

**§ 165.T01—CGD1—039 Groton Long Point Yacht Club Fireworks Display, Main Beach, Groton Long Point, CT**

(a) *Location.* The safety zone includes all waters of Long Island sound within a 600-foot radius of the launch site located in Long Island Sound 600 feet south of Main Beach, Groton Long Point, CT. in approximate position 41°-18'.05 N, 072°-02'.08 W (NAD 1983).

(b) *Effective date.* This section is effective on July 17, 1999, from 9:00 p.m. until 10:05 p.m. In case of inclement weather, July 18, 1999, is the alternative date for this event.

(c)(1) *Regulations.* The general regulations covering safety zones contained in § 165.23 of this part apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene patrol personnel. Among these personnel are commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard Vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

**P. K. Mitchell,**

*Captain, U.S. Coast Guard, Captain of the Port, Long Island Sound.*

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[GA-9915; FRL-6335-9]

**Approval and Promulgation of Air Quality Implementation Plans; Georgia; Revised Format for Materials Being Incorporated by Reference**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; notice of administrative change.

**SUMMARY:** EPA is revising the format of 40 CFR part 52 for materials submitted by the State of Georgia that are incorporated by reference (IBR) into the State Implementation Plan (SIP). The regulations affected by this format change have all been previously submitted by the State agency and approved by EPA.

This format revision will affect the "Identification of plan" sections of 40 CFR part 52, as well as the format of the SIP materials that will be available for public inspection at the Office of the Federal Register (OFR), the Air and Radiation Docket and Information Center located in Waterside Mall,

Washington, DC, and the Regional Office. The sections of 40 CFR part 52 pertaining to provisions promulgated by EPA or state-submitted materials not subject to IBR review remain unchanged.

**EFFECTIVE DATE:** This action is effective May 21, 1999.

**ADDRESSES:** SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations:

Environmental Protection Agency, Region 4, 61 Forsyth Street, SW, Atlanta, GA 30303; Office of Air and Radiation, Docket and Information Center (Air Docket), EPA, 401 M Street, SW, Room M1500, Washington, DC 20460; and Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Scott Martin at the above Region 4 address or at 404-562-9036.

**SUPPLEMENTARY INFORMATION:** The supplementary information is organized in the following order:

What is a SIP?

How EPA enforces SIPs.

How the State and EPA update the SIP.

How EPA compiles the SIPs.

How EPA organizes the SIP

Compilation.

Where you can find a copy of the SIP Compilation.

The format of the new Identification of Plan Section.

When a SIP revision becomes federally enforceable.

The Historical record of SIP revision approvals.

What EPA is doing in this action.

How this document complies with the Federal Administrative Requirements for rulemaking.

**What Is a SIP?**

Each state has a SIP containing the control measures and strategies used to attain and maintain the national ambient air quality standards (NAAQS). The SIP is extensive, containing such elements as air pollution control regulations, emission inventories, monitoring network, attainment demonstrations, and enforcement mechanisms.

**How EPA Enforces SIPs**

Each state must formally adopt the control measures and strategies in the SIP after the public has had an opportunity to comment on them and then submit the SIP to EPA.

Once these control measures and strategies are approved by EPA, after notice and comment, they are

incorporated into the federally approved SIP and are identified in part 52 (Approval and Promulgation of Implementation Plans), Title 40 of the Code of Federal Regulations (40 CFR part 52). The full text of the state regulation approved by EPA is not reproduced in its entirety in 40 CFR part 52, but is "incorporated by reference." This means that EPA has approved a given state regulation with a specific effective date. The public is referred to the location of the full text version should they want to know which measures are contained in a given SIP. The information provided allows EPA and the public to monitor the extent to which a state implements the SIP to attain and maintain the NAAQS and to take enforcement action if necessary.

