limited in duration and will terminate with the publication of a final rule in the **Federal Register**.

The NPS has also determined, in accordance with the Administrative Procedure Act (5 U.S.C. 553(d)(3)), that the publishing of this interim rule 30 days prior to the rule becoming effective would be counterproductive and unnecessary for the reasons discussed above. A 30-day delay would be contrary to the public interest. Therefore, under the ''good cause'' exception of the Administrative Procedure Act (5 U.S.C. 553(d)(3)), it has been determined that this interim rulemaking is excepted from the 30-day delay in the effective date and shall therefore become effective on the date published in the **Federal Register**.

Drafting Information. The primary authors of this interim rule are Bruce D. McKeeman, Chief Ranger, Voyageurs National Park and Dennis Burnett, Washington Office of Ranger Activities.

Paperwork Reduction Act

This rulemaking does not contain information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Compliance With Other Laws

Pursuant to the Act of January 3, 1968, 84 Stat. 1972, 16 U.S.C. Section 160f(b), the NPS prepared a Wilderness Recommendation and, pursuant to the National Environmental Policy Act, 42 U.S.C. §§ 4332 *et seq.*, prepared an Environmental Impact Statement (EIS) assessing the effects of the Wilderness Recommendation. On page 30 of the EIS, the section titled ''Provisions Common To All Alternatives'' states: ''Under all alternatives motorized vehicles and aircraft would be allowed on Rainy, Kabetogama, Namakan and Sand Point lakes, subject to established regulations. Special regulations for aircraft access in the park will be required, * * *''. On page 35, the section titled ''Alternatives'' also states that the alternatives address the appropriateness of motorized use in the park, specifically the location of snowmobile routes and portages, as well as the lakes open to aircraft and motorboat use.'' Each of the six alternatives specifically lists the lakes that will be open to motorized and aircraft use. The NPS consulted with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act, 16 U.S.C. Section 1536 and they issued a ''No Jeopardy Opinion'' as part of their biological opinion. Public input was provided during a series of public hearings. Extensive public comment, both oral and written, was received regarding the matter of snowmobile use and wilderness designation. There were very few comments received concerning aircraft use.

This rule was not subject to Office of Management and Budget review under Executive Order 12866. The Department of the Interior determined that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). The economic effects of this rulemaking are local in nature and negligible in scope.

Based on this determination, and in accord with the procedural requirements of the National Environmental Policy Act (NEPA), and by Departmental guidelines in 516 DM 6 (49 FR 21438), an Environmental Assessment (EA), which included consultation with the U.S. Fish and Wildlife Service, and a Finding of No Significant Impact (FONSI) have been prepared.

List of Subjects in 36 CFR Part 7

National parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, 36 CFR Chap. I is amended as follows:

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

1. The authority citation continues to read as follows:

Authority: 16 U.S.C. 1, 3, 9a, 460(q), 462(k); Sec. 7.96 also issued under D.C. Code 8–137 (1981) and DC Code 40–721 (1981).

2. In § 7.33, a new paragraph (c) is added to read as follows:

§ 7.33 Voyageurs National Park.

* * * * *

(c) *Aircraft.* (1) Aircraft may be operated on the entire water surface and frozen lake surface of the following lakes, except as restricted in paragrah (c)(4) of this section and § 2.17 of this chapter: Rainy, Kabetogama, Namakan, Sand Point, Locator, War Club, Quill, Loiten, Shoepack, Little Trout and Mukooda.

(2) Approaches, landings and take-offs shall not be made within 500 feet of any developed facility, boat dock, float, pier, ramp or beach.

(3) Aircraft may taxi to and from a dock or ramp designated for their use for the purpose of mooring and must be operated with due care and regard for persons and property and in accordance with any posted signs or waterway markers.

(4) Areas within the designated lakes may be closed to aircraft use by the Superintendent taking into consideration public safety, wildlife management, weather and park management objectives.

Dated: July 21, 1995.

