

(B) District of Columbia Register dated July 30, 1993 containing 20 DCMR chapter 1, Section 199 definitions for the terms blending plant, distributor, non-oxygenated gasoline, oxygenate, oxygenated gasoline, oxygenated gasoline control period, oxygenated gasoline control area, refiner, refinery, retailer, retail outlet, terminal, wholesale purchaser-consumer; Chapter 5, Section 500, subsections 500.4 and 500.5; chapter 5, section 502, subsection 502.18; Chapter 9, section 904, subsections 904.1 and 904.2, effective September 30, 1993.

(ii) Additional material.

(A) Remainder of October 22, 1993 District of Columbia submittal.

3. Section 52.472 is amended by adding paragraph (e) to read as follows:

**§ 52.472 Approval status.**

\* \* \* \* \*

(e) Limited approval/limited disapproval of revisions to 20 District of Columbia Municipal Regulations Chapter 1, Section 199 definitions for the terms blending plant, distributor, non-oxygenated gasoline, oxygenate, oxygenated gasoline, oxygenated gasoline control period, oxygenated gasoline control area, refiner, refinery, retailer, retail outlet, terminal, wholesale purchaser-consumer; Chapter 5, Section 500, Subsections 500.4 and 500.5; Chapter 5, Section 502, Subsection 502.18; Chapter 9, Section 904, Subsections 904.1 and 904.2 submitted on October 22, 1993 by the District of Columbia's Department of Consumer and Regulatory Affairs. The District of Columbia oxygenated gasoline regulation is deficient in that it lacks the following: A definition for the term "carriers"; a sampling procedure; and procedures for the calculation of oxygen content in the gasoline sampled; the absence of which compromise the enforceability of the regulation and are deficiencies under section 110(a)(2) of the Clean Air Act.

[FR Doc. 95-1933 Filed 1-25-95; 8:45 am]

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**40 CFR Part 52**

[NC-064-2-6642a; FRL-5138-6]

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

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

**ACTION:** Direct final rule.

**SUMMARY:** On January 7, 1994, the State of North Carolina, through the North

Carolina Department of Environment, Health and Natural Resources, submitted revisions to the North Carolina State Implementation Plan (SIP). These revisions extend the Reasonably Available Control Technology (RACT) regulations for emissions of Volatile Organic Compounds (VOC) to new and expanded nonattainment areas for ozone (O<sub>3</sub>); amend several definitions; add compliance schedules for sources located in O<sub>3</sub> nonattainment areas; amend the alternative compliance and exemption from compliance schedule regulations; amend the graphic arts regulation; add new regulations for several types of VOC sources; and add an interim regulation for categories of sources for which RACT guidelines are being developed.

**DATES:** This final rule is effective March 27, 1995 unless notice is received by February 27, 1995 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 IV 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 IV 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 IV Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365. The telephone number is 404/347-3555 ext. 4212.

**SUPPLEMENTARY INFORMATION:** On January 7, 1994, the State of North Carolina, through the North Carolina Department of Environment, Health and Natural Resources, submitted revisions to the North Carolina SIP. These

revisions extend the RACT for emissions of VOCs.

**Pre-enactment Nonattainment Areas With Extended Boundaries**

Under the pre-amended Clean Air Act, ozone nonattainment areas were required to adopt RACT rules for sources of VOC emissions. EPA issued three sets of control technique guidelines (CTGs) documents, establishing a "presumptive norm" for RACT for various categories of VOC sources. The three sets of CTGs were: (1) Group I—those issued before January 1978 (15 CTGs); (2) Group II—those issued in 1978 (9 CTGs); and (3) Group III—those issued in the early 1980's (5 CTGs). Those sources not covered by a CTG were called non-CTG sources. EPA determined that the area's attainment date determined which RACT rules the area needed to adopt and implement. Under section 172, ozone nonattainment areas were generally required to attain the ozone standard by December 31, 1982. Those areas that submitted an attainment demonstration projecting attainment by that date were required to adopt RACT for sources covered by the Group I and II CTGs. Those areas that sought an extension of the attainment date to as late as December 31, 1987, under section 172 were required to adopt RACT for all CTG sources and for all major non-CTG sources.

Under the pre-amended Act, EPA designated the Charlotte area (Mecklenburg County) as nonattainment. The State established a pre-enactment attainment date of December 31, 1982, for the Charlotte nonattainment area and, therefore, RACT was required for the Group I and II CTG's.

