

Information Service, 5285 Port Royal Road, Springfield, VA 22161. On August 19, 1994, 59 FR 42752, the Department of Defense published 32 CFR part 92. However, on August 8, 1995, 60 FR 40277, DoD duplicated the use of part 92 before they removed the original part 92. Part 92 published at 60 FR 40277 remains unchanged and should not be connected in any manner with the document to be removed.

#### List of Subjects in 32 CFR Part 92

Administrative practice and procedure; Investigations; Military personnel; Whistleblowing

#### PART 92—[REMOVED]

Accordingly, by the authority of 10 U.S.C. 301, 32 CFR part 92 published at 59 FR 42752, is removed.

Dated: August 29, 1995.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[NC-071-1-6960a; FRL-5269-5]

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

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

**ACTION:** Direct final rule.

**SUMMARY:** On October 14, 1994, the State of North Carolina, through the North Carolina Department of Environment, Health and Natural Resources, submitted a revision to the North Carolina State Implementation Plan (SIP). This revision is the adoption of an amendment to rule 15A NCAC 2D .0518 Miscellaneous Volatile Organic Compounds Emissions. This amendment was included to define that diacetone alcohol is considered to be a nonphotochemically reactive solvent. This rule is applicable to all sources of VOC emissions for which no other VOC emission standards are applicable.

**DATES:** This final rule is effective November 6, 1995 unless notice is received by October 5, 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 4 Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30365.

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

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.  
Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street, NE, Atlanta, Georgia 30365.

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

#### FOR FURTHER INFORMATION CONTACT:

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

**SUPPLEMENTARY INFORMATION:** On October 14, 1994, the State of North Carolina, through the North Carolina Department of Environment, Health and Natural Resources, submitted a revision covering the adoption of an amendment to rule 15A NCAC 2D .0518 Miscellaneous Volatile Organic Compound Emissions. This amendment was included to define that diacetone alcohol is considered to be a nonphotochemically reactive solvent. This rule is applicable to all sources of VOC emissions for which no other VOC emission standards are applicable. This revision was the subject of public hearings held on March 28 and 30, 1994. EPA is approving the amendment of rule 15A NCAC 2D .0518 because this revision is consistent with the requirements of the Clean Air Act and EPA guidance.

#### Final Action

EPA is approving the above referenced revision to the North Carolina SIP. This action is being taken 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 November 6, 1995 unless, by October 5, 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 November 6, 1995.

Under Section 307(b)(1) of the CAA, 42 U.S.C. 7607(b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 6, 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 state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under 110 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the

State is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. Section 7410(a)(2) and 7410 (k)(3).

**Unfunded Mandates**

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

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

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

Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and Recordkeeping requirements, Sulfur oxides.

Dated: July 25, 1995.

**Patrick M. Tobin,**

*Acting Regional Administrator.*

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

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

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

**Subpart II**

2. Section 52.1770, is amended by adding paragraph (c)(81) to read as follows:

**§ 52.1770 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(81) The VOC revision to the North Carolina State Implementation Plan which were submitted on October 14, 1994.

(i) Incorporation by reference. Addition of new North Carolina regulations 15A NCAC 2D .0518 which was state effective on September 1, 1994.

(ii) Other material. None.

\* \* \* \* \*

[FR Doc. 95-20596 Filed 9-1-95; 8:45 am]

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**40 CFR Part 52**

[AK-8-1-6733a; FRL-5286-8]

**Approval and Promulgation of Implementation Plans: Alaska**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Direct final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) approves the State of Alaska Implementation Plan (SIP) revision submitted by the State of Alaska for the purpose of establishing a Small Business Stationary Source Technical and Environmental Compliance Assistance Program. The implementation plan was submitted by the State to satisfy the Federal mandate of the Clean Air Act (CAA or Act), to ensure that small businesses have access to the technical assistance and regulatory information necessary to comply with the CAA. The rationale for the approval is set forth in this document; additional information is available at the address indicated below.

**DATES:** This final rule is effective on November 6, 1995 unless notice is received by October 5, 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: Montel Livingston, SIP Manager, Air and Radiation Branch (AT-082), EPA, 1200 Sixth Avenue, Seattle, WA 98101.

Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. Copies of material submitted to EPA may be examined during normal business hours at the following locations: EPA, Region 10, Air & Radiation Branch, 1200 Sixth Avenue (AT-082), Seattle, WA 98101, and Alaska Department of Conservation, 410 Willoughby Avenue, Suite 105, Juneau, AK 99801-1795.

**FOR FURTHER INFORMATION CONTACT:** David J. Dellarco, Air and Radiation Branch (AT-082), EPA, 1200 Sixth Avenue, Seattle, WA 98101, (206) 553-4978.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Implementation of the provisions of the Clean Air Act (CAA), as amended in 1990, will require regulation of many small businesses so that areas may attain and maintain the national ambient air quality standards (NAAQS) and reduce the emission of air toxics. Small businesses frequently lack the technical expertise and financial resources necessary to evaluate such regulations and to determine the appropriate mechanisms for compliance. In anticipation of the impact of these requirements on small businesses, the CAA requires that States adopt a Small Business Stationary Source Technical and Environmental Compliance Assistance Program (PROGRAM), and submit this PROGRAM as a revision to the Federally approved SIP. In addition, the CAA directs the Environmental Protection Agency (EPA) to oversee these small business assistance programs and report to Congress on their implementation. The requirements for establishing a PROGRAM are set out in Section 507 of Title V of the CAA. In January 1992, EPA issued *Guidelines for the Implementation of Section 507 of the 1990 Clean Air Act Amendments*, in order to delineate the Federal and State roles in meeting the new statutory provisions and as a tool to provide further guidance to the States on submitting acceptable SIP revisions.

The State of Alaska has submitted a SIP revision to EPA in order to satisfy the requirements of Section 507. In order to gain full approval, the State