George T. Frampton, Jr.,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 95–18885 Filed 8–1–95; 8:45 am]

BILLING CODE 4310–70–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[NC–72–1–6953a; FRL–5258–4]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of North Carolina

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On August 9, 1991, the North Carolina Department of Environmental Management (NCDEM), submitted a maintenance plan and a request to redesignate the Charlotte area from nonattainment to attainment for carbon monoxide (CO). The Charlotte CO nonattainment area consists only of Mecklenburg County. Subsequently, NCDEM submitted supplemental material to the Charlotte submittal on October 7, 1994. Included with this package was a request to redesignate the Raleigh/Durham area from nonattainment to attainment for CO. The Raleigh/Durham CO nonattainment area consists of Durham and Wake Counties. Under the Clean Air Act as amended in 1990 (CAA), designations can be revised if sufficient data is available to warrant such revisions. In this action, EPA is approving the North Carolina request because it meets the maintenance plan and redesignation requirements set forth in the CAA.

DATES: This action will be effective September 18, 1995, unless critical or adverse comments are received by September 1, 1995. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments should be sent to Ben Franco, at the EPA Regional office listed below. Copies of the redesignation request and the State of North Carolina's submittal are available for public review during normal business hours at the addresses listed below.

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.

Department of Environment, Health and Natural Resources, P.O. Box 29535, Raleigh, North Carolina 27626–0535.

FOR FURTHER INFORMATION CONTACT: Ben Franco of the EPA Region 4 Air Programs Branch at (404) 347–3555, ext. 4211, and at the above address.

SUPPLEMENTARY INFORMATION: In a March 15, 1991, letter to the EPA Region 4 Administrator, the Governor of North Carolina recommended the areas of Raleigh/Durham and Charlotte be designated as nonattainment for CO, as required by section 107(d)(1)(A) of the 1990 CAA (Pub. L. 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–767lql). The cities were designated nonattainment and classified as ''moderate,'' except for Charlotte which was classified as ''not classified,'' under the provisions outlined in sections 186 and 187 of the CAA (See 56 FR 56694 (Nov. 6, 1991) and 57 FR 56762 (Nov. 30, 1992), codified at 40 CFR part 81, § 81.334). The National Ambient Air Quality Standard (NAAQS) for CO is 9.5 ppm. CO nonattainment areas can be classified as moderate or serious, based on their design values. Since Raleigh/Durham had a design value of 10.9 ppm (based on 1988 and 1989 data), the area was classified as moderate. The Charlotte area was a pre-1990 nonattainment area and was designated by operation of law. However, the Charlotte area was classified as ''not classified'' because it had a design value of 8.4 ppm (based on 1988 and 1989 data), which is below the 9.5 ppm. The CAA established an attainment date of December 31, 1995, for all moderate CO areas. ''Not Classified'' areas, such as Charlotte, must attain by November 15, 1995.

The Raleigh/Durham and Charlotte areas have ambient air quality monitoring data showing attainment of the CO NAAQS from 1990 through 1993. The areas continued to monitor attainment in 1994 and 1995. Therefore, in an effort to comply with the CAA and to ensure continued attainment of the NAAQS, on August 9, 1991, and October 7, 1994, the State of North Carolina submitted CO redesignation requests and maintenance plans for the Charlotte and Raleigh/Durham areas, respectively. The October 7, 1994, submittal included a revision of the 1991 Charlotte redesignation request. The request for redesignation submittal and maintenance plan was approved by NCEMC on September 8, 1994. North Carolina submitted evidence that a public hearing was held on March 28 and March 30, 1994.

The 1990 CAA Amendments revised section 107(d)(3)(E) to provide five specific requirements that an area must meet in order to be redesignated from nonattainment to attainment.

1. The area must have attained the applicable NAAQS;

2. The area must meet all applicable requirements under section 110 and Part D of the CAA;

3. The area must have a fully approved state implementation plan under section 110(k) of CAA;

4. The air quality improvement must be permanent and enforceable; and,

5. The area must have a fully approved maintenance plan pursuant to section 175A of the CAA.

On November 12, 1991, and December 8, 1994, Region 4 determined the Charlotte and Raleigh/Durham submittal, respectively, constituted a complete redesignation request under the general completeness criteria of 40 CFR 51, appendix V, sections 2.1 and 2.2.