However, the Charlotte area did not attain the ozone standard by the approved attainment date. On May 26, 1988, EPA notified the Governor of North Carolina that portions of the SIP were inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). On November 15, 1990, amendments to the 1977 CAA were enacted. Public Law 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q. In amended section 182(a)(2)(A) of the CAA, Congress statutorily adopted the requirement that pre-enactment ozone nonattainment areas that retained their designation of nonattainment and were classified as marginal or above fix their deficient RACT rules for ozone by May 15, 1991. The Charlotte area retained its designation of nonattainment and was classified as moderate. (See 56 FR 56694 (Nov. 6, 1991)). The State submitted

revisions to meet the RACT fix-up requirement and EPA has approved these revisions. These revisions became effective on August 22, 1994.

Section 182(b)(2) of the amended Act requires states to adopt RACT rules for all areas designated nonattainment for ozone and classified as moderate or above. There are three parts to the section 182(b)(2) RACT requirement: (1) RACT for sources covered by an existing CTG—i.e., a CTG issued prior to the enactment of the CAA of 1990; (2) RACT for sources covered by a post-enactment CTG; and (3) all major sources not covered by a CTG. This section of the CAA requires nonattainment areas that previously were exempt from [certain] RACT requirements to “catch up” to those nonattainment areas that became subject to those requirements during an earlier period. In addition, it requires newly designated ozone nonattainment areas to adopt RACT rules consistent with those required for previously designated nonattainment areas. Since the Charlotte area was previously required to adopt RACT for Groups I and II CTG’s, to meet the RACT catch-up requirement the State needed to submit RACT rules for Group III CTG’s and major non-CTG sources for the pre-enactment nonattainment area.

In addition to the pre-enactment nonattainment area retaining its nonattainment designation, EPA also extended the nonattainment area boundaries to include Gaston County (56 FR 56694). Therefore, these portions of the extended nonattainment area also are subject to RACT as defined in section 182(b)(2). Also, under the RACT catch-up provision of section 182(b)(3), the State was required, for these portions of the nonattainment area, to submit RACT rules covering all pre-enactment CTGs, to identify all sources the State anticipates will be covered by a post enactment CTG and to submit non-CTG rules for all remaining major sources—100 tons per year—of VOC emissions.

EPA is approving the following revisions to the North Carolina SIP, because they are consistent with the requirements set forth in the Clean Air Act.

#### *15A NCAC 2D .0518 Miscellaneous Volatile Organic Compound Emissions*

North Carolina amended this rule to prohibit sources located in the new O<sub>3</sub> nonattainment areas that were covered by the grandfathering provision in the coating regulations in section 15A NCAC 2D .0900 from continuing to be covered by the grandfathering provision.

#### *15A NCAC 2D .0901 Definitions*

North Carolina amended this rule to change the definition of “potential to emit,” “topcoat,” and “volatile organic compounds.” The revisions are consistent with EPA definitions for these terms.

#### *15A NCAC 2D .0902 Applicability*

North Carolina amended this rule to extend the RACT regulations to the new and expanded O<sub>3</sub> nonattainment areas. The exemption for plant sites that have the potential to emit less than 100 tons per year is being deleted.

#### *15A NCAC 2D .0907 Compliance Schedules for Sources in Nonattainment Areas*

North Carolina amended this rule to establish compliance schedules for sources located in the new nonattainment areas. These schedules are consistent with requirements for implementation in the CAA.

#### *15A NCAC 2D .0910 Alternative Compliance Schedules*

North Carolina amended this rule to extend it to new and expanded O<sub>3</sub> nonattainment areas. This rule sets forth procedures to follow for establishing alternative compliance with applicable rules in section 15A NCAC 2D .0900.

#### *15A NCAC 2D .0911 Exception From Compliance Schedules*

North Carolina amended this rule to extend it to new and expanded nonattainment areas for O<sub>3</sub>. This rule exempts sources from compliance schedules in 15A NCAC 2D .0907 that are already in compliance with applicable rules in 15A NCAC 2D .0900.

#### *15A NCAC 2D .0936 Graphic Arts*

North Carolina amended this rule to exempt facilities where the potential emissions of VOCs are less than 100 tons per year. The equivalency calculation method is also being clarified.

#### *15A NCAC 2D .0947 Manufacture of Synthesized Pharmaceutical Products*

This is a new rule that limits emissions of VOCs from synthesized pharmaceutical products manufacturing facilities. It is consistent with EPA’s CTG for Pharmaceutical facilities.

#### *15A NCAC 2D .0948 VOC Emissions From Transfer Operations*

This is a new rule that limits the emission of VOCs from transfer operations not elsewhere covered in section 15A NCAC 2D .0900. These requirements are the same as those

which currently apply to such operations.

#### *15A NCAC 2D .0949 Storage of Miscellaneous Volatile Organic Compounds*

This is a new rule that limits emissions of VOCs from storage of VOCs not elsewhere covered in section 15A NCAC 2D .0900. These requirements are the same as those that currently apply to such operations.

