

15A NCAC 2D .0503 Particulates From Fuel Burning Indirect Heat Exchangers

North Carolina amended this rule to clarify the emissions of particulates from fuel burning indirect heat exchangers. This revision in no way changes the interpretation of the previous rule.

15A NCAC 2D .0530 Prevention of Significant Deterioration

North Carolina amended this rule to eliminate a conflicting statement on updating referenced federal regulations.

15A NCAC 2D .0536 Particulate Emissions From Electric Utility Boilers

North Carolina amended this rule to change the maximum allowable emissions rates from electric utility boilers at several utility facilities.

15A NCAC 2H .0601 Purpose and Scope

North Carolina amended this rule to clarify the types of sources for which construction or operating permits are required or not required.

15A NCAC 2H .0607 Copies of Referenced Documents

North Carolina amended this rule to update the location at which referenced materials are available for public inspection.

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 April 15, 1996, unless, by March 15, 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If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action.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 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 April 15, 1996.

Under Section 307(b)(1) of the Act, 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 15, 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 Act, 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 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. 7410(a)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by Reference, Intergovernmental relations, Particulate Matter, Reporting and recordkeeping requirements.

Dated: November 6, 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. 7401-7671q.

Subpart II—North Carolina

2. Section 52.1770, is amended by adding paragraph (c)(78) to read as follows:

§ 52.1770 Identification of plan.

* * * * *

(c) * * *

(78) Miscellaneous revisions to the North Carolina State Implementation Plan which were submitted on May 15, 1991.

(i) Incorporation by reference. (A) Amendments to North Carolina regulations 15A NCAC 2D.0103, 2D.0503, 2D.0530, 2D.0536, 2H.0601, and 2H.0607, of the North Carolina State Implementation Plan submitted on May 15, 1991, which were state effective on August 1, 1991.

(ii) Other material. None

* * * * *

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BILLING CODE 6560-50-P

40 CFR Part 52

[ME-20-01-6906a; A-1-FRL-5339-4]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Maine. This revision establishes and requires the implementation of the Clean Air Act Amendments (CAAA) of 1990 with regard to New Source Review (NSR) in

areas which have not attained the National Ambient Air Quality Standards (NAAQS). In addition, the revision contains minor changes to Maine's Prevention of Significant Deterioration (PSD) program. 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 15, 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 SW. (LE-131), Washington, DC 20460; and the Bureau of Air Quality Control, Department of Environmental Protection, 71 Hospital Street, Augusta, ME 04333.

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

SUPPLEMENTARY INFORMATION: On July 12, 1994, the Maine Department of Environmental Protection (DEP) submitted revisions to its SIP pertaining to the requirements and procedures for the processing and approval of license applications for new or modified stationary sources of air pollution. The revisions consist of modifications to Chapter 100, "Definitions Regulations," Chapter 113, "Growth Offset Regulation," and Chapter 115, "Emission License Regulation" and primarily affects major source licensing in nonattainment areas including the ozone nonattainment areas.

This notice is divided into four sections for clarity. Section I discusses the procedural background concerning Maine'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 revisions to Maine's PSD

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 15, 1996, unless, by March 15, 1996, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by simultaneously 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. If no such comments are received, the public is advised that this action will be effective on April 15, 1996.

I. Procedural Background

Section 110(k) of the CAA sets out provisions governing EPA's review of SIP submittals (see 57 FR 13565-13566, April 16, 1992). The CAA requires States to observe certain procedural requirements in developing implementation plans and plan revisions for submission to EPA. Section 110(a)(2) of the Act provides that each implementation plan submitted by a State must be adopted after reasonable notice and public hearing.¹ Section 110(l) of the Act similarly provides that each revision to an implementation plan submitted by a State under the Act must be adopted by such State after reasonable notice and public hearing.

The EPA also must determine whether a submittal is complete and therefore warrants further EPA review and action (see CAA section 110(k)(1) and 57 FR 13565, April 16, 1992). The EPA's completeness criteria for SIP submittals are set out at 40 CFR part 51, appendix V (1991), as amended by 57 FR 42216 (August 26, 1991). The EPA attempts to make completeness determinations within 60 days of receiving a submission. However, a submittal is deemed complete by operation of law under section 110(k)(1)(B) if a completeness determination is not made by EPA

within 6 months after receipt of the submission.

The State of Maine held a public hearing on May 25, 1994, to entertain public comment on the NSR implementation plan. Following the public hearing, the plan was adopted by Maine's Board of Environmental Protection on June 22, 1994. The plan was filed with the Secretary of State on July 5, 1994, and became effective on July 11, 1994. The plan was submitted to EPA on July 12, 1994 as a proposed revision to the SIP.

