

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

**NORTH CAROLINA—CARBON MONOXIDE**

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.**

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	Designation			Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type	
Statewide .....		Unclassifiable/Attainment			
* * * * *					
Durham County .....	September 18, 1995.				
* * * * *					
Mecklenburg County .....	September 18, 1995.				
* * * * *					
Wake County .....	September 18, 1995.				
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<sup>1</sup> 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

**Federal Register** notice will serve as the final notice of the interim delegation of the implementation and enforcement of this program. The effective date will be 60 days from the date of this publication and no further activity is contemplated in relation to this rule. If EPA receives adverse comments, this direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on the accompanying proposed rule which appears in the proposed rule section of this **Federal Register**. However, EPA will not institute a second comment period on this action. Thus, any parties interested in commenting on this action should do so in the next 30 days.

#### Final Action

Pursuant to Section 112(l) of the Clean Air Act, 42 U.S.C. 7412(l), and 40 CFR 63.91, EPA hereby grants interim delegation of its authority for the implementation and enforcement of the following National Emission Standards for Radionuclides for sources subject to part 70 and located, or to be located, in the state of Washington:

(1) National Emission Standards for Emissions of Radionuclides Other Than Radon From Department of Energy Facilities (40 CFR part 61, Subpart H); and

(2) 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).

This interim delegation is limited to the NESHAP standards and authorities as promulgated in 40 CFR part 61, Subparts H and I, applied to part 70 sources, and incorporated into the law of the state of Washington: the delegation does not extend to any additional state standards. Specifically, EPA's interim delegation applies to WAC 246-247-040(1), to the extent the standards reference the federal standards as promulgated; WAC 246-247-075(1); WAC 246-247-080(2); WAC 246-247-085(1), where it incorporates by reference the monitoring, testing, quality assurance, recordkeeping, reporting, and compliance determination procedures and requirements of the federal standards. The federal requirement to file an application to construct or modify has not been incorporated into Washington state law. Therefore, facilities subject to the federal NESHAPs are still required to submit all such applications to EPA.

Not all authorities for the implementing and enforcing the NESHAPs can be delegated to the state.

For instance, the EPA Administrator retains authority to implement those sections of the NESHAP that require approval of equivalency determinations and alternative test methods, allow waivers for emission testing and compliance, and to promulgate rules to implement 40 CFR part 61.

EPA retains concurrent enforcement authority. In exercising its concurrent authority, EPA is not bound by any state action or determination in carrying out any authority delegated to the state pursuant to section 112(l). If at any time there is a conflict between the state and federal regulations, the federal standards apply if they are more stringent than the state regulations.

This interim delegation, which may not be renewed, extends until November 9, 1996, which is the expiration date of the interim approval of the Washington Title V operating permits program. If EPA grants full approval of the Washington Title V operating permits program, full delegation of these two radionuclide NESHAPs (40 CFR part 61, subparts H and I) for part 70 sources may be incorporated into that approval. If EPA has not granted full delegation to the state by that date, EPA will resume sole authority for implementation of the federal radionuclide NESHAPs in Washington at that time.

#### List of Subjects in 40 CFR Part 61

Environmental protection, Air pollution control, Intergovernmental relations, Radiation protection.

Dated: July 20, 1995.

**Chuck Clarke,**

*Regional Administrator, Region 10.*

[FR Doc. 95-18987 Filed 8-1-95; 8:45 am]

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#### 40 CFR Part 86

[AMS-FRL-5268-6]

RIN 2060-AC65

#### Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines: Regulations Requiring On-Board Diagnostic Systems—Revision to Requirements for Storage of Engine Conditions Associated With Extinguishing a Malfunction Indicator Light

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

**ACTION:** Direct final rule.

**SUMMARY:** This direct final rulemaking makes certain technical revisions to the requirements associated with on-board diagnostic (OBD) systems, as specified by § 86.094-17. Changes are being made

to the provisions associated with extinguishing an illuminated malfunction indicator light. The current provisions contained in § 86.094-17(d) have proven to be unexpectedly burdensome on the industry and do not provide the expected beneficial effects to vehicle owners, repair shop personnel, or air quality.

**DATES:** This final action will become effective on October 2, 1995, unless notice is received by September 1, 1995, that any person wishes to submit adverse comments. Should EPA receive such notice, EPA will publish one subsequent action in the **Federal Register** withdrawing this final action.

**ADDRESSES:** Written comments should be submitted (in duplicate if possible) to: The Air Docket, room M-1500 (Mail Code 6102), Waterside Mall, Attention: Docket No. A-90-35, 401 M Street, SW., Washington, DC 20460. Materials relevant to this rulemaking are contained in Docket No. A-90-35, and are available for public inspection and photocopying between 8:00 a.m. and 5:30 p.m. Monday through Friday. The telephone number is (202) 260-7548 and the facsimile number is (202) 260-4400. A reasonable fee may be charged by EPA for copying docket material. Those wishing to notify EPA of their intent to submit adverse comments on this action should contact Todd Sherwood, Certification Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105.

**FOR FURTHER INFORMATION CONTACT:** Todd Sherwood, (313) 668-4405.

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction and Background

On February 19, 1993, the EPA promulgated a final rulemaking requiring manufacturers of light-duty vehicles and light-duty trucks to install on-board emission control diagnostics (OBD) systems on such vehicles beginning in model year 1994.<sup>1</sup> The regulations promulgated in that final rulemaking require that, "If a malfunction has previously been detected, the MIL may be extinguished if the malfunction does not reoccur during three subsequent sequential trips during which engine speed is within 375 rpm, engine load is within 10 percent, and the engine's warm-up status is the same as that under which the malfunction was first detected, and no new malfunctions have been detected."<sup>2</sup> The State of California, in its second phase of OBD requirements

<sup>1</sup> 58 FR 9468, February 19, 1993.

<sup>2</sup> 40 CFR 86.094-17(d).