#### *15A NCAC 2D .0950 Interim Standards for Certain Source Categories*

This is a new rule covering various source categories for which RACT guidelines are being developed. The purpose of this rule is to require major sources in these categories to reduce emissions by at least 85 percent by weight until specific regulations are adopted for these source categories establishing specific RACT control requirements. The specific RACT requirements for these sources will be addressed in a separate document.

However, North Carolina has not fully met the VOC RACT Catch-Up requirement by the approval of this rule. States are required to adopt and submit rules for each of the eleven source categories listed in the April 16, 1992, General Preamble (57 FR 13498), by November 15, 1994, even if no CTG has been issued. Since EPA has not issued those CTGs, the states must submit regulations requiring a RACT level of control for sources in those categories. North Carolina was notified of this requirement in a letter from EPA Region IV Air Programs Branch dated, September 26, 1994.

#### *15A NCAC 2D .0951 Miscellaneous Volatile Organic Compound Emissions*

This is a new rule that establishes control requirements for sources of VOCs not elsewhere covered in section 15A NCAC 2D .0900 that use VOCs as solvents, carriers, material processing media, or industrial chemical reactants or in other similar uses.

#### *15A NCAC 2D .0952 Petition for Alternative Controls*

This is a new rule that establishes procedures to follow to allow alternative controls to those required in section 15A NCAC 2D .0900.

#### **Final Action**

In this document, EPA is approving the revisions to the North Carolina Environmental Management regulations listed above. The EPA is publishing this action without prior proposal because the EPA views this as a noncontroversial amendment and

anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective March 27, 1995 unless, by February 27, 1995, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective March 27, 1995.

The EPA has reviewed this request for revision of the federally-approved SIP for conformance with the provisions of the 1990 Amendments enacted on November 15, 1990. The EPA has determined that this action conforms with those requirements irrespective of the fact that the submittal preceded the date of enactment.

Under section 307(b)(1) of the Act, 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 March 27, 1995. 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 SIP. Each request for revision to the SIP 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. 7410(a)(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, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: January 3, 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—[Amended]

2. Section 52.1770 is amended by adding paragraph (c)(77) to read as follows:

#### § 52.1770 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(77) Revisions to the VOC RACT regulations, and other miscellaneous revisions to the North Carolina State Implementation Plan which were submitted on January 7, 1994.

(i) Incorporation by reference.

(A) Amendments to North Carolina regulations 15A NCAC 2D .0518, 2D.0531, 2D.0532, 2D.0901, and 2D.0936, effective on December 1, 1993.

(B) Amendments to North Carolina regulations 15A NCAC 2D.0902,

2D.0907, 2D.0910, 2D.0911, 2D.0947, 2D.0948, 2D.0949, 2D.0950, 2D.0951, and 2D.0952 effective on July 1, 1994.

(ii) Other material. None.

[FR Doc. 95-1934 Filed 1-25-95; 8:45 am]

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#### 40 CFR Part 799

[OPPTS-42178; FRL-4925-9]

RIN 2070-AB94

#### Testing Consent Order for Glycidyl Methacrylate

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

**ACTION:** Final Consent Agreement and Order; Final Rule.

**SUMMARY:** EPA has issued a Testing Consent Order (Order) that incorporates an Enforceable Consent Agreement (ECA) pursuant to the Toxic Substances Control Act (TSCA) with Air Products and Chemicals, Inc., The Dow Chemical Company, Mitsubishi Gas Chemical America, Inc., NOF America Corporation, and San Esters Corporation (the Companies). The Companies have agreed to perform certain health effects tests on glycidyl methacrylate (GMA; CAS No. 106-91-2). This document summarizes the ECA, adds GMA to the list of chemical substances and mixtures subject to testing consent orders, and announces that export notification requirements apply to GMA.

**EFFECTIVE DATE:** January 26, 1995.

**FOR FURTHER INFORMATION CONTACT:** Jim Willis, Acting Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Rm. E-543B, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551.

**SUPPLEMENTARY INFORMATION:** This document amends 40 CFR 799.5000 by adding GMA to the list of chemical substances and mixtures subject to testing consent orders and export notification requirements.

#### I. Background

GMA, a glycidol derivative, is an epoxy resin additive used in paint coating formulations and adhesive applications. Its annual production volume is less than 5 million pounds. Approximately 42,000 workers may be exposed to GMA.

In its third report to the EPA Administrator, published in the **Federal Register** on October 30, 1978 (43 FR 50630), the Interagency Testing Committee (ITC) designated the category of glycidol and its derivatives