

Act, preparation of the regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Act forbids USEPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S.E.P.A.*, 427 U.S. 246, 256-66 (1976).

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, the USEPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under Section 205, the USEPA 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 the USEPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

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

#### D. Petitions for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 2, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the 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 CAA).

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

Environmental protection, Air pollution control, Carbon monoxide, General conformity, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Volatile organic compounds.

Dated: December 13, 1995.

Gail Ginsberg,

*Acting Regional Administrator.*

40 CFR part 52, 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 X—Michigan

2. Section 52.1173 is amended by adding paragraph (e) to read as follows:

##### § 52.1173 Control strategy: Particulates.

\* \* \* \* \*

(e) Approval—On November 29, 1994, the Michigan Department of Natural Resources submitted a revision to the particulate State Implementation Plan for general conformity rules. The general conformity SIP revisions enable the State of Michigan to implement and enforce the Federal general conformity requirements in the nonattainment or maintenance areas at the State or local level in accordance with 40 CFR part 93, subpart B—Determining Conformity of General Federal Actions to State or Federal Implementation Plans.

3. Section 52.1174 is amended by adding paragraph (n) to read as follows:

##### § 52.1174 Control strategy: Ozone.

\* \* \* \* \*

(n) Approval—On November 29, 1994, the Michigan Department of Natural Resources submitted a revision to the ozone State Implementation Plan for general conformity rules. The general conformity SIP revisions enable the State of Michigan to implement and enforce the Federal general conformity requirements in the nonattainment or maintenance areas at the State or local level in accordance with 40 CFR part 93, subpart B—Determining Conformity of General Federal Actions to State or Federal Implementation Plans.

4. Section 52.1185 is added to read as follows:

##### § 52.1185 Control strategy: Carbon Monoxide.

(a) Approval—On November 29, 1994, the Michigan Department of Natural Resources submitted a revision to the carbon monoxide State Implementation Plan for general conformity rules. The general conformity SIP revisions enable the State of Michigan to implement and enforce the Federal general conformity requirements in the nonattainment or maintenance areas at the State or local level in accordance with 40 CFR part 93, subpart B—Determining Conformity of

General Federal Actions to State or Federal Implementation Plans.

(b) Reserved.

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#### 40 CFR Part 52

[GA-28-1-6955a; GA-30-1-7009a; FRL-5318-3]

#### Approval and Promulgation of Implementation Plans; State: Georgia; Approval of Revisions to the State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

**SUMMARY:** This action approves revisions to the Georgia State Implementation Plan (SIP) submitted by the Georgia Department of Natural Resources, Environmental Protection Division (GA EPD) on June 24 and November 15, 1994, for the purpose of realphabetizing and updating definitions, updating volatile organic compounds (VOCs) reasonably available control technology (RACT) rules, stationary source monitoring and testing procedures, and regulations for the prevention of significant deterioration of air quality (PSD). The SIP revisions are consistent with requirements of the Clean Air Act as amended in 1990 (CAA).

**DATES:** This final rule is effective April 2, 1996, unless adverse or critical comments are received by March 4, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

**ADDRESSES:** Written comments on this action should be addressed to Laura Thielking at the EPA Regional Office listed below.

Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

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.

Air Protection Branch, Georgia Environmental Protection Division, Georgia Department of Natural

Resources, 4244 International Parkway, Suite 120, Atlanta, Georgia 30354.

**FOR FURTHER INFORMATION CONTACT:**

Laura Thielking, 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, X4210. Reference files GA-28-1-6955 and GA-30-1-7009.

**SUPPLEMENTARY INFORMATION:** On June 24, 1994, the State of Georgia through the Georgia Environmental Protection Division submitted SIP revisions to EPA Region 4, and additional revisions were submitted on November 15, 1994. These submittals contain changes pursuant to requirements of part D of Title I of the CAA with regard to nonattainment areas; part A, section 114, pertaining to source monitoring; and part C, regarding PSD.

Specifically, Georgia submitted, and EPA is approving, the following revisions.

**391-3-1-.01 Definitions**

Revised definition of Potential to Emit, (www); Opacity, (ss); Part 70 Permit, (ww); Reid Vapor Pressure, (iii); Synthetic Minor Permit, (cccc); and Total Reduced Sulfur (TRS), (eeee). Re-alphabetized all of the definitions to be consistent with EPA definitions, to correct errors, and to simplify finding definitions.

**391-3-1-.02(2) Emission Standards**

Subsection (2)(t), VOC Emissions from Automobile and Light-Duty Truck Manufacturing, has been revised and subsections (2)(ccc), VOC Emissions from Bulk Mixing Tanks, and (2)(eee), VOC Emissions from Expanded Polystyrene Products Manufacturing, have been added to include new VOC emission limitations to specify RACT for certain industrial categories. The reference given for the procedure for determining leaks in subsection (2)(hh), Petroleum Refinery Equipment Leaks, is revised to cite the present form of the test method. This will bring the reference up to date. These revisions are consistent with the CAA.

**391-3-1-.02(3) Sampling and 391-3-1-.02(6) Source Monitoring**

Subparagraphs (3)(a), (6)(a), and (6)(b) were revised to reference the methods specified in the Georgia Department of Natural Resources Manual of Procedures for Testing and Monitoring Sources of Air Pollutants, dated September 1, 1994. The revised manual has been reviewed and meets EPA requirements.