The North Carolina redesignation request for the Raleigh/Durham and Charlotte areas meet the five requirements of section 107(d)(3)(E), noted above. The following is a brief description of how the State has fulfilled each of these requirements. Because the maintenance plan is a critical element of the redesignation request, EPA will discuss its evaluation of the maintenance plan under its analysis of the redesignation request.

1. Attainment of the CO NAAQS

The North Carolina requests are based on an analysis of quality assured CO air monitoring data which is relevant to the maintenance plan and to the redesignation requests. The ambient air CO monitoring data for calendar year 1991 through calendar year 1993 shows no violations of the CO NAAQS in the Raleigh/Durham and Charlotte areas. The most recent ambient CO data for the calendar year 1994 continue to show no violations in the Raleigh/Durham and Charlotte areas. Because the Raleigh/Durham and Charlotte areas have complete quality assured data showing no more than one exceedance of the standard per year over at least two consecutive years, the area has met the first statutory criterion of attainment of the CO NAAQS (40 CFR 50.9 and Appendix C1). North Carolina has committed to continue monitoring in this area in accordance with 40 CFR Part 58.

2. Meeting Applicable Requirements of Section 110 and Part D

The 1990 CAA Amendments, modified section 110(a)(2) and, under Part D, revised section 172 and added new requirements for all nonattainment areas. Therefore, for purposes of redesignation, to meet the requirement that the SIP contain all applicable requirements under the CAA, EPA has reviewed the SIP to ensure that it contains all measures that were due under the 1990 Amendments prior to or at the time the State submitted its redesignation request.

A. Section 110 Requirements

Section 110 was amended by the 1990 Amendments. The North Carolina SIP meets the requirements of amended section 110(a)(2). The State implemented an Oxygenated Fuel program in the area of Raleigh/Durham during the 1992 and 1993 winter seasons. The Charlotte area was not required to implement an Oxygenated Fuels program. EPA has reviewed the SIP and determined that it is consistent with the requirements of amended section 110(a)(2).

B. Part D Requirements

Before Raleigh/Durham and Charlotte may be redesignated to attainment, the applicable requirements of Part D must be fulfilled. Subpart I of Part D sets forth the basic nonattainment requirements applicable to all nonattainment areas, classified as well as nonclassifiable. Subpart 3 of Part D establishes additional requirements for nonattainment areas classified under section 186(a). The Raleigh/Durham area was classified as moderate (See 40 CFR 81.334). Therefore, in order to be redesignated to attainment, the State must meet the applicable requirements of Subpart 1 of Part D, specifically sections 172(c) and 176, and the requirements of Subpart 3 of Part D, which became due on or before August 9, 1991, and October 7, 1994, the dates the State submitted complete redesignation requests for Charlotte and Raleigh/Durham, respectively. EPA interprets, according to section 107(d)(3)(E)(v) to mean that, for a redesignation request to be approved, the State must have met all requirements that become applicable to the subject area prior to or at time of the submission of the redesignation request. Requirements of the CAA due subsequent to the submission of the redesignation request will continue to be applicable to the area (See section 175A(c)) until the redesignation request is approved. If the redesignation is

disapproved, the State remains obligated to fulfill those requirements.

B1. Subpart 1 of Part D

Section 172(c) of Subpart 1 sets forth general requirements applicable to all nonattainment areas. Under section 172(b), the section 172(c) requirements are applicable as determined by the Administrator but no later than three years after an area is designated as nonattainment. Because the Raleigh/Durham area was designated as a new CO nonattainment area on June 6, 1992, the section 172(c) requirements are due by June 6, 1995. Therefore, the submission by North Carolina of New Source Review and contingency measures required under 172(c) are not yet due. To the extent the moderate CO nonattainment area requirements of section 187(a) supersede the section 172(c) requirements, as is the case with emission inventories, North Carolina has complied with those requirements.