**How the State and EPA Update the SIP**

The SIP is a living document which the state can revise as necessary to address the unique air pollution problems in the state. Therefore, EPA from time to time must take action on SIP revisions containing new and/or revised regulations as being part of the SIP. On May 22, 1997 (62 FR 27968), EPA revised the procedures for incorporating by reference federally-approved SIPs, as a result of consultations between EPA and OFR.

EPA began the process of developing—

1. a revised SIP document for each state that would be incorporated by reference under the provisions of 1 CFR part 51;

2. a revised mechanism for announcing EPA approval of revisions to an applicable SIP and updating both the IBR document and the CFR; and

3. a revised format of the "Identification of plan" sections for each applicable subpart to reflect these revised IBR procedures.

The description of the revised SIP document, IBR procedures and "Identification of plan" format are discussed in further detail in the May 22, 1997, **Federal Register** document.

**How EPA Compiles the SIPs**

The federally-approved regulations and source specific permits (entirely or portions of), submitted by each state agency have been compiled by EPA into a "SIP Compilation." The SIP Compilation contains the updated regulations and source specific permits approved by EPA through previous rule making actions in the **Federal Register**. The compilations are contained in 3-ring binders and will be updated, primarily on an annual basis.

### How EPA Organizes the SIP Compilation

Each SIP Compilation contains two parts. Part 1 contains the regulations and part 2 contains the source specific requirements that have been approved as part of the SIP. Each part has a table of contents identifying each regulation or each source specific permit. The table of contents in the compilation corresponds to the table of contents published in 40 CFR part 52 for each state. The Regional EPA Offices have the primary responsibility for ensuring accuracy and updating the compilations.

### Where You Can Find a Copy of the SIP Compilation

The Region 4 EPA Office developed and will maintain the compilation for the State of Georgia. A copy of the full text of each state's current compilation will also be maintained at the Office of Federal Register and EPA's Air Docket and Information Center.

### The Format of the New Identification of Plan Section

In order to better serve the public, EPA revised the organization of the "Identification of plan" section and included additional information to clarify the enforceable elements of the SIP.

The revised Identification of plan section contains five subsections:

- (a) Purpose and scope.
- (b) Incorporation by reference.
- (c) EPA approved regulations.
- (d) EPA approved source specific permits.
- (e) EPA approved nonregulatory provisions such as transportation control measures, statutory provisions, control strategies, monitoring networks, etc.

### When a SIP Revision Becomes Federally Enforceable

All revisions to the applicable SIP become federally enforceable as of the effective date of the revisions to paragraphs (c), (d), or (e) of the applicable identification of plan found in each subpart of 40 CFR part 52.

### The Historical Record of SIP Revision Approvals

To facilitate enforcement of previously approved SIP provisions and provide a smooth transition to the new SIP processing system, EPA retains the original Identification of plan section, previously appearing in the CFR as the first or second section of part 52 for each state subpart. After an initial two year period, EPA will review its experience with the new system and

enforceability of previously approved SIP measures, and will decide whether or not to retain the Identification of plan appendices for some further period.

### What EPA Is Doing in This Action

Today's rule constitutes a "housekeeping" exercise to ensure that all revisions to the state programs that have occurred are accurately reflected in 40 CFR part 52. SIP revisions are controlled by EPA regulations at 40 CFR part 51. When EPA receives a formal SIP revision request, the Agency must publish the proposed revision in the **Federal Register** and provide for public comment before approval.

EPA has determined that today's rule falls under the "good cause" exemption in section 553(b)(3)(B) of the Administrative Procedures Act (APA) which, upon finding "good cause," authorizes agencies to dispense with public participation and section 553(d)(3) which allows an agency to make a rule effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). Today's rule simply codifies provisions which are already in effect as a matter of law in Federal and approved State programs.

Under section 553 of the APA, an agency may find good cause where procedures are "impractical, unnecessary, or contrary to the public interest." Public comment is "unnecessary" and "contrary to the public interest" since the codification only reflects existing law. Immediate notice in the CFR benefits the public by removing outdated citations.