**391-3-1-.02(7) Prevention of Significant Deterioration of Air Quality (PSD)**

Paragraph (7) is amended to incorporate by reference the PSD rules in 40 CFR Part 52.21 as amended. This revision incorporates the changes to the rules published on June 3, 1993 [58 FR 31637] and July 20, 1993 [58 FR 38883]. The action effective on June 3, 1993, revised the maximum allowable increases (increments) for particulate matter (PM) under the requirements for PSD. The July 20, 1993, revision updated the 'Guideline on Air Quality Models (Revised)' (1986), as modified by Supplement A (1987) by adding new models, improving existing models and incorporating Supplement B (1993). This action also set the Guideline, revised by Supplements A and B, as appendix W to 40 CFR part 51.

**Final Action**

EPA is approving the plan revisions submitted by the State of Georgia on June 24 and November 15, 1994, listed in the **SUPPLEMENTARY INFORMATION** section of this notice.

The EPA is publishing this action without a prior proposal for approval 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 revisions should adverse or critical comments be filed. This action will be effective April 2, 1996, unless, by March 4, 1996, 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 the separate 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 April 2, 1996.

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 April 2, 1996. 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 CAA, 42 U.S.C. 7607(b)(2)).

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995, memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

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 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, 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).

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 revisions provided for under section 114, part C, and part D of Title I of the CAA. These rules may bind State, local and tribal governments to perform certain actions and also require the private sector to perform certain duties. To the extent that the rules being approved by this action will impose no new requirements, since 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, and therefore there will be no significant impact on a substantial number of small entities. 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 in 40 CFR Part 52

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

Dated: September 29, 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. 7401-7671(q).

#### **Subpart L—Georgia**

2. Section 52.570, is amended by adding paragraph (c) (47) to read as follows:

#### **§ 52.570 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(47) Chapter 391-3-1-.01, .02(2), and .02(7), of the Georgia Department of Natural Resources Rules for Air Quality Control, submitted on June 24, 1994, and November 15, 1994. Change to Chapters 391-3-1-.02(3) and 391-3-1-.02(6) to reference a new version of the

Georgia Department of Natural Resources Manual of Procedures for Testing and Monitoring Sources of Air Pollutants, submitted on November 15, 1994.

(i) Incorporation by reference.

(A) The following revised Rules of the Georgia Department of Natural Resources, Chapter 391-3-1, Air Quality Control, became State effective on June 13, 1994:

391-3-1-.02(2)(hh)(iii);

391-3-1-.02(7);

(B) The following revised Rules of the Georgia Department of Natural Resources, Chapter 391-3-1, Air Quality Control, became State effective on November 20, 1994:

391-3-1-.01;

391-3-1-.02(2)(t);

391-3-1-.02(2)(ccc);

391-3-1-.02(2)(eee);

391-3-1-.02(3)(a);

391-3-1-.02(6)(a)2.(v)(I);

391-3-1-.02(6)(a)2.(vii)(I);

391-3-1-.02(6)(a)2.(vii)(II);

391-3-1-.02(6)(b)1.(vi)

(ii) Other material. None.

\* \* \* \* \*

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#### **40 CFR Part 52**

[GA-21-3-6481a; FRL-5319-5]

#### **Approval and Promulgation of Implementation Plans, Georgia: Approval of Revisions to the State Implementation Plan**

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

**ACTION:** Direct final rule.

**SUMMARY:** This action approves revisions to the Georgia State Implementation Plan (SIP) adopted by the Georgia Department of Natural Resources Environmental Protection Division (GA EPD) on September 9, 1992, for the purpose of implementing the following programs within the Atlanta ozone nonattainment area: emission statement program for stationary sources, Stage II Gasoline Vapor Control revisions with SIP narrative and transfer of the existing Georgia Department of Public Safety's Inspection and Maintenance (I/M) program regulations to the Georgia Department of Natural Resources. The submitted revisions meet the November 15, 1992, plan requirements for nonattainment areas of the Clean Air Act as amended in 1990 (CAA). The revisions were submitted for the Atlanta ozone nonattainment area.

**DATES:** This final rule is effective April 2, 1996 unless adverse or critical comments are received by March 4, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

**ADDRESSES:** Written comments on this action should be addressed to Alan Powell at the EPA Regional Office listed below.

Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

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.

Air Protection Branch, Georgia Environmental Protection Division, Georgia Department of Natural Resources, 4244 International Parkway, Suite 120, Atlanta, Georgia 30354.

**FOR FURTHER INFORMATION CONTACT:** Alan Powell, 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 4209. Reference file GA-21-3-6481.

**SUPPLEMENTARY INFORMATION:** The air quality planning and SIP requirements for ozone nonattainment and transport areas are set out in subparts I and II of Part D of Title I of the CAA. Section 182 of the CAA sets out a graduated control program for ozone nonattainment areas. Section 182(a) sets out requirements applicable in subsections (b), (c), (d), and (e) to all other ozone nonattainment areas. On November 13, 1992, Georgia submitted a SIP package to address these requirements. The submittal contained regulations relating to emissions statements, new source review, enhanced motor vehicle inspection committal SIP, Stage II vapor recovery, the small business assistance program (SBAP) and non-control technology guidance (non-CTG) Reasonably Available Control Techniques (RACT). The new source review, non-CTG RACT, SBAP and I/M committal SIP portions of this package will be processed as separate Federal