B2. Subpart 1 of Part D

Section 176(c) of the CAA requires States to revise their SIPs to establish criteria and procedures to ensure that Federal actions, before they are taken, conform to the air quality planning goals in the applicable SIP. The requirement to determine conformity applies to general and transportation plans, programs and projects developed, funded or approved under Title 23 U.S.C. or the Federal Transit Act (''transportation conformity''). Section 176 further provides that the conformity revisions to be submitted by States be consistent with Federal conformity regulations that the CAA required EPA to promulgate. Congress provided for the State revisions to be submitted one year after the date for promulgation of final EPA conformity regulations. When that date passed without such promulgation, EPA's General Preamble for the Implementation of Title I informed States that the EPA conformity regulations would establish a submittal date (*see* 57 FR 13498, 13557 (April 16, 1992)).

EPA promulgated final conformity regulations on November 24, 1993 (58 FR 62188)) and November 30, 1993 (58 FR 63214). These conformity rules require that the States adopt both transportation and general conformity provisions in the SIP for areas designated nonattainment or subject to a maintenance plan approved under CAA section 175A. Pursuant to section 51.396 of the transportation conformity rule and section 51.851 of the general conformity rule, the State of North Carolina is required to submit a SIP revision containing transportation conformity criteria and procedures consistent with those established in the Federal rule by November 25, 1994. Similarly, North Carolina is required to submit a SIP revision containing general conformity criteria and procedures consistent with those established in the Federal rule by December 1, 1994. On March 3, 1995, NCDEM submitted general and transportation conformity regulations.

B3. Subpart 3 of Part D

Under section 187(a) areas designated nonattainment for CO under the amended CAA and classified as moderate were required to meet several requirements by November 15, 1992. Consequently, these requirements are pertinent only for the Raleigh/Durham area. These requirements included a 1990 Emission Inventory, an Inspection and Maintenance Program (I/M), and an Oxygenated Fuel Program. EPA has reviewed and is approving in this notice, North Carolina's 1990 Base Year Emission Inventory. Section 211(m) further required North Carolina to submit an oxygenated fuels regulation for the Raleigh/Durham area. NCDEM submitted a complete Oxygenated Fuel SIP on November 20, 1992, which was approved by EPA on June 30, 1994. On August 5, 1994, NCDEM submitted a complete I/M SIP, which was approved by EPA on June 2, 1995. Therefore, all Subpart 3 requirements that were applicable at the time the State submitted its redesignation request have been met.

3. Fully Approved SIP Under Section 110(k) of the CAA

Based on the approval of provisions under the preamended CAA and EPA's approval of SIP revisions under the 1990 Amendments, EPA has determined that the Raleigh/Durham and Charlotte areas have a fully approved SIP under section 110(k), which also meets the applicable requirements of section 110 and Part D as discussed above.

4. Improvement in Air Quality Due to Permanent and Enforceable Measures

Under the pre-amended CAA, EPA approved the North Carolina SIP control strategy for the Charlotte nonattainment area, satisfied that the rules and the emission reductions achieved as a result of those rules were enforceable. The control measures due to an I/M program generates annual CO reductions of about 12 percent. The fleet turnover under the Federal Motor Vehicle Emission Control Program produced annual CO emission reductions of 6 percent. There were additional emission reductions of 19 to 21 percent in the Raleigh/Durham area due to the implementation of an Oxygenated Fuels program during the winter seasons of 1992 and 1993.

In association with its emission inventory discussed below, the State of North Carolina has demonstrated that actual enforceable emission reductions are responsible for the air quality improvement and that the CO emissions in the base year are not artificially low due to local economic downturn. EPA finds that the combination of existing EPA approved SIP and federal measures contribute to the permanence and enforceability of reduction in ambient CO levels that have allowed the area to attain the NAAQS.

5. Fully Approved Maintenance Plan Under Section 175A

Section 175A of the CAA sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. The plan must demonstrate continued attainment of the applicable NAAQS for at least ten years after the Administrator approves a redesignation to attainment. Eight years after the redesignation, the state must submit a revised maintenance plan which demonstrates attainment for the ten years following the initial ten-year period. To provide for the possibility of future NAAQS violations, the maintenance plan must contain contingency measures, with a schedule for implementation adequate to assure prompt correction of any air quality problems. In this notice, EPA is approving the State of North Carolina's maintenance plan for the Raleigh/Durham and Charlotte areas because EPA finds that North Carolina's submittals meet the requirements of section 175A.

