

CUE motion; and, second, to advise the party that, under the circumstances, it might be better to withdraw the motion until he or she has had a chance to put together a better argument.

Accordingly, to encourage representatives' participation in CUE motions, we have amended Rule 1405 (relating to disposition of CUE motions) to provide that, when the Board receives a CUE motion from a party, and that party's file reveals that he or she is represented—by an attorney, an agent, an individual or a recognized organization—the Board will take steps to notify the representative that the motion has been filed. Specifically, the Board will provide a copy of the motion to the representative before assigning the motion to a Member or panel. The representative will have 30 days to file any relevant response, including a request that the representative be permitted to review the claims file prior to filing a further response.

We believe that 30 days is sufficient time for an attorney or other representative to contact the party and determine what, if any, additional steps may be necessary. Since a request for CUE review may be withdrawn at any time prior to the issuance of a decision on the motion without prejudice to refile, 38 CFR 20.1404(f), if a representative believed that more time was necessary, withdrawing the motion is a viable alternative. Particularly in light of this alternative, we do not believe that it is necessary or useful to the orderly administration of justice to permit potentially unlimited extensions of time on these motions.

Notwithstanding our concern with a timely response, we understand that a representative may wish to review the record—i.e., the claims file—prior to making a recommendation to the moving party. Accordingly, Rule 1405(a)(2) provides that, if the representative makes an appropriate request prior to the expiration of time allowed, the Board will make arrangements for the representative to review the claims file prior to filing a further response, and permit the representative a reasonable time after making the file available to file a further response.

This interim final rule concerns rules of agency procedure and practice. Further, it provides additional process favorable to affected individuals. Accordingly, under the provisions of 5 U.S.C. 553, we are dispensing with prior notice and comment and a delayed effective date.

The Secretary hereby certifies that this rule does not have a significant economic impact on a substantial

number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This rule affects individuals and does not affect small businesses. Therefore, pursuant to 5 U.S.C. 605(b), this rule is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

List of Subjects in 38 CFR Part 20

Administrative practice and procedure, Claims, Lawyers, Legal services, Veterans, Authority delegations (government agencies).

Approved: February 5, 1999

Togo D. West, Jr.,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 20 is amended as set forth below:

PART 20—BOARD OF VETERANS' APPEALS: RULES OF PRACTICE

1. The authority citation for part 20 continues to read as follows:

Authority: 38 U.S.C. 501(a).

2. In subpart O, § 20.1405(a) is revised to read as follows:

§ 20.1405 Rule 1405. Disposition.

(a) *Docketing and assignment; notification of representative.*—(1) *General.* Motions under this subpart will be docketed in the order received and will be assigned in accordance with § 19.3 of this title (relating to assignment of proceedings). Where an appeal is pending on the same underlying issue at the time the motion is received, the motion and the appeal may be consolidated under the same docket number and disposed of as part of the same proceeding. A motion may not be assigned to any Member who participated in the decision that is the subject of the motion. If a motion is assigned to a panel, the decision will be by a majority vote of the panel Members.

(2) *Notification of representative.* When the Board receives a motion under this subpart from an individual whose claims file indicates that he or she is represented, the Board shall provide a copy of the motion to the representative before assigning the motion to a Member or panel. Within 30 days after the date on which the Board provides a copy of the motion to the representative, the representative may file a relevant response, including a request to review the claims file prior to filing a further response. Upon request made within the time allowed under this paragraph, the Board shall arrange for the representative to have the

opportunity to review the claims file, and shall permit the representative a reasonable time after making the file available to file a further response.

* * * * *

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IA, KS, NE–066–1066; FRL–6223–9]

Approval and Promulgation of Air Quality Implementation Plans; Revised Format for Materials Being Incorporated by Reference for Iowa, Kansas, and Nebraska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; notice of administrative change.

SUMMARY: The EPA is revising the format of 40 CFR part 52 for materials submitted by the states of Iowa, Kansas, and Nebraska that are incorporated by reference into their State Implementation Plans (SIP). The regulations affected by this format change have all been previously submitted by the state agencies and approved by the EPA.

This format revision will affect the "Identification of Plan" sections of 40 CFR part 52, as well as the format of the SIP materials that will be available for public inspection at the Office of Federal Register (OFR), the Air and Radiation Docket and Information Center located in Waterside Mall, Washington, DC, and the Region VII Office. The sections of 40 CFR part 52 pertaining to provisions promulgated by the EPA or state-submitted materials not subject to incorporation by reference (IBR) review remain unchanged.

EFFECTIVE DATE: This action is effective February 12, 1999.

