes to 40 CFR 52.21 made between 1992 and 1993. The amendments were effective on May 8, 1995 in the State of Maryland.

(ii) Additional material.

(A) Remainder of July 17, 1995 State of Maryland submittal.

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40 CFR Part 52

[NC-070-1-6962a; FRL-5295-9]

Approval and Promulgation of Implementation Plans; North Carolina: Approval of Revisions to the North Carolina State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On August 15, 1994, the State of North Carolina, through the North Carolina Department of Environment, Health and Natural Resources, (NCDEHNR) submitted revisions to the North Carolina State Implementation Plan (SIP). These revisions are the adoption of new air quality rules, amendments to existing air quality rules and repeals of existing air quality rules that were the subject of public hearings held on March 21 and 30, 1994. These major rule changes include the addition of new sections 15A NCAC 2Q .0100 through .0111 General Provisions, 15A NCAC 2Q .0300 through .0311 (except 302) Construction and Operation Permits, and 15A NCAC 2Q .0600 through .0606 Transportation Facility

Procedures. Other major revisions to the SIP include the repealing of sections 15A NCAC 2H .0601 through .0607, Purpose and Scope, and .0609 Permit Fees. Additional rule changes include modification to existing rules to correct cross references.

EFFECTIVE DATE: This action is effective April 1, 1996 unless notice is received by March 4, 1996 that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be addressed to: Randy Terry, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30365.

Copies of the material submitted by the NCDEHNR may be examined during normal business hours at the following locations:

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460

Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street, NE, Atlanta, Georgia 30365

North Carolina Department of Environment, Health and Natural Resources, 512 North Salisbury Street, Raleigh, North Carolina 27604.

FOR FURTHER INFORMATION CONTACT: Randy Terry, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30365. The telephone number is 404/347-3555 extension 4212.

SUPPLEMENTARY INFORMATION: On August 15, 1994, the State of North Carolina, through the NCDEHNR submitted revisions to the North Carolina SIP covering the adoption of new air quality rules, amendments to existing air quality rules and repeals of existing air quality rules that were the subject of public hearings held on March 21 and 30, 1994. These rules address permitting and transportation.

EPA is approving the following new rules and revisions of existing rules in the North Carolina SIP. These new rules and revisions are consistent with the requirements of the Clean Air Act and EPA guidance.

Section 15A NCAC 2Q .0100 General Provisions

This Section contains rules that apply to the entire subchapter. It requires a permit to be issued before constructing, operating or modifying a source that emits a regulated air contaminant or before entering into an irrevocable contract to construct, operate, or modify an air cleaning device. It identifies two types of air quality permits: the stationary source construction and operation air permit and the transportation facility (parking lots, parking decks and airports) construction and operation air permit. It also

1. Identifies activities exempted from air permit requirements;
2. defines terms used in this subchapter;
3. Provides information regarding where to obtain and file permit applications and where to inspect referenced documents;
4. describes procedures to follow for requesting and declaring confidential treatment of information;
5. authorizes the Director of the Division of Environmental Management to delegate his permit issuance authority;
6. contains a compliance schedule for sources that have been previously exempted from permitting but are now required to be permitted;
7. requires permits to be kept on site; and
8. allows the owner or operator of a facility to request a determination whether a particular facility or source requires a permit.

Section 15A NCAC 2Q .0600 Transportation Facility Procedures

This section contains permitting procedures for transportation sources (complex sources). These rules are, for the most part, a recodification of rules contained in section 15A NCAC 2D .0800 and 2H .0600. This section

1. Identifies who needs a permit under this section
2. defines terms used in this section;
3. describes items to be submitted with the application;
4. explains public participation procedures;
5. describes final action that may be taken on a permit application; and
6. explains when a permit may be terminated, modified, or revoked and reissued.

The following rules have been amended primarily to correct cross references. Other changes are noted where applicable.

15A NCAC 2D .0101 Definitions

Rule .0101 has also been amended to change the definition of "air pollutant" to one more consistent with the EPA definition

15A NCAC 2D .0501 Compliance With Emission Control Standards

Rule .0501 has been amended to include the paragraph previously listed in 15A NCAC 2H .0603 that describes emissions trading procedures.

*15A NCAC 2D .0503 Particles From Fuel Burning Indirect Heat Exchangers**15A NCAC 2D .0530 Prevention of Significant Deterioration**15A NCAC 2D .0531 Sources in Nonattainment Areas**15A NCAC 2D .0532 Sources Contributing to an Ambient Violation**15A NCAC 2D .0533 Stack Height**15A NCAC 2D .0601 Purpose and Scope**Section 15A NCAC 2D .0800 Transportation Sources*

The parts of this section that pertain to permitting procedures have been transferred to section 15A NCAC 2Q .0600. Other changes include the addition of new definitions for construction, modify (or modification), owner (or developer) and transportation facility. Two new rules, 15A NCAC 2D .0805 Parking Facilities (explains in more detail the types of parking facilities required to be evaluated and permitted) and 15A NCAC 2D .0806 Ambient Monitoring and Modeling Analysis (authorizes the Director to require modeling or monitoring), have been added.

