

Force's real estate agent in acquiring land and routinely exercises the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. § 4601 et. seq., to authorize payment of relocation costs. Since 32 CFR Part 843 is no longer used for this purpose, it is removed from the Code of Federal Regulations.

EFFECTIVE DATE: February 6, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Charles G. Skidmore, AFREA/MI, 112 Luke Avenue Room 104, Bolling AFB DC 20332-8020, telephone (202) 767-4033.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 843

Claims.

Authority: 10 U.S.C. 8013

PART 843—[REMOVED]

Accordingly, 32 CFR, Chapter VII, is amended by removing Part 843.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 96-2519 Filed 2-5-96; 8:45 am]

BILLING CODE 3910-01-P

32 CFR Part 848

Foreign Tax Relief Program

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Final rule; withdrawal.

SUMMARY: The Department of the Air Force is amending Title 32, Chapter VII of the CFR by removing Part 848, Foreign Tax Relief Program. This rule is removed because it has limited applicability to the general public. This action is the result of departmental review. The intended effect is to ensure that only regulations which substantially affect the public are maintained in the Air Force portion of the Code of Federal Regulations.

EFFECTIVE DATE: February 6, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. Patsy J. Conner, Air Force Federal Register Liaison Officer, SAF/AAIQ, 1610 Air Force Pentagon, Washington, DC 20330-1610, telephone (703) 614-3488.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 848

Foreign relations, Government contracts, Taxes.

Authority: 10 U.S.C. 8013.

PART 848—[REMOVED]

Accordingly, 32 CFR, Chapter VII, is amended by removing Part 848.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 96-2518 Filed 2-5-96; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MO-24-1-7047a; FRL-5317-7]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: This final action approves the State Implementation Plan (SIP) submitted by the state of Missouri. The state's revision expands the types of testing and monitoring data, including stack and process monitoring, which can be used directly for compliance certifications and enforcement.

DATES: This action is effective April 8, 1996 unless by March 7, 1996 adverse or critical comments are received.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the: Environmental Protection Agency, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101; and EPA Air & Radiation Docket and Information Center, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Joshua A. Tapp at (913) 551-7606.

SUPPLEMENTARY INFORMATION: The EPA believes that existing SIPs (nationwide) are inadequate for states or EPA to fully implement the Clean Air Act Amendments, because the SIPs may presently be interpreted to limit the types of testing or monitoring data that may be used for determining compliance and establishing violations. On May 11, 1994, EPA issued a call to the state of Missouri to revise its SIP to clarify that any monitoring approved for the source (and included in a Federally enforceable operating permit) may form the basis of the compliance certification, and that any credible evidence may be used for purposes of enforcement in Federal court.

On March 13, 1995, Missouri made an official plan submission in response to the EPA's SIP call. Missouri submitted a new rule, 10 CSR 10-6.280, which

appropriately provides for data which have been collected under the enhanced monitoring and operating permit programs to be used for compliance certifications and enforcement actions. Specifically, section (2) of this rule authorizes these data to be used for compliance certifications, and section (3) authorizes these data to be considered for enforcement actions.

EPA interprets the language in section 2(c) which states, "Any other monitoring methods approved by the Director" to provide the Director with the authority to require "additional" monitoring methods, as necessary. Consistent with past and present EPA policy, the use of substitute sampling methods which are not listed in the rule would require a revision to the SIP.

This revision will enhance the state's capability for determining compliance with, and for establishing violations of, the underlying emission limitations.

EPA Action

EPA is taking final action to approve revisions submitted March 13, 1995, for the state of Missouri.

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 the Federal Register publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent notice 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.

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.

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 Clean Air Act (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, EPA certifies 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)).

The Office of Management and Budget has exempted these actions from review under Executive Order 12866.

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 8, 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).)

List of Subjects in 40 CFR Part 52

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

Dated: October 2, 1995.

William Rice,

Acting Regional Administrator.

Part 52, chapter I, title 40 of the 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 AA—[Missouri]

2. Section 52.1320 is amended by adding paragraph (c)(91) to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

(91) This revision provides for data which have been collected under the enhanced monitoring and operating permit programs to be used for compliance certifications and enforcement actions.

(i) Incorporation by reference.

(A) 10 CSR 10-6.280 Compliance Monitoring Usage, effective December 30, 1994.

[FR Doc. 96-2379 Filed 2-5-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[RI-16-01-6673a; A-1-FRL-5337-6]

Approval and Promulgation of Air Quality Implementation Plans; Rhode Island: Revisions to the Requirements and Procedures for NSR/PSD Permit Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is approving the State implementation plan (SIP) revisions submitted by the State of Rhode Island for the purpose of meeting requirements of the Clean Air Act Amendments of 1990 (CAAA) with regard to New Source Review (NSR) in areas that have not attained the National Ambient Air Quality Standards (NAAQS). In addition, EPA is approving revisions to Rhode Island's SIP pertaining to Prevention of Significant Deterioration (PSD) program in attainment areas and other miscellaneous requirements. In general, these revisions make the Rhode Island PSD program more consistent with the current Federal requirements. The intended effect of this action is to approve the State's request to amend its SIP to satisfy the Federal requirements. This action is being taken in accordance with the Clean Air Act.

DATES: This action is effective April 8, 1996, unless notice is received within 30 days that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Comments may be mailed to Susan Studlien, Acting Director, Air, Pesticides and Toxics Management

Division, U.S. Environmental Protection Agency, Region I, JFK Federal Building, Boston, MA 02203. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment, at the Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, One Congress Street, 10th floor, Boston, MA; Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, S.W., (LE-131), Washington, D.C. 20460; and the Division of Air and Hazardous Materials, Department of Environmental Management, 291 Promenade Street, Providence, RI 02908-5767.

FOR FURTHER INFORMATION CONTACT: Brendan McCahill, (617) 565-3262.

SUPPLEMENTARY INFORMATION: On March 11, 1993, the Rhode Island Department of Environmental Management (DEM) submitted revisions to its SIP pertaining to the requirements and procedures for the processing and approval of permit applications for new or modified stationary sources of air pollution. The revisions consist of modifications to Rhode Island's Air Pollution Control Regulation #9, "Air Pollution Control Permits," and affect the following elements: (1) major source permitting in nonattainment areas, including ozone nonattainment areas; (2) PSD program; (3) minor source construction permitting; and (4) general administrative requirements of the permitting program.

This notice is divided into five sections for clarity. Section I discusses the procedural background concerning Rhode Island's SIP submittal. Section II discusses the revisions to the general requirements for nonattainment NSR. Section III discusses the revisions to the specific requirements for NSR in the ozone nonattainment areas. Section IV discusses the revisions to the general requirements for the PSD program, minor source permitting requirements and general administrative requirements of the permitting program. Section V discusses the EPA's final action.

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, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective April 8, 1996 unless, by March 7, 1996, adverse or critical comments are received.