### How This Document Complies With the Federal Administrative Requirements for Rule Making

#### A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from review under Executive Order (E.O.) 12866, entitled Regulatory Planning and Review.

#### B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, E.O. 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local

and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

#### C. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, E.O. 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, E.O. 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

#### D. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If

the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

#### E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co., v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

#### F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that

may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual 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 requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

#### G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major" rule as defined by 5 U.S.C. 804(2).

#### H. Petitions for Judicial Review

EPA has also determined that the provisions of section 307(b)(1) of the Clean Air Act pertaining to petitions for judicial review are not applicable to this action. Prior EPA rulemaking actions for each individual component of the Georgia compilation has previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, EPA sees no need in this action to reopen the 60-day period for filing such petitions for judicial review.

#### List of Subjects in 40 CFR Part 52

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

Dated: March 22, 1999.

**A. Stanley Meiburg,**

*Acting Regional Administrator, Region 4.*

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 *et seq.*

#### Subpart L—Georgia

2. Section 52.570 is redesignated as § 52.590 and the heading and paragraph (a) are revised to read as follows:

#### § 52.590 Original Identification of plan section.

(a) This section identifies the original "Air Implementation Plan for the State of Georgia" and all revisions submitted by Georgia that were federally approved prior to December 1, 1998.

\* \* \* \* \*

3. A new § 52.570 is added to read as follows:

#### § 52.570 Identification of plan.

(a) Purpose and scope. This section sets forth the applicable State implementation plan for Georgia under section 110 of the Clean Air Act, 42 U.S.C. 7401, and 40 CFR part 51 to meet national ambient air quality standards.

(b) Incorporation by reference.

(1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to December 1, 1998, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the **Federal Register**. Entries in paragraphs (c) and (d) of this section with EPA approval dates after December 1, 1998, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 4 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State implementation plan as of December 1, 1998.

(3) Copies of the materials incorporated by reference may be inspected at the Region 4 EPA Office at 61 Forsyth Street, SW., Atlanta, GA 30303; the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.; or at the EPA, Air and Radiation Docket and Information

Center, Air Docket (6102), 401 M Street, (c) EPA approved regulations.  
 SW., Washington, DC. 20460.