EPA is approving that the following rules in the North Carolina SIP be repealed. These rules have been recodified into Section 15A NCAC 2Q .0600 Transportation Facility Procedures.

*15A NCAC 2H .0601 Purpose and Scope**15A NCAC 2H .0602 Definitions**15A NCAC 2H .0603 Application**15A NCAC 2H .0604 Final Action on Permit Applications**15A NCAC 2H .0606 Delegation of Authority**15A NCAC 2H .0607 Copies of Referenced Documents**15A NCAC 2H .0609 Permit Fees*

This following sections are being addressed in separate Federal Register Notices.

*SECTION 15A NCAC 2Q .0207 Annual Emissions Reporting**SECTION 15A NCAC 2Q .0300 Construction and Operating Permit**Final Action*

In this notice, EPA is approving the revisions to the North Carolina Environmental Management regulations listed above. This action is being taken without prior proposal because the changes are noncontroversial and EPA anticipates no significant comments on them. The public should be advised that this action will be effective on April 1, 1996. However, if notice is received by March 4, 1996 that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under Section 307(b)(1) of the CAA, 42 U.S.C. § 7607 (b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 1, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See Section 307(b)(2) of the Act, 42 U.S.C. 7607 (b)(2)).

The OMB has exempted these actions from review under Executive Order 12866.

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities

with jurisdiction over populations of less than 50,000.

SIP approvals under 110 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. Section 7410(a)(2).

Unfunded Mandates

Under Sections 202, 203 and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

Through submission of this state implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under section 110 of the Clean Air Act. These rules may bind State, local and tribal governments to perform certain duties. To the extent that the rules being approved by this action will impose any mandate upon the State, local or tribal governments either as the owner or operator of a source or as a regulator, or would impose any mandate upon the private sector. EPA's action will impose no new requirements; such sources are already subject to these regulations under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. EPA has also determined that this final action does not include a mandate that may result in estimated costs of \$100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon Monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and

recordkeeping requirements, Sulfur oxides.

Dated: August 14, 1995.
Patrick M. Tobin,
Acting Regional Administrator.

Part 52 of chapter I, title 40, *Code of Federal Regulations*, is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42.U.S.C. 7401-7671q.

Subpart II—North Carolina

2. Section 52.1770 is amended by adding paragraph (c)(84) to read as follows:

§ 52.1770 Identification of plan.

* * * * *

(c) * * *

(84) The VOC RACT regulations, NSR regulations, and other miscellaneous revisions to the North Carolina State Implementation Plan which were submitted on August 15, 1994.

(i) Incorporation by reference.

(A) Addition of new North Carolina regulations 15A NCAC 2D .0805 and .0806 and 15A NCAC 2Q .0101 through .0111, and .0601 through .0607. effective on July 1, 1994.

(B) Amendments to North Carolina regulations 15A NCAC 2D .0101, .0501, .0503, .0530, .0531, .0532, .0533, .0601, .0801, .0802, .0803, and .0804 effective on July 1, 1994.

(ii) Other material. None.

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40 CFR Part 52

[NC-075-1-7221a; FRL-5317-5]

Approval and Promulgation of Implementation Plans; North Carolina: Approval of Revisions to the Forsyth County Air Quality Control Ordinance and Technical Code

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On March 7, 1995, the Forsyth County Environmental Affairs Department, through the North Carolina Department of Environment, Health and Natural Resources, submitted recodifications to the Forsyth County Air Quality Control Ordinance and Technical Code. These recodifications make the Forsyth County Air Quality Control Ordinance and Technical Code

more directly comparable to the North Carolina Air Quality Regulations.

DATES: This action is effective April 1, 1996 unless notice is received by March 4, 1996 that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be addressed to: Scott M. Martin, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30365.

Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with appropriate office at least 24 hours before the visiting day.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460
Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street, NE, Atlanta, Georgia 30365
North Carolina Department of Environment, Health and Natural Resources, 512 North Salisbury Street, Raleigh, North Carolina 27604.

FOR FURTHER INFORMATION CONTACT:

Scott M. Martin, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30365. The telephone number is 404/347-3555 extension 4216.

SUPPLEMENTARY INFORMATION: On March 7, 1995, the Forsyth County Environmental Affairs Department, through the North Carolina Department of Environment, Health and Natural Resources, submitted recodifications to the Forsyth County Air Quality Control Ordinance and Technical Code. These recodifications make the Forsyth County Air Quality Control Ordinance and Technical Code more directly comparable to the North Carolina Air Quality Regulations. EPA has not reviewed the substance of these regulations at this time. These rules were approved into the State implementation plan in previous rulemakings. The EPA is now merely approving the renumbering system, as well as any new language, submitted by the Forsyth County Environmental