A. Emissions Inventory—Base Year Inventory

On November 16, 1992, the State of North Carolina submitted a comprehensive inventory of CO emissions of the Raleigh/Durham and Charlotte areas. The inventory includes emissions from area, stationary, and mobile sources using 1990 as the base year for calculations.

The State submittal contains the detailed inventory data and summaries by county and source category. The comprehensive base year emissions inventory was submitted in the National Emission Data System format. The inventory was prepared in accordance with EPA guidance. It also contains summary tables of the 1990 and 1991 base years and projections to the year 2005 for the Charlotte and Raleigh/Durham areas, respectively.

1990 CO BASE YEAR EMISSIONS INVENTORY RALEIGH/DURHAM NONATTAINMENT AREA (TONS PER DAY)

Year	Area	Nonroad	Mobile	Point	Total
1990	40.57	5.03	594.671	.977	641.25

RALEIGH/DURHAM NONATTAINMENT AREA CO EMISSIONS INVENTORY SUMMARY (TONS PER DAY)

Year	Area	Nonroad	Mobile	Point	Total
1991	57.12	5.22	569.82	1.00	633.16
1993[1]	57.60	5.58	419.68	1.01	483.87
1996[2]	60.01	6.25	483.50	1.08	550.84
1999[2]	63.45	7.18	507.5	1.13	579.26
2002[3]	65.90	8.08	530.8	1.16	605.94
2005[4]	67.87	8.98	552.80	1.20	630.85

[1] Oxygenated Fuel program in place (2.7% Oxygen by weight).
[2] Oxygenated Fuel program in place (2.0% Oxygen by weight).
[3] Oxygenated Fuel program in place (2.2% Oxygen by weight).
[4] Oxygenated Fuel program in place (2.6% Oxygen by weight).

CHARLOTTE NONATTAINMENT AREA CO EMISSIONS INVENTORY SUMMARY (TONS PER DAY)

Year	Area	Nonroad	Mobile	Point	Total
1990	33.74	7.39	429.08	23.55	493.76
1993	35.59	7.97	390.31	9.00	442.87
1996	37.11	8.55	395.87	3.94	445.47
1999	39.23	9.16	393.59	4.11	446.09
2002	40.75	10.00	401.55	4.28	456.58
2005	41.96	10.97	419.62	4.43	476.98

B. Demonstration of Maintenance—Projected Inventories

Total CO emissions were projected from 1990 base year out to 2005 for the Charlotte area, and from 1991 out to 2005 for the Raleigh/Durham area. These projected inventories were prepared in accordance with EPA guidance. The difference between Raleigh/Durham's 1990 Base Year Inventory area sources and 1991 Base Year were due to different methodologies. For 1991, additional data was included in the calculation of the emissions. North Carolina will reduce the minimum oxygen content for the Oxygenated Fuel program in Raleigh/Durham. The projections show that calculated CO emissions, assuming a less stringent oxygenated fuels program, are not expected to exceed the level of the base year inventory during this time period. Therefore, based on the results of Mobile5A modeling, it is anticipated that Raleigh/Durham will maintain the CO standard with this program. It is also anticipated that the Charlotte area will maintain the CO NAAQS over the projected years. In case of an air quality problem, an Oxygenated Fuel program will be implemented in Charlotte, as a contingency measure.

C. Verification of Continued Attainment

Continued attainment of the CO NAAQS in the Raleigh/Durham and Charlotte areas depend, in part, on the State's efforts toward tracking indicators of continued attainment during the maintenance period. The State has committed to submit periodic inventories of CO emissions every three years.