EPA APPROVED GEORGIA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Comments
391-3-1-.01	Definitions	11/20/94	02/02/96 61 FR 3817	
391-3-1-.02	Provisions.			
391-3-1-.02(1)	General Requirements	03/20/79	09/18/79 44 FR 54047	
391-3-1-.02(2)	Emission Standards	06/23/96	06/27/96 61 FR 33372	
391-3-1-.02(2)(a)	General Provisions	01/09/91	01/26/93 58 FR 6093	
391-3-1-.02(2)(b)	Visible Emissions	01/17/79	09/18/79 44 FR 54047	
391-3-1-.02(2)(c)	Incinerators	05/01/85	07/06/88 53 FR 25329	
391-3-1-.02(2)(d)	Fuel-burning Equipment	01/17/79	09/18/79 44 FR 54047	
391-3-1-.02(2)(e)	Particulate Emission from Manufacturing Processes.	01/17/79	09/18/79 44 FR 54047	
391-3-1-.02(2)(f)	Normal Superphosphate Manufacturing Facilities.	01/17/79	09/18/79 44 FR 54047	
391-3-1-.02(2)(g)	Sulfur Dioxide	12/03/86	58 FR 6093	
391-3-1-.02(2)(h)	Portland Cement Plants	01/17/79	09/18/79 44 FR 54047	
391-3-1-.02(2)(i)	Nitric Acid Plants	01/17/79	09/18/79 44 FR 54047	
391-3-1-.02(2)(j)	Sulfuric Acid Plants	01/17/79	09/18/79 44 FR 54047	
391-3-1-.02(2)(k)	Particulate Emission from Asphaltic Concrete Hot Mix Plants.	01/17/79	09/18/79 44 FR 54047	
391-3-1-.02(2)(l)	Conical Burners	01/17/79	09/18/79 44 FR 54047	
391-3-1-.02(2)(m)	repealed	06/30/75	10/03/75 40 FR 45818	
391-3-1-.02(2)(n)	Fugitive Dust	01/17/79	09/18/79 44 FR 54047	
391-3-1-.02(2)(o)	Cupola Furnaces for Metallurgical Melting.	01/27/72	37 FR 10842	
391-3-1-.02(2)(p)	Particulate Emissions from Kaolin and Fuller's Earth Processes.	12/16/75	08/20/76 41 FR 35184	
391-3-1-.02(2)(q)	Particulate Emissions from Cotton Gins.	01/27/72	05/31/72 37 FR 10842	
391-3-1-.02(2)(r)	Particulate Emissions from Granular and Mixed Fertilizer Manufacturing Units.	01/27/72	05/31/72 37 FR 10842	
391-3-1-.02(2)(t)	VOC Emissions from Automobile and Light Duty Truck Manufacturing.	12/20/94	02/02/96 61 FR 3817	
391-3-1-.02(2)(u)	VOC Emissions from Can Coating	01/09/91	10/13/92 57 FR 46780	
391-3-1-.02(2)(v)	VOC Emissions from Coil Coating	01/09/91	10/13/92 57 FR 46780	
391-3-1-.02(2)(w)	VOC Emissions from Paper Coating.	01/09/91	10/13/92 57 FR 46780	
391-3-1-.02(2)(x)	VOC Emissions from Fabric and Vinyl Coating.	01/09/91	10/13/92 57 FR 46780	
391-3-1-.02(2)(y)	VOC Emissions from Metal Furniture Coating.	01/09/91	10/13/92 57 FR 46780	
391-3-1-.02(2)(z)	VOC Emissions from Large Appliance Surface Coating.	01/09/91	10/13/92 57 FR 46780	
391-3-1-.02(2)(aa)	VOC Emissions from Wire Coating	01/09/91	10/13/92 57 FR 46780	
391-3-1-.02(2)(bb)	Petroleum Liquid Storage	01/09/91	10/13/92 57 FR 46780	
391-3-1-.02(2)(cc)	Bulk Gasoline Terminals	01/09/91	10/13/92 57 FR 46780	
391-3-1-.02(2)(dd)	Cutback Asphalt	01/17/79	09/18/79 44 FR 54047	
391-3-1-.02(2)(ee)	Petroleum Refinery	01/09/91	10/13/92 57 FR 46780	