ADDRESSES: SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations: Environmental Protection Agency, Region VII, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101; Office of Air and Radiation, Docket and Information Center (Air Docket), EPA, 401 M Street, S.W., Room M1500, Washington, DC 20460; and Office of the Federal Register, 800 North Capitol Street, N.W., Suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Edward West, Regional SIP Coordinator

at the above Region VII address or at (913) 551-7330.

SUPPLEMENTARY INFORMATION: The supplementary information is organized in the following order:

- Description of a SIP.
- How the EPA enforces SIPs.
- How the state and the EPA updates the SIP.
- How the EPA compiles the SIPs.
- How the EPA organizes the SIP compilation.
- Where you can find a copy of the SIP compilation.
- The format of the new Identification of Plan section.
- When a SIP revision becomes Federally enforceable.
- The historical record of SIP revision approvals.
- What the EPA is doing in this action.
- How this document complies with the Federal administrative requirements for rulemaking.

Description of a SIP

Each state has a SIP containing the control measures and strategies used to attain and maintain the National Ambient Air Quality Standards (NAAQS). The SIP is extensive, containing such elements as air pollution control regulations, emission inventories, monitoring network, attainment demonstrations, and enforcement mechanisms.

How the EPA Enforces SIPs

Each state must formally adopt the control measures and strategies in the SIP after the public has had an opportunity to comment on them. They are then submitted to the EPA as SIP revisions on which the EPA must formally act.

Once these control measures and strategies are approved by the EPA, after notice and comment, they are incorporated into the Federally approved SIP and are identified in part 52 (Approval and Promulgation of Implementation Plans), Title 40 of the Code of Federal Regulations (40 CFR part 52). The actual state regulations approved by the EPA are not reproduced in their entirety in 40 CFR part 52, but are "incorporated by reference," which means that the EPA has approved a given state regulation with a specific effective date. This format allows both the EPA and the public to know which measures are contained in a given SIP and ensures that the state is enforcing the regulations. It also allows the EPA and the public to take enforcement action, should a state not enforce its SIP-approved regulations.

How the State and the EPA Updates the SIP

The SIP is a living document which the state can revise as necessary to address the unique air pollution problems in the state. Therefore, the EPA from time to time must take action on SIP revisions containing new and/or revised regulations as being part of the SIP. On May 22, 1997 (62 FR 27968), the EPA revised the procedures for incorporating by reference Federally approved SIPs, as a result of consultations between the EPA and OFR.

The EPA began the process of developing: (1) A revised SIP document for each state that would be incorporated by reference under the provisions of 1 CFR part 51; (2) a revised mechanism for announcing the EPA approval of revisions to an applicable SIP and updating both the IBR document and the CFR; and (3) a revised format of the "Identification of Plan" sections for each applicable subpart to reflect these revised IBR procedures.

The description of the revised SIP document, IBR procedures, and "Identification of Plan" format are discussed in further detail in the May 22, 1997, **Federal Register** document.

How the EPA Compiles the SIPs

The Federally approved regulations and source-specific permits submitted by each state agency have been organized by the EPA into a SIP compilation that contains the updated regulations and source-specific permits approved by the EPA through previous rulemaking actions in the **Federal Register**. The compilations are contained in three-ring binders and will be updated, primarily on an annual basis. The nonregulatory provisions are available by contacting Ed West at the Regional Office.

How the EPA Organizes the SIP Compilation

Each compilation contains three parts. Part 1 contains the regulations, Part 2 contains the source-specific requirements that have been approved as part of the SIP, and part 3 contains nonregulatory provisions that have been EPA-approved. Each part consists of a table of identifying information for each regulation, each source-specific permit, and each nonregulatory provision. The effective dates in the tables indicate the date of the most recent revision of each regulation. The table of identifying information in the compilation corresponds to the table of contents published in 40 CFR part 52 for these

states. The regional EPA offices have the primary responsibility for ensuring accuracy and updating the compilations.

Where You Can Find a Copy of the SIP Compilation

The Region VII EPA Office developed and will maintain the compilation for Iowa, Kansas, and Nebraska. A copy of the full text of each state's current compilation will also be maintained at the OFR and the EPA's Air Docket and Information Center.

The Format of the New Identification of Plan Section

In order to better serve the public, the EPA revised the organization of the "Identification of Plan" section and included additional information to clarify the enforceable elements of the SIP.

The revised Identification of Plan section contains five subsections:

1. Purpose and scope.
2. Incorporation by reference.
3. EPA-approved regulations.
4. EPA-approved source-specific permits.
5. EPA-approved nonregulatory provisions such as transportation control measures, statutory provisions, control strategies, monitoring networks, etc.