D. Contingency Plan

The level of CO emissions in the Raleigh/Durham and Charlotte areas will largely determine their ability to stay in compliance with the NAAQS in the future. Section 175A(d) of the CAA requires that the contingency provisions include a requirement that the State implement all measures contained in the SIP prior to redesignation. Therefore, North Carolina has provided contingency measures with a schedule for implementation in the event of a future CO air quality problem. The plan contains triggering mechanisms to determine when contingency measures are needed. The Raleigh/Durham and Charlotte contingency plans, primary trigger will be a violation of the CO NAAQS. A secondary trigger will be activated within 30 days of the State finding either: (1) The periodic emissions inventory exceeds the base inventory by 10 percent or more, or (2) a monitored air quality exceedance pattern indicates that an actual CO NAAQS violation may be imminent. A pattern will be deemed to indicate an imminent violation if (a) one exceedance of the standard per year has been monitored at a single monitor for two successive years and those exceedances are at least greater than 20 percent above the standard (i.e., 10.8 ppm or above) or (b) the monitored air quality exceedance pattern otherwise suggests that a CO NAAQS violation is likely. Within 45 days of the trigger, the State will activate the pre-adopted regulations discussed below to become effective at the beginning of the next CO season. When other measures are needed to ensure that a future violation of the CO NAAQS does not occur, the State will complete the adoption process within one year of the secondary trigger. In case of a primary or secondary trigger, NCDEM will implement one or a combination of the following contingency measures: implementing either a 2.7 or 3.1 percent Oxygenated Fuel program, expanding the I/M program coverage, enhanced I/M, transportation control measures, or employee commute options program. EPA finds that the contingency measures provided in the State submittal meet the requirements of section 175A(d) of the CAA.

E. Subsequent Maintenance Plan Revisions

In accordance with section 175A(b) of the CAA, the State has agreed to submit a revised maintenance SIP eight years after the area is redesignated to attainment. Such revised SIP will provide for maintenance for an additional ten years.

Final Action

EPA is approving the Raleigh/Durham and Charlotte CO maintenance plans because they meet the requirements set forth in section 175A of the CAA. EPA is also approving the 1990 emissions inventory as complying with the requirements of section 172(c)(3) and 187(a)(1). In addition, the Agency is approving the requests and redesignating the Raleigh/Durham and Charlotte CO areas to attainment, because the State has demonstrated compliance with the requirements of section 107(d)(3)(E) for redesignation.

The EPA is publishing this action without prior proposal because the Agency 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 September 18, 1995, unless, by September 1, 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 September 18, 1995.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for 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.

The CO SIP is designed to satisfy the requirements of Part D of the CAA and to provide for attainment and maintenance of the CO NAAQS. This final redesignation should not be interpreted as authorizing the State to delete, alter, or rescind any of the CO emission limitations and restrictions contained in the approved CO SIP. Changes to CO SIP regulations rendering them less stringent than those contained in the EPA approved plan cannot be made unless a revised plan for attainment and maintenance is submitted to and approved by EPA. Unauthorized relaxations, deletions, and changes could result in both a finding of non-implementation (section 179(a) of the CAA) and in a SIP deficiency call made pursuant to sections 110(a)(2)(H) and 110(k)(2) of the CAA.

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 section 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, it does not have any economic impact on any small entities. Redesignation of an area to attainment under section 107(d)(3)(E) of the CAA does not impose any new requirements on small entities. Redesignation is an action that affects the status of a geographical area and does not impose any regulatory requirements on sources. Accordingly, I certify that the approval of the redesignation request will not have an impact on any small entities.

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 175A and section 187(a)(1) of the Clean Air Act. The rules and commitments approved in this action may bind State, local and tribal governments to perform certain actions and also may ultimately lead to the private sector being required to certain duties. To the extent that the rules and commitments being approved by this action will impose or lead to the imposition of any mandate upon the State, local or tribal governments either as the owner or operator of a source or as a mandate upon the private sector, EPA's action will impose no new requirements under State law; such sources are already subject to these requirements under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, results 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

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone.

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: June 26, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

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. 7401–7671.

Subpart II—North Carolina

2. Section 52.1770 is amended by adding paragraph (c)(82) to read as follows:

§ 52.1770 Identification of plan.

* * * * *

(c) * * *

(82) The redesignation and maintenance plan for Raleigh/Durham and Charlotte submitted by the North Carolina Department of Environmental Management on October 7, 1994 and August 9, 1991, as part of the North Carolina SIP. The emission inventory projections are included in the maintenance plans.

(i) Incorporation by reference. Section 3 of the Redesignation Demonstration and Maintenance Plan for Raleigh/

Durham, Winston-Salem, and Charlotte Carbon Monoxide Nonattainment Area adopted on September 8, 1994.