## EPA APPROVED GEORGIA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Comments
391-3-1-.02(2)(ff) .....	Solvent Metal Cleaning .....	01/09/91	10/13/92 57 FR 46780	
391-3-1-.02(2)(gg) .....	Kraft Pulp Mills .....	06/03/88	09/30/88 53 FR 38290	
391-3-1-.02(2)(hh) .....	Petroleum Refinery Equipment Leaks.	06/24/94	02/02/96 61 FR 3817	
391-3-1-.02(2)(ii) .....	VOC Emissions from Surface Coating of Miscellaneous Metal Parts and Products.	04/03/91	10/13/92 57 FR 46780	
391-3-1-.02(2)(jj) .....	VOC Emissions from Surface Coating of Flat Wood Paneling.	04/03/91	10/13/92 57 FR 46780	
391-3-1-.02(2)(kk) .....	VOC Emissions from Synthesized Pharmaceutical Manufacturing.	12/18/80	11/24/81 46 FR 57486	
391-3-1-.02(2)(ll) .....	VOC Emissions from the Manufacture of Pneumatic Rubber Tires.	12/18/80	11/24/81 46 FR 57486	
391-3-1-.02(2)(mm) .....	VOC Emissions from Graphic Arts Systems.	04/03/91	10/13/92 57 FR 46780	
391-3-1-.02(2)(nn) .....	VOC Emissions from External Floating Roof Tanks.	12/18/80	11/24/81 46 FR 57486	
391-3-1-.02(2)(oo) .....	Fiberglass Insulation Manufacturing Plants.	12/18/80	11/24/81 46 FR 57486	
391-3-1-.02(2)(pp) .....	Bulk Gasoline Plants .....	04/03/91	10/13/92 57 FR 46780	
391-3-1-.02(2)(qq) .....	VOC Emissions from Large Petroleum Dry Cleaners.	04/03/91	10/13/92 57 FR 46780	
391-3-1-.02(2)(rr) .....	Gasoline Dispensing Facility—Stage I.	04/03/91	10/13/92 57 FR 46780	
391-3-1-.02(2)(ss) .....	Gasoline Transport Vehicles and Vapor Collection Systems.	04/03/91	10/13/92 57 FR 46780	
391-3-1-.02(2)(uu) .....	Visibility Protection .....	10/31/85	01/28/86 51 FR 3466	
391-3-1-.02(2)(ww) .....	Perchloroethylene Dry Cleaners .....	11/15/94	06/27/96 61 FR 33372	Repealed.
391-3-1-.02(2)(zz) .....	Gasoline Dispensing Facilities—Stage II.	11/12/92	02/02/96 61 FR 3819	
391-3-1-.02(2)(ccc) .....	VOC Emissions from Bulk Mixing Tanks.	11/15/94	02/02/96 61 FR 3817	
391-3-1-.02(2)(eee) .....	VOC Emissions from Expanded Polystyrene Products Manufacturing.	11/15/94	02/02/96 61 FR 3817	
391-3-1-.02(3) .....	Sampling .....	11/20/94	02/02/96 61 FR 3817	
391-3-1-.02(4) .....	Ambient Air Standards .....	01/09/91	12/14/92 57 FR 58989	
391-3-1-.02(5) .....	Open Burning .....	05/27/85	08/09/88 53 FR 29890	
391-3-1-.02(6) .....	Source Monitoring .....	11/20/94	02/02/96 61 FR 3819	
391-3-1-.02(7) .....	Prevention of Significant Deterioration of Air Quality.	06/13/94	02/02/96 61 FR 3819	
391-3-1-.02(8) .....	New Source Performance Standards.	03/20/79	09/18/79 44 FR 54047	
391-3-1-.02(9) .....	Emission Standards for Hazardous Air Pollutants.	03/20/79	09/18/79 44 FR 54047	
391-3-1-.03 .....	Permits .....	10/28/92	02/02/96 61 FR 3819	Paragraph (9) Permit Fees; Paragraph (10) Title V Operating Permits; Paragraph (11) Permit by Rule have not been federally approved.
391-3-1-.04 .....	Air Pollution Episodes .....	11/20/75	08/20/76 41 FR 35184	
391-3-1-.05 .....	Regulatory Exceptions .....	11/22/92	02/02/96 61 FR 3819	
391-3-1-.07 .....	Inspections and Investigations .....	11/20/75	08/20/76 41 FR 35184	
391-3-1-.08 .....	Confidentiality of information .....	11/20/75	08/20/76 41 FR 35184	
391-3-1-.09 .....	Enforcement .....	11/22/92	02/02/96 61 FR 3819	
391-3-1-.10 .....	Continuance of Prior Rules .....	11/22/92	02/02/96 61 FR 3819	