The SIP revision was reviewed by EPA to determine completeness shortly after its submittal, in accordance with the completeness criteria referenced above. The submittal was found to be complete on July 14, 1994 and a letter dated July 14, 1994 was forwarded to Debrah Richard, Acting Commissioner, Department of Environmental Protection, indicating the completeness of the submittal and the next steps to be taken in the review process.

II. General Requirements for Nonattainment NSR

A. Background

The air quality planning requirements for nonattainment NSR are set out in part D of subchapter I of the Act. The EPA has issued a "General Preamble" describing EPA's preliminary views on how EPA intends to review SIPs and SIP revisions submitted under part D, including those State submittals containing nonattainment area NSR SIP requirements (see 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992)). Because EPA is describing its interpretations here only in broad terms, the reader should refer to the General Preamble for a more detailed discussion of the interpretations of part D advanced in today's proposal and the supporting rationale.

B. Summary of Maine's Regulation

The general nonattainment NSR requirements are found in sections 172 and 173 of part D of subchapter I of the Act and must be met by all nonattainment areas. The following paragraphs reference the nonattainment NSR requirements that were required to be submitted to EPA by November 15, 1992 and explain how Maine's rules meet those requirements. Some of these provisions were already contained in Maine's existing SIP while others are being approved today.

1. Chapter 113(2)(A) of Maine's regulations establishes provisions in accordance with section 173(a)(1)(A) of the CAA to assure that calculations of emissions offsets are based on the same

¹ Section 172(c)(7) of the Act provides that plan provisions for nonattainment areas shall meet the applicable provisions of section 110(a)(2).

emissions baseline used in the demonstration of Reasonable Further Progress (RFP).

2. Chapter 113(2)(C)(3) (a) and (b) of Maine's regulations establishes provisions in accordance with section 173(c)(1) of the CAA to allow offsets to be obtained in another nonattainment area if: (i) The area has an equal or higher nonattainment classification; and, (ii) emissions from the other nonattainment area contribute to a NAAQS violation in the area in which the source would construct.

3. Chapter 113(2)(E)(3) of Maine's regulations establishes provisions in accordance with section 173(c)(1) of the CAA that any license to a new or modified source must be in effect and enforceable by the time the new or modified source commences operation.

4. Chapter 113(2)(E)(3) of Maine's regulations establishes provisions in accordance with section 173(c)(1) of the CAA to assure that emissions increases from new or modified sources are offset by real reductions in actual emissions.

5. Chapter 113(2)(D) (1), (2) and (3) of Maine's regulations establishes provisions in accordance with section 173(c)(2) of the CAA to prevent emissions reductions otherwise required by the Act from being credited for purposes of satisfying part D offset requirements.

6. The 1990 CAAA modified the Act's provisions on growth allowances in nonattainment areas by (1) eliminating existing growth allowances in the nonattainment area that received a notice prior or subsequent to the Amendments that the SIP was substantially inadequate, and (2) restricting growth allowances to only those portions of nonattainment areas formally targeted as special zones for economic growth. Sections 173(b) and 173(a)(1)(B) of the CAA. Maine's regulations do not contain provisions for growth allowances and are consequently consistent with the Act. 9

7. Chapter 115(V)(B)(2)(C) of Maine's regulations establishes provisions in accordance with section 173(a)(5) of the CAA that, as a prerequisite to issuing any part D license, require an analysis of alternative sites, sizes, production processes, and analysis of alternative sites, sizes, production processes, and environmental control techniques for proposed sources that demonstrates that the benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

8. Maine and the EPA-New England office, have established a mechanism through the Regional grants program to

supply information from nonattainment NSR licenses to EPA's RACT/BACT/LAER clearinghouse in accordance with section 173(d) of the CAA.

9. Chapter 115(V)(B)(2)(a) of Maine's regulations establishes provisions, in accordance with section 173(a)(3) of the CAA, to assure that owners or operators of each proposed new or modified major stationary source demonstrate, as a condition of license issuance, that all other major stationary sources under the same ownership in the State are in compliance with the CAA.

III. General Requirements for Ozone Nonattainment NSR

A. Background

The general nonattainment NSR requirements are found in sections 172 and 173 of part D of subchapter I of the Act and must be met by all nonattainment areas. The requirements for ozone that supplement or supersede these requirements are found in subpart 2 of part D. In addition to requirements for ozone nonattainment areas, subpart 2 includes section 182(f), which states that requirements for major stationary sources of VOC shall apply to major stationary sources of oxides of nitrogen (NO_x) unless the Administrator makes certain determinations related to the benefits or contribution of NO_x control to air quality, ozone attainment, or ozone air quality. States were required under section 182(a)(2)(C) to adopt new NSR rules for ozone nonattainment areas by November 15, 1992.