When a SIP Revision Becomes Federally Enforceable

All revisions to the applicable SIP become Federally enforceable as of the effective date of the revisions to paragraphs (c), (d), or (e) of the applicable Identification of Plan section found in each subpart of 40 CFR part 52.

The Historical Record of SIP Revision Approvals

To facilitate enforcement of previously approved SIP provisions and provide a smooth transition to the new SIP processing system, the EPA retains the original Identification of Plan section, previously appearing in the CFR as the first or second section of part 52 for each state subpart. After an initial two-year period, the EPA will review its experience with the new system and enforceability of previously approved SIP measures and will decide whether or not to retain the Identification of Plan appendices for some further period.

What the EPA is Doing in This Action

Today's rule constitutes a "housekeeping" exercise to ensure that all revisions to the state programs that have occurred are accurately reflected in 40 CFR Part 52. State SIP revisions are controlled by the EPA regulations at 40

CFR part 51. When the EPA receives a formal SIP revision request, the Agency must publish the proposed revision in the **Federal Register** and provide for public comment before approval.

The EPA has determined that today's rule falls under the "good cause" exemption in section 553(b)(3)(B) of the Administrative Procedures Act (APA) which, upon finding "good cause," authorizes agencies to dispense with public participation and section 553(d)(3) which allows an agency to make a rule effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). Today's rule simply codifies provisions which are already in effect as a matter of law in Federal and approved state programs.

Under section 553 of the APA, an agency may find good cause where procedures are "impractical, unnecessary, or contrary to the public interest." Public comment is "unnecessary" and "contrary to the public interest" since the codification only reflects existing law. Immediate notice in the CFR benefits the public by removing outdated citations.

How This Document Complies With the Federal Administrative Requirements for Rulemaking

A. Executive Order (E.O.) 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866, entitled "Regulatory Planning and Review."

B. E.O. 12875

Under E.O. 12875, the EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal Government provides the funds necessary to pay the direct compliance costs incurred by those governments, or the EPA consults with those governments. If the EPA complies by consulting, E.O. 12875 requires the EPA to provide to the OMB a description of the extent of the EPA's prior consultation with representatives of affected state, local, and tribal governments; the nature of their concerns; copies of any written communications from the governments; and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires the EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create a mandate on state, local, or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. E.O. 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997) applies to any rule that: (1) Is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that the EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it is not an economically significant regulatory action as defined by E.O. 12866, and it does not address an environmental health or safety risk that would have a disproportionate effect on children.

D. E.O. 13084

Under E.O. 13084, the EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal Government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or the EPA consults with those governments. If the EPA complies by consulting, E.O. 13084 requires the EPA to provide to the OMB, in a separately identified section of the preamble to the rule, a description of the extent of the EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, E.O. 13084 requires the EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action

does not involve or impose any requirements that affect Indian tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because 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 create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids the EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

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

The EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual 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 preexisting requirements under state or local law, and imposes no new requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the U.S. Comptroller General prior to publication of the rule in the **Federal Register**. This rule is not a "major" rule as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

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 13, 1999. 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).)

Dated: December 24, 1998.

William Rice,
Acting Regional Administrator, Region VII.

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

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401 *et seq.*

Subpart Q—Iowa

§ 52.820 [Redesignated as § 58.824]

2. Section 52.820 is redesignated as § 52.824 and the section heading and paragraph (a) are revised to read as follows:

§ 52.824 Original identification of plan section.

(a) This section identifies the original "Air Implementation Plan for the State of Iowa" and all revisions submitted by Iowa that were Federally approved prior to July 1, 1998.

* * * * *

3. A new § 52.820 is added to read as follows:

§ 52.820 Identification of plan.

(a) Purpose and scope. This section sets forth the applicable SIP for Iowa

under section 110 of the CAA, 42 U.S.C. 7401, and 40 CFR Part 51 to meet NAAQS.

(b) Incorporation by reference.

(1) Material listed in paragraphs (c), (d), and (e) of this section with an EPA approval date prior to July 1, 1998, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the **Federal Register**. Entries in paragraphs (c), (d), and (e) of this section with the EPA approval dates after July 1, 1998, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region VII certifies that the rules/regulations provided by the EPA in the SIP compilation at the addresses in paragraph (b)(3) are an exact duplicate of the officially promulgated state rules/regulations which have been approved as part of the SIP as of July 1, 1998.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region VII, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101; the Office of Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC; or at the EPA Air and Radiation Docket and Information Center, Air Docket (6102), 401 M Street, SW., Washington, DC. 20460.