EPA APPROVED GEORGIA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Comments
391-3-10-.01	Definitions	11/22/92	02/02/96 61 FR 3819	
391-3-10-.04	Emission Control Inspection Procedures.	11/22/92	02/02/96 61 FR 3819	
391-3-10-.07	Qualifications for Mechanic Inspectors.	11/22/92	02/02/96 61 FR 3819	
391-3-10-.10	Records	11/22/92	02/02/96 61 FR 3819	
391-3-10-.12	Fees	11/22/92	02/02/96 61 FR 3819	
391-3-10-.24	Repairs: Reports, Failures, Re-inspections, Owner's Consent.	11/22/92	02/02/96 61 FR 3819	
391-3-10-.30	Completion of Emission Inspection Sticker, Loss, Theft, Transferability of Same.	11/22/92	02/02/96 61 FR 3819	
391-3-20	Enhanced Inspection and Maintenance.	09/24/97	08/11/97 62 FR 42916	
391-3-21-.01	Definitions	05/22/94	12/21/95 60 FR 66150	
391-3-21-.02	Covered Area	05/22/94	12/21/95 60 FR 66150	
391-3-21-.03	Covered Fleet Operators	05/22/94	12/21/95 60 FR 66150	
391-3-21-.04	Covered Fleet Vehicles; Exemptions.	05/22/94	12/21/95 60 FR 66150	
391-3-21-.05	Determination of Capable of Being Centrally Fueled.	05/22/94	12/21/95 60 FR 66150	
391-3-21-.06	Purchase Requirements	05/22/94	12/21/95 60 FR 66150	
391-3-21-.07	Emission Standards	05/22/94	12/21/95 60 FR 66150	
391-3-21-.08	Credit Program	05/22/94	12/21/95 60 FR 66150	
391-3-21-.09	Transportation Control Measures	05/22/94	12/21/95 60 FR 66150	
391-3-21-.10	Requirements for Fuel Providers	05/22/94	12/21/95 60 FR 66150	
391-3-21-.11	Enforcement	05/22/94	12/21/95 60 FR 66150	

(d) EPA-approved State Source specific requirements.

EPA-APPROVED GEORGIA SOURCE-SPECIFIC REQUIREMENTS

Name of source	Permit No.	State effective date	EPA approval date	Comments
Georgia Power Plant Bowen	EPD-AQC-180	11/17/80	08/17/81 46 FR 41498	
Georgia Power Plant Harlee Branch.	4911-117-6716-0	04/23/80	05/05/81 46 FR 25092	
ITT Rayonier, Inc	2631-151-7686-C	11/04/80	08/14/81 46 FR 41050	
Georgia Power Plant Bowen	EPD-AQC-163	05/16/79	01/03/80 45 FR 781	
Union Camp	2631-025-7379	12/18/81	04/13/82 47 FR 15794	
Blue Bird Body Company	3713-111-8601	01/27/84	01/07/85 50 FR 765	
Plant McDonough	4911-033-5037-0 conditions 10 through 22.	12/27/95	03/18/99 64 FR 13348	
Plant Yates	4911-038-4838-0 conditions 19 through 32.	12/27/95	03/18/99 64 FR 13348	
Plant Yates	4911-038-4839-0 conditions 16 through 29.	12/27/95	03/18/99 64 FR 13348	
Plant Yates	4911-038-4840-0 conditions 16 through 29.	12/27/95	03/18/99 64 FR 13348	
Plant Yates	4911-038-4841-0 conditions 16 through 29.	12/27/95	03/18/99 64 FR 13348	
Plant Atkinson	4911-033-1321-0 conditions 8 through 13.	11/15/94	03/18/99 64 FR 13348	