B. Summary of Maine's Submittal

Pursuant to section 172(c)(5) of the CAA, State implementation plans must require permits for the construction and operation of new or modified major stationary sources in nonattainment areas. The federal statutory permit requirements for ozone nonattainment areas are generally contained in revised section 173, and in subpart 2 of Subchapter I, part D of the CAA. These are the minimum requirements that States must include in an approvable implementation plan. For all classifications of ozone nonattainment areas and for ozone transport regions (OTRs), States must adopt the appropriate major source thresholds and offset ratios, and must adopt provisions to ensure that any new or modified major stationary source of NO_x satisfies the requirements applicable to any major source of VOC, unless a special NO_x exemption is granted by the Administrator under the provision of section 182(f). For serious and severe ozone nonattainment areas, State plans must implement sections 182(c) (6), (7)

and (8) with regard to modifications of major sources. The State of Maine currently contains moderate, marginal and nonclassified nonattainment areas, as well as areas classified as attainment. However, the entire State is contained within the OTR (see section 184 of the CAA). The CAA provisions that apply to the OTR provide equal or more stringent requirements than those provisions applicable to the marginal and moderate nonattainment areas and under the CAA are applicable throughout the State. Therefore, Maine must adopt, as a minimum, the provisions of the CAA applicable to the OTR into its plans.

The following paragraphs reference the ozone nonattainment and OTR NSR requirements which Maine was required to submit to EPA by November 15, 1992 and how Maine has met those requirements.

1. Chapters 100(58) and 100(101) of Maine's regulations establish a major source threshold level for the OTR of 40 tons per year (tpy) for VOC. Because the major source threshold level for the OTR as required under section 184(b)(2) of the CAA is 50 tpy for VOC, Maine has met this requirement.

2. Chapters 100(58) and 100(101) of Maine's regulations establish, in accordance with sections 184(b)(2), 182(f) and 302(j) of the CAA, a major source threshold level for the OTR of 100 tpy for NO_x.

3. Chapter 113(2)(C) (1) and (2) of Maine's regulation establish, in accordance with sections 184(b)(2), 182(b)(5) and 182(f) of the CAA, an offset ratio of 1.15 to 1 for major sources or major modifications to major sources of VOC and NO_x in the OTR.

IV. Revisions to PSD and Other NSR Programs

Summary of Maine's Submittal

Permitting requirements for the construction of major new sources and major modifications to major sources in attainment/unclassifiable areas are set out in part C of Subchapter I of the CAA and in 40 CFR 51.166, and must be met by all State PSD program SIPs. Maine has revised various provisions in its PSD program to make them consistent with the Federal rules.

A brief description of the revisions is as follows:

(a) In Chapter 100(101) of Maine's regulation, the threshold level for new major sources of NO_x in NO_x attainment areas was changed from 40 to 100 tpy. This is consistent with the requirements at 40 CFR 51.166(b)(1)(i)(a).

(b) In Chapter 100(101) of Maine's regulations, the definition of

“significant” was revised to include the significance levels for municipal waste combustor pollutants. The threshold levels are consistent with the requirements at 40 CFR 51.166(b)(23)(i).

(c) Chapter 115(II)(D) of Maine’s regulations establishes provisions to exempt pollution control projects from Maine’s air emissions license requirements to the extent allowed under the CAA. To be exempt, a project must meet all requirements of applicable State and EPA rules, policies and guidelines which specifically address exemptions from the NSR and PSD programs for pollution control projects.

V. Final Action

EPA is approving the revisions to the following parts of the State of Maine’s regulations: Chapter 100, “Definition Regulations,” Chapter 113, “Growth Offset Regulation” and Chapter 115, “Emissions License Regulation.” These revisions became effective on the State level on July 11, 1994. These revisions meet the nonattainment area NSR provisions of part D of the CAA as well as the requirements of the General Preamble and other miscellaneous 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.

Under sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 (“Unfunded Madates 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 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; 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 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.

The OMB has exempted this action from review under Executive Order 12866.

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. 7410(a)(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 review under Executive Order 12866.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for 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 section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 15, 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, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Note: Incorporation by reference of the State Implementation Plan for the State of Maine was approved by the Director of the Federal Register on July 1, 1982.

Dated: September 25, 1995.

John P. DeVillars,

Regional Administrator, Region I.