(c) EPA-approved regulations.

EPA—APPROVED IOWA REGULATIONS

Iowa citation	Title	State effective date	EPA approval date	Comments
Iowa Department of Natural Resources Environmental Protection Commission [567]				
Chapter 20—Scope of Title-Definitions-Forms-Rule of Practice				
567–20.1	Scope of Title	3/14/90	6/29/90, 55 FR 26690.	
567–20.2	Definitions	9/11/96, 4/9/97	6/25/98, 63 FR 34601.	
567–20.3	Air Quality Forms Generally	3/14/90,	6/29/90, 55 FR 26690.	
Chapter 21—Compliance				
567–21.1	Compliance Schedule	3/14/90	6/29/90, 55 FR 26690.	
567–21.2	Variances	3/14/90	6/29/90, 55 FR 26690.	
567–21.3	Emission Reduction Program	3/14/90	6/29/90, 55 FR 26690.	
567–21.4	Circumvention of Rules	3/14/90	6/29/90, 55 FR 26690.	
567–21.5	Evidence Used in Establishing That a Violation Has or Is Occurring.	11/16/94	10/30/95, 60 FR 55198.	
Chapter 22—Controlling Pollution				
567–22.1	Permits Required for New or Existing Stationary Sources.	3/14/90	6/29/90, 55 FR 26690.	
567–22.2	Processing Permit Applications	4/9/97	6/25/98, 63 FR 34600.	
567–22.3	Issuing Permits	2/24/93	5/12/93, 58 FR 27939	Subrule 22.3 (6) has not been approved as part of the SIP.

EPA—APPROVED IOWA REGULATIONS—Continued

Iowa citation	Title	State effective date	EPA approval date	Comments	
567-22.4	Special Requirements for Major Stationary Sources Located in Areas Designated Attainment or Unclassified (PSD).	7/12/95	10/23/97, 62 FR 55172.		
567-22.5	Special Requirements for Nonattainment Areas.	3/20/96	10/23/97, 62 FR 55172.		
567-22.8	Permit by Rule	5/8/96	6/25/98, 63 FR 34600.	Only subparagraph (2)i(5) is included in the SIP.	
567-22.105	Title V Permit Applications	11/16/94	10/30/95, 60 FR 55198		
567-22.200	Definitions for Voluntary Operating Permits	10/18/95	4/30/96, 61 FR 18958.		
567-22.201	Eligibility for Voluntary Operating Permits	4/9/97	6/25/98, 63 FR 34601.		
567-22.202	Requirement to Have a Title V Permit	4/9/97	6/25/98, 63 FR 34601.		
567-22.203	Voluntary Operating Permit Applications	5/8/96	6/25/98, 63 FR 34601.		
567-22.204	Voluntary Operating Permit Fees	12/14/94	4/30/96, 61 FR 18958.		
567-22.205	Voluntary Operating Permit Processing Procedures.	12/14/94	4/30/96, 61 FR 18958.		
567-22.206	Permit Content	10/18/95	4/30/96, 61 FR 18958.		
567-22.207	Relation to Construction Permits	12/14/94	4/30/96, 61 FR 18958.		
567-22.208	Suspension, Termination, and Revocation of Voluntary Operating Permits.	12/14/94	4/30/96, 61 FR 18958.		
567-22.300	Operating Permit by Rule for Small Sources ..	4/9/97	6/25/98, 63 FR 34600.		
Chapter 23—Emission Standards for Contaminants					
567-23.1	Emission Standards	7/16/97	6/25/98, 63 FR 34600		Sections 23.1(2)–(5) are not approved in the SIP.
567-23.2	Open Burning	4/19/95	10/23/97, 62 FR 55172.	Section 23.3(3)(d) is not part of the approved SIP.	
567-23.3	Specific Contaminants	5/8/96	6/25/98, 63 FR 34601		
567-23.4	Specific Processes	4/20/94	12/21/94, 59 FR 65717	Section 23.4(10) is not part of the approved SIP.	
Chapter 24—Excess Emissions					
567-24.1	Excess Emission Reporting	2/24/93	5/12/93, 58 FR 27939.		
567-24.2	Maintenance and Repair Requirements	3/14/90	6/29/90 55 FR 26690.		
Chapter 25—Measurement of Emissions					
567-25.1	Testing and Sampling of New and Existing Equipment.	7/12/95	10/23/97, 62 FR 55172.		
Chapter 26—Prevention of Air Pollution Emergency Episodes					
567-26.1	General	3/14/90	6/29/90, 55 FR 26690.		
567-26.2	Episode Criteria	3/14/90	6/29/90, 55 FR 26690.		
567-26.3	Preplanned Abatement Strategies	3/14/90	6/29/90, 55 FR 26690.		
567-26.4	Actions During Episodes	3/14/90	6/29/90, 55 FR 26690.		
Chapter 27—Certificate of Acceptance					
567-27.1	General	3/14/90	6/29/90, 55 FR 26690.		
567-27.2	Certificate of Acceptance	3/14/90	6/29/90, 55 FR 26690.		
567-27.3	Ordinance or Regulations	3/14/90	6/29/90, 55 FR 26690.		
567-27.4	Administrative Organization	3/14/90	6/29/90, 55 FR 26690.		
567-27.5	Program Activities	3/14/90	6/29/90, 55 FR 26690.		
Chapter 28—Ambient Air Quality Standards					
567-28.1	Statewide Standards	3/14/90	6/29/90, 55 FR 26690.		
Chapter 29—Qualification in Visual Determination of the Opacity of Emissions					
567-29.1	Methodology and Qualified Observer	5/8/96	6/25/98, 63 FR 34600.		
Chapter 31—Nonattainment Areas					
567-31.1	Permit Requirements Relating to Nonattainment Areas.	2/22/95	10/23/97, 62 FR 55172.		