## EPA-APPROVED GEORGIA SOURCE-SPECIFIC REQUIREMENTS—Continued

Name of source	Permit No.	State effective date	EPA approval date	Comments
Plant Atkinson .....	4911-033-1322-0 conditions through 13.	8	11/15/94	03/18/99 64 FR 13348
Plant Atkinson .....	4911-033-6949 conditions through 10.	5	11/15/94	03/18/99 64 FR 13348
Plant Atkinson .....	4911-033-1320-0 conditions through 13.	8	11/15/94	03/18/99 64 FR 13348
Plant Atkinson .....	4911-033-1319-0 conditions through 13.	8	11/15/94	03/18/99 64 FR 13348
Plant McDonough .....	4911-033-6951 conditions through 10.	5	11/15/94	03/18/99 64 FR 13348
Atlanta Gas Light Company .....	4922-028-10902 conditions 20 and 21.	20 and 21	11/15/94	03/18/99 64 FR 13348
Atlanta Gas Light Company .....	4922-031-10912 conditions 27 and 28.	27 and 28	11/15/94	03/18/99 64 FR 13348
Austell Box Board Corporation .....	2631-033-11436 conditions through 5.	1	11/15/94	03/18/99 64 FR 13348
Emory University .....	8922-044-10094 conditions through 26.	19	11/15/94	03/18/99 64 FR 13348
General Motors Corporation .....	3711-044-11453 conditions 1 through 6 and Attachment A.	1 through 6 and Attachment A.	11/15/94	03/18/99 64 FR 13348
Georgia Proteins Company .....	2077-058-11226 conditions through 23 and Attachment A.	16 through 23 and Attachment A.	11/15/94	03/18/99 64 FR 13348
Owens-Brockway Glass Container, Inc.	3221-060-10576 conditions through 28 and Attachment A.	26	11/15/94	03/18/99 64 FR 13348
Owens-Corning Fiberglas Corporation.	3296-060-10079 conditions through 29.	25	11/15/94	03/18/99 64 FR 13348
William L. Bonnell Co .....	3354-038-6686-0 conditions through 30.	17	11/15/94	03/18/99 64 FR 13348
Transcontinental Gas Pipe Line Corporation.	4922-075-10217 conditions through 24.	21	11/15/94	03/18/99 64 FR 13348
Lockheed-Georgia Company .....	9711-033-11456 conditions through 11.	1	11/15/94	03/18/99 64 FR 13348
Blue Circle Incorporated Permit .....	3241-060-8670 conditions through 54.	48	11/15/94	03/18/99 64 FR 13348

(e) Reserved.

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## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 62

RIN 3067-AC92

#### National Flood Insurance Program (NFIP); Determining the Write-Your-Own Expense Allowance

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Final rule.

**SUMMARY:** We (FEMA) are changing our method for establishing the Write-Your-Own (WYO) expense allowance percentage for years beginning on or after October 1, 1999. We will use a new formula to derive the expense ratios in determining the operating portion of the expense allowance. This formula will use *direct*, as opposed to *net*, premium and expense information for the property/casualty industry and will have the effect of lowering the expense

allowance. However, during arrangement year 1999-2000 only we will set the expense allowance at the mid-point between the expense allowance calculated using *direct* as opposed to *net* premium and expense information.

**EFFECTIVE DATE:** This rule is effective on October 1, 1999.

**FOR FURTHER INFORMATION CONTACT:** Edward T. Pasterick, Federal Emergency Management Agency, Federal Insurance Administration, 500 C Street SW., room 429, Washington, DC 20472, 202-646-3443, (facsimile) 202-646-3445, or (email) [edward.pasterick@fema.gov](mailto:edward.pasterick@fema.gov). We will post at [www.fema.gov/nfip](http://www.fema.gov/nfip) the text of the 1999-2000 Arrangement by June 1, 1999.

**SUPPLEMENTARY INFORMATION:** On November 13, 1998, we proposed a rule at 63 FR 63432 that would change the method for establishing the Write Your Own (WYO) expense allowance percentage for arrangement years beginning on or after October 1, 1999. We proposed using a new formula to derive the expense ratios used in determining the operating portion of the expense allowance. This new formula

would use *direct*, as opposed to *net*, premium and expense information for the property and casualty industry. It would have the effect of lowering the expense allowance to participating companies.

On Tuesday, February 9, 1999, we held a public meeting to discuss the proposed rule and other changes to the WYO expense allowance that were published in an advance notice of proposed rulemaking at 63 FR 63431, November 13, 1998. Nineteen people representing fourteen WYO companies and vendors attended this meeting. Most of the comments made at the public meeting duplicated the written comments submitted in response to the notice of proposed rulemaking. This Supplementary Information also discusses new comments made at that meeting.

#### General Comments

*Concerns about reduced WYO company compensation.* During the comment period, we received comments from ten WYO companies that opposed reducing the WYO expense allowance. The companies agreed that it is reasonable to use *direct* rather than *net*