(ii) Other material. None.

* * * * *

PART 81—[AMENDED]

Subpart C—Section 107 Attainment Status Designations

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

2. In § 81.334 the ''North Carolina-Carbon Monoxide'' table is amended by removing the entries for ''Charlotte area and Raleigh-Durham area''; and by adding entries for Mecklenburg, Durham, and Wake Counties in alphabetical order; and by revising the entry ''Rest of State'' to read ''Statewide''.

§ 81.334 North Carolina.

* * * * *

NORTH CAROLINA—CARBON MONOXIDE

	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Statewide		Unclassifiable/Attainment		
* *	*	* *	*	*
Durham County	September 18, 1995.			
* *	*	* *	*	*
Mecklenburg County	September 18, 1995.			
* *	*	* *	*	*
Wake County	September 18, 1995.			
* *	*	* *	*	*

[1] This date is November 15, 1990, unless otherwise noted.

[FR Doc. 95–18881 Filed 8–1–95; 8:45 am]
BILLING CODE 6560–50–P

40 CFR Part 61

[FRL–5269–8]

Interim Approval of Delegation of Authority; National Emission Standards for Hazardous Air Pollutants; Radionuclides; Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is granting interim delegation of authority to the state of Washington to implement and enforce two National Emission Standards for Hazardous Air Pollutants (NESHAPs) for radionuclides: National Emission Standards for Emissions of Radionuclides other than Radon from Department of Energy Facilities (40 CFR part 61, subpart H) and National Emission Standards for Radionuclide Emissions from Facilities Licensed by the Nuclear Regulatory Commission and Federal Facilities not covered by subpart H (40 CFR part 61, subpart I), as promulgated, for sources subject to the part 70 operating permits program of the state of Washington under Title V of the Clean Air Act.

DATES: This action will be effective on October 2, 1995 unless adverse comments are received by September 1, 1995. If the effective date is delayed due to comments, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments should be addressed to: Richard Poeton, Air & Radiation Branch (AT–082), EPA, 1200 Sixth Avenue, Seattle, Washington, 98101, and concurrently to Allen W. Conklin, Head, Air Emissions and Defense Waste Section, Washington Department of Health, Airdustrial Center Building #5, P.O. Box 47827, Olympia, Washington, 98504–7827.

Copies of the state of Washington's application are available for public inspection during normal business hours at the above locations.

FOR FURTHER INFORMATION CONTACT: Richard Poeton at (206) 553–8633.

SUPPLEMENTARY INFORMATION:

Background

Due to the unique nature of radionuclide materials, delegation of authority to states to implement and enforce a NESHAP program for radionuclides is not automatic, and certain standards may only be delegated as promulgated. EPA's regional offices have traditionally assumed the lead responsibility for administering the radionuclides NESHAP. However, EPA is committed to enabling state and local governments, as partners, to implement and enforce the requirements of the Clean Air Act.

On March 28, 1994, the state of Washington submitted an application for approval of its programs and delegation of authority under section 112(l) of the Clean Air Act and in accordance with 40 CFR 63.91, for NESHAPS pertaining to radionuclide emissions (40 CFR part 61, subparts H and I, as promulgated). These standards have been incorporated into the law of the state of Washington.

EPA already promulgated interim approval of the Part 70 operating permits program under Title V of the Clean Air Act for the state of Washington (see 59 FR 55813 (November 9, 1994)). Part 70 approval also confers approval under section 112(l) for delegation of unchanged federal standards because requirements for part 70 approval, specified in 40 CFR 70.4(b), encompass section 112(l)(5) approval requirements. Therefore, for part 70 sources, Part 70 approval also constitutes approval under section 112(l)(5) of the state's programs for delegation of section 112 standards that are unchanged from federal standards as promulgated.

EPA is granting interim delegation as a direct final rule without prior proposal because EPA views this as a noncontroversial action and anticipates no adverse comments. However, as required by 40 CFR 63.91(a)(2), EPA is seeking public comments for 30 days. Comments shall be submitted concurrently to EPA and the state of Washington. If no adverse comments are received in response to this rule, this