EPA—APPROVED IOWA REGULATIONS—Continued

Iowa citation	Title	State effective date	EPA approval date	Comments
567-31.2	Conformity of General Federal Actions to the Iowa SIP or Federal Implementation Plan.	2/22/95	10/25/95, 60 FR 54597.	
Linn County				
CHAPTER 10	Linn County Code of Ordinance Providing for Air Quality Chapter 10.	3/7/97	2/2/98, 63 FR 5268.	
Polk County				
CHAPTER V	Polk County Board of Health Rules and Regulations Air Pollution Chapter V.	12/18/96	2/2/98, 63 FR 5268	Sections 5-27(3) and (4) are not a part of the SIP.

(d) EPA-approved state source-specific permits.

EPA-APPROVED IOWA SOURCE-SPECIFIC REGULATIONS

Name of source	Order/permit No.	State effective date	EPA approval date	Comments
Archer-Daniels Midland Company	90-AQ-10	3/25/91	11/1/91, 56 FR 56158.	
Interstate Power Company	89-AQ-04	2/21/90	11/1/91, 56 FR 56158.	
Grain Processing Corporation	74-A-015-S	9/18/95	12/1/97, 62 FR 63454.	
Grain Processing Corporation	79-A-194-S	9/18/95	12/1/97, 62 FR 63454.	
Grain Processing Corporation	79-A-195-S	9/18/95	12/1/97, 62 FR 63454.	
Grain Processing Corporation	95-A-374	9/18/95	12/1/97, 62 FR 63454.	
Muscatine Power and Water	74-A-175-S	9/14/95	12/1/97, 62 FR 63454.	
Muscatine Power and Water	95-A-373	9/14/95	12/1/97, 62 FR 63454.	
Monsanto Corporation	76-A-161S3	7/18/96	12/1/97, 62 FR 63454.	
Monsanto Corporation	76-A-265S3	7/18/96	12/1/97, 62 FR 63454.	

(e) The EPA approved nonregulatory provisions and quasi-regulatory measures.

EPA-APPROVED IOWA NONREGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or non-attainment area	State submittal date	EPA approval date	Comments
Air Pollution Control Implementation Plan.	Statewide	1/27/72	5/31/72, 37 FR 10842.	
Request for a Two Year Extension to Meet the NAAQS.	Council Bluffs	1/27/72	5/31/72, 37 FR 10842	Correction notice published 3/2/76.
Revisions to Appendices D and G ..	Statewide	2/2/72	5/31/72, 37 FR 10842	Correction notice published 3/2/76.
Source Surveillance and Record Maintenance Statements.	Statewide	4/14/72	3/2/76, 41 FR 8960.	
Statement Regarding Public Availability of Emissions Data.	Statewide	5/2/72	3/2/76, 41 FR 8960.	
Letter Describing the Certificates of Acceptance for Local Air Pollution Control Programs.	Linn County, Polk County	12/14/72	10/1/76, 41 FR 43407.	
High Air Pollution Episode Contingency Plan.	Statewide	6/20/73	10/1/76, 41 FR 43407.	
Summary of Public Hearing on Revised Rules Which Were Submitted on July 17, 1975.	Statewide	9/3/75	10/1/76, 41 FR 43407.	
Air Quality Modeling to Support Sulfur Dioxide Emission Standards.	Statewide	3/4/77	6/1/77, 42 FR 27892.	
Nonattainment Plans	Mason City, Davenport, Cedar Rapids, Des Moines.	6/22/79	3/6/80, 45 FR 14561.	
Information on VOC Sources to Support the Nonattainment Plan.	Linn County	10/8/79	3/6/80, 45 FR 14561.	
Information and Commitments Pertaining to Legally Enforceable RACT Rules to Support the Nonattainment Plan.	Linn County	11/16/79	3/6/80, 45 FR 14561.	
Lead Plan	Statewide	8/19/80	3/20/81, 46 FR 17778.	
Letter to Support the Lead Plan	Statewide	1/19/81	3/20/81, 46 FR 17778.	