Part 52 of 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 U—Maine

2. Section 52.1020 is amended by adding paragraph (c)(37) to read as follows:

§ 52.1020 Identification of plan

* * * * *

(c) * * *

(37) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on July 12, 1994.

(i) Incorporation by reference.

(A) Letter from the Maine Department of Environmental Protection dated July 5, 1994 submitting a revision to the Maine State Implementation Plan.

(B) Maine’s Chapter 100 entitled, “Definition Regulations.” This regulation was effective in the State of Maine on July 11, 1994.

(C) Maine’s Chapter 113 entitled, “Growth Offset Regulation.” This regulation was effective in the State of Maine on July 11, 1994.

(D) Maine’s Chapter 115 entitled, “Emission License Regulation,” except for Section 115(VII)(E) of this Chapter and all references to this Section. This regulation was effective in the State of Maine on July 11, 1994.

(ii) Additional materials.

(A) Nonregulatory portions of the State submittal.

3. In § 52.1031 Table 52.1031 is amended by adding new entries to the end of existing state citations for Chapters 100, 113 and 115 to read as follows:

§ 52.1031 EPA-approved Maine regulations.

* * * * *

TABLE 52.1031—EPA-APPROVED RULES AND REGULATIONS

State citation	Title/subject	Date adopted by State	Date approved by EPA	Federal Register citation	52.1020	
100	Definitions Regulation.	* * 6/22/94	* 2/14/96	* * [Insert FR citation from published date].	* (c)(37)	* Addition of 1990 Part D NSR and other CAAA requirements.
113	Growth Offset Regulation.	* * 6/22/94	* 2/14/96	* * [Insert FR citation from published date].	* (c)(37)	* Addition of 1990 Part D NSR requirements.
115	Emission License Regulation.	* * 6/22/94	* 2/14/96	* * [Insert FR citation from published date].	* (c)(37)	* Addition of 1990 Part D NSR and other CAAA requirements.
		* *	*	* *	*	*

§ 52.1026 [Amended]

4. § 52.1026 is amended by adding the words "as amended by the CAAA of 1990." to the last sentence.

[FR Doc. 96-3235 Filed 2-13-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[MI40-01-6998a; FRL-5418-1]

Approval and Promulgation of Implementation Plan; Michigan

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Direct final rule.

SUMMARY: This notice approves a revision to the Michigan State Implementation Plan (SIP) to meet the requirements of the USEPA transportation conformity rule set forth at 40 CFR part 51, subpart T—Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act. The transportation conformity SIP revision will enable the State of Michigan to implement and enforce the Federal transportation conformity requirements at the State or local level in accordance with 40 CFR 51.396(b). This notice of approval is limited only to 40 CFR part 51, subpart T (transportation conformity). SIP revisions submitted under 40 CFR part 51, subpart W, relating to conformity of general Federal actions, will be

addressed in a separate USEPA notice. This notice provides the rationale for this approval and other information.

DATES: This "direct final" is effective April 15, 1996, unless USEPA receives adverse or critical comments by March 15, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Copies of the SIP revision, public comments and USEPA's responses are available for inspection at the following address: United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Michael Leslie at (312) 353-6680 before visiting the Region 5 Office.)

A copy of this SIP revision is available for inspection at the following location: Office of Air and Radiation (OAR) Docket and Information Center (Air Docket 6102), room M1500, United States Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 260-7548.

FOR FURTHER INFORMATION CONTACT: Michael G. Leslie, Regulation Development Section (AT-18J), Air Toxics and Radiation Branch, Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, Telephone Number (312) 353-6680.

SUPPLEMENTARY INFORMATION:

I. Background

Section 176(c) of the Clean Air Act (CAA), 42 U.S.C. 7506(c), provides that no Federal department, agency, or instrumentality shall engage in, support in any way or provide financial assistance for, license or permit, or approve any activity which does not conform to a SIP which has been approved or promulgated pursuant to the CAA. Conformity is defined as conformity to the SIP's purpose of eliminating or reducing the severity and number of violations of the National Ambient Air Quality Standards and achieving expeditious attainment of such standards, and that such activities will not: (1) Cause or contribute to any new violation of any standard in any area, (2) increase the frequency or severity of any existing violation of any standard in any area, or (3) delay timely attainment of any standard or any required interim emission reductions or other milestones in any area.

Section 176(c)(4)(A) of the CAA requires USEPA to promulgate criteria and procedures for determining conformity of all Federal actions (transportation and general) to applicable SIPs. The USEPA published the final transportation conformity rules in the November 24, 1993, Federal Register and codified them at 40 CFR part 51, subpart T—Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act. The conformity