EPA-APPROVED IOWA NONREGULATORY PROVISIONS—Continued

Name of nonregulatory SIP provision	Applicable geographic or non-attainment area	State submittal date	EPA approval date	Comments
Nonattainment Plans to Attain Secondary Standards.	Mason City, Cedar Rapids, Des Moines, Davenport, Keokuk, Council Bluffs, Fort Dodge, Sioux City, Clinton, Marshalltown, Muscatine, Waterloo.	4/18/80	4/17/81, 46 FR 22372.	
Information to Support the Particulate Matter Nonattainment Plan.	Mason City, Cedar Rapids, Des Moines, Davenport, Keokuk, Council Bluffs, Fort Dodge, Sioux City, Clinton, Marshalltown, Muscatine, Waterloo.	9/16/80	4/17/81, 46 FR 22372.	
Information to Support the Particulate Matter Nonattainment Plan.	Mason City, Cedar Rapids, Des Moines, Davenport, Keokuk, Council Bluffs, Fort Dodge, Sioux City, Clinton, Marshalltown, Muscatine, Waterloo.	11/17/80	4/17/81, 46 FR 22372.	
Schedule for Studying Nontraditional Sources of Particulate Matter and for Implementing the Results.	Mason City, Cedar Rapids, Des Moines, Davenport, Keokuk, Council Bluffs, Fort Dodge, Sioux City, Clinton, Marshalltown, Muscatine, Waterloo.	6/26/81	3/5/82, 47 FR 9462.	
Air Monitoring Strategy	Statewide	7/15/81	4/12/82, 47 FR 15583.	
Letter of Commitment to Revise Unapprovable Portions of Chapter 22.	Statewide	5/14/85	9/12/85, 50 FR 37176.	
Letter of Commitment to Submit Stack Height Regulations and to Implement the EPA's Regulations until the State's Rules Are Approved.	Statewide	4/22/86	7/11/86, 51 FR 25199.	
Letter of Commitment to Implement the Stack Height Regulations in a Manner Consistent with the EPA's Stack Height Regulations with Respect to NSR/PSD Regulations.	Statewide	4/22/87	6/26/87, 52 FR 23981.	
PM ₁₀ SIP	Statewide	10/28/88	8/15/89, 54 FR 33536.	
Letter Pertaining to NO _x Rules and Analysis Which Certifies the Material Was Adopted by the State on October 17, 1990.	Statewide	11/8/90	2/13/91, 56 FR 5757.	
SO ₂ Plan	Clinton	3/13/91	11/1/91, 56 FR 56158.	
Letter Withdrawing Variance Provisions.	Polk County	10/23/91	11/29/91, 56 FR 60924	Correction notice published 1/26/93.
Letter Concerning Open Burning Exemptions.	Statewide	10/3/91	1/22/92, 57 FR 2472.	
Compliance Sampling Manual	Statewide	1/5/93	5/12/93, 58 FR 27939.	
Small Business Assistance Plan	Statewide	12/22/92	9/27/93, 58 FR 50266.	
Voluntary Operating Permit Program.	Statewide	12/8/94, 2/16/96, 2/27/96	4/30/96, 61 FR 18958.	
SO ₂ Plan	Muscatine	6/19/96, 5/21/97	12/1/97, 62 FR 63454.	
SO ₂ Maintenance Plan	Muscatine	4/25/97	3/19/98, 63 FR 13343.	

Subpart R—Kansas

§ 52.870 [Redesignated as § 52.875]

4. Section 52.870 is redesignated as § 52.875 and the section heading and paragraph (a) are revised to read as follows:

§ 52.875 Original identification of plan section.

(a) This section identifies the original "Air Quality Implementation Plan for the State of Kansas" and all revisions submitted by Kansas that were Federally approved prior to July 1, 1998.

* * * * *

5. A new § 52.870 is added to read as follows:

§ 52.870 Identification of plan.

(a) Purpose and scope. This section sets forth the applicable SIP for Kansas under Section 110 of the CAA, 42 U.S.C. 7401 *et seq.* and 40 CFR Part 51 to meet NAAQS.

(b) Incorporation by reference.

(1) Material listed in paragraphs (c), (d), and (e) of this section with an EPA approval date prior to July 1, 1998, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the **Federal Register**. Entries in paragraphs (c), (d), and (e) of this section with the EPA approval dates after July 1, 1998, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region VII certifies that the rules/regulations provided by the EPA in the SIP compilation at the addresses in paragraph (b)(3) are an exact duplicate of the officially promulgated state rules/regulations which have been approved as part of the SIP as of July 1, 1998.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region VII, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101; the Office of Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC; or at the EPA Air and Radiation Docket and Information Center, Air Docket (6102), 401 M Street, SW., Washington, DC 20460.

(c) EPA-approved regulations.

EPA—APPROVED KANSAS REGULATIONS

Kansas citation	Title	State effective date	EPA approval date	Comments
Kansas Department of Health and Environment Ambient Air Quality Standards and Air Pollution Control General Regulations				
K.A.R. 28–19–6	Statement of Policy	1/1/72	5/31/72, 37 FR 10867	Kansas revoked this rule 5/1/82.
K.A.R. 28–19–7	Definitions	11/22/93	7/17/95, 60 FR 36361.	
K.A.R. 28–19–8	Reporting Required	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–9	Time Schedule for Compliance	5/1/84	12/21/87, 52 FR 48265.	
K.A.R. 28–19–10 ..	Circumvention of Control Regula- tions.	1/1/71	5/31/72, 37 FR 10867.	
K.A.R. 28–19–11 ..	Exceptions Due to Breakdowns or Scheduled Maintenance.	1/1/74	11/8/73, 38 FR 30867.	
K.A.R. 28–19–12 ..	Measurement of Emissions	1/1/71	5/31/72, 37 FR 10867.	
K.A.R. 28–19–13 ..	Interference with Enjoyment of Life and Property.	1/1/74	11/8/73, 38 FR 30876.	
K.A.R. 28–19–14 ..	Permits Required	1/24/94	7/17/95, 60 FR 36361.	
K.A.R. 28–19–15 ..	Severability	1/1/71	5/31/72, 37 FR 10867.	
Nonattainment Area Requirements				
K.A.R. 28–19–16 ..	New Source Permit Requirements for Designated Nonattainment Areas.	10/16/89	1/16/90, 55 FR 1422.	The EPA deferred action on the state's current definition of the terms "building, structure, facility, or installation"; "installation"; and "reconstruction."
K.A.R. 28–19–16a	Definitions	10/16/89	1/16/90, 55 FR 1422.	
K.A.R. 28–19–16b	Permit Required	10/16/89	1/16/90, 55 FR 1422.	
K.A.R. 28–19–16c	Creditable Emission Reductions	10/16/89	1/16/90, 55 FR 1422	
K.A.R. 28–19–16d	Fugitive Emission Exemption	10/16/89	1/16/90, 55 FR 1422	
K.A.R. 28–19–16e	Relaxation of Existing Emission Lim- itations.	10/16/89	1/16/90, 55 FR 1422.	
K.A.R. 28–19–16f	New Source Emission Limits	10/16/89	1/16/90, 55 FR 1422.	
K.A.R. 28–19–16g	Attainment and Maintenance of Na- tional Ambient Air Quality Stand- ards.	10/16/89	1/16/90, 55 FR 1422.	
K.A.R. 28–19–16h	Compliance of Other Sources	10/16/89	1/16/90, 55 FR 1422.	
K.A.R. 28–19–16i	Operating Requirements	10/16/89	1/16/90, 55 FR 1422.	
K.A.R. 28–19–16j	Revocation and Suspension of Per- mit.	10/16/89	1/16/90, 55 FR 1422.	
K.A.R. 28–19–16k	Notification Requirements	10/16/89	1/16/90, 55 FR 1422.	
K.A.R. 28–19–16l	Failure to Construct	10/16/89	1/16/90, 55 FR 1422.	
K.A.R. 28–19–16m	Compliance with Provisions of Law Required.	10/16/89	1/16/90, 55 FR 1422.	
Attainment Area Requirements				
K.A.R. 28–19–17 ..	Prevention of Significant Deteriora- tion of Air Quality.	6/8/92	1/12/93, 58 FR 3847	The EPA retained PSD permit au- thority for Indian lands.
K.A.R. 28–19–17a	Incorporation of Federal Regulation by Reference.	6/8/92	1/12/93, 58 FR 3847.	

EPA—APPROVED KANSAS REGULATIONS—Continued

Kansas citation	Title	State effective date	EPA approval date	Comments
K.A.R. 28-19-17b	Definitions	6/8/92	1/12/93, 58 FR 3847.	
K.A.R. 28-19-17c	Ambient Air Increments	6/8/92	1/12/93, 58 FR 3847.	
K.A.R. 28-19-17d	Ambient Air Ceilings	6/8/92	1/12/93, 58 FR 3847.	
K.A.R. 28-19-17e	Stack Height	6/8/92	1/12/93, 58 FR 3847.	
K.A.R. 28-19-17f	Review of Major Stationary Sources and Major Modifications, Source Applicability, and Exemptions.	6/8/92	1/12/93, 58 FR 3847.	
K.A.R. 28-19-17g	Control Technology Review	6/8/92	1/12/93, 58 FR 3847.	
K.A.R. 28-19-17h	Source Impact Analysis	6/8/92	1/12/93, 58 FR 3847.	
K.A.R. 28-19-17i	Air Quality Models	6/8/92	1/12/93, 58 FR 3847.	
K.A.R. 28-19-17j	Air Quality Analysis	6/8/92	1/12/93, 58 FR 3847.	
K.A.R. 28-19-17k	Source Information	6/8/92	1/12/93, 58 FR 3847.	
K.A.R. 28-19-17l	Additional Impact Analysis	6/8/92	1/12/93, 58 FR 3847.	
K.A.R. 28-19-17m	Sources Affecting Federal Class I Areas.	6/8/92	1/12/93, 58 FR 3847.	
K.A.R. 28-19-17n	Revocation and Suspension of Permit.	6/8/92	1/12/93, 58 FR 3847.	
K.A.R. 28-19-17o	Public Participation	6/8/92	1/12/93, 58 FR 3847.	
K.A.R. 28-19-17p	Source Obligation	6/8/92	1/12/93, 58 FR 3847.	
K.A.R. 28-19-17q	Innovative Control Technology	6/8/92	1/12/93, 58 FR 3847.	
Stack Height Requirements				
K.A.R. 28-19-18 ..	Stack Heights	5/1/88	4/20/89, 54 FR 15934	The state regulation has stack height credit. The EPA has not approved that part.
K.A.R. 28-19-18b	Definitions	5/1/88	4/20/89, 54 FR 15934.	
K.A.R. 28-19-18c	Methods for Determining Good Engineering Practice Stack Height.	5/1/88	4/20/89 54 FR 15934.	
K.A.R. 28-19-18d	Fluid Modeling	5/1/88	4/20/89, 54 FR 15934.	
K.A.R. 28-19-18e	Relaxation of Existing Emission Limitations.	5/1/88	4/20/89, 54 FR 15934.	
K.A.R. 28-19-18f	Notification Requirements	5/1/88	4/20/89, 54 FR 15934.	
Continuous Emission Monitoring				
K.A.R. 28-19-19 ..	Continuous Emission Monitoring	6/8/92	1/12/93, 58 FR 3847.	
Processing Operation Emissions				
K.A.R. 28-19-20 ..	Particulate Matter Emission Limitations.	10/16/89	1/16/90, 55 FR 1421.	
K.A.R. 28-19-21 ..	Additional Emission Restrictions	10/16/89	1/16/90, 55 FR 1422.	
K.A.R. 28-19-22 ..	Sulfur Compound Emissions	1/1/72	11/8/73, 38 FR 30876.	
K.A.R. 28-19-23 ..	Hydrocarbon Emissions—Stationary Sources.	12/27/72	11/8/73, 38 FR 30876.	
K.A.R. 28-19-24 ..	Control of Carbon Monoxide Emissions.	1/1/72	11/8/73, 38 FR 30876.	
Indirect Heating Equipment Emissions				
K.A.R. 28-19-30 ..	General Provisions	1/1/72	5/31/72, 37/FR 10867.	
K.A.R. 28-19-31 ..	Emission Limitations	11/8/93	10/18/94, 59 FR 52425.	
K.A.R. 28-19-32 ..	Exemptions—Indirect Heating Equipment.	11/8/93	10/18/94, 59 FR 52425.	
Incinerator Emissions				
K.A.R. 28-19-40 ..	General Provisions	1/1/71	5/31/72, 37 FR 10867.	
K.A.R. 28-19-41 ..	Restriction of Emission	12/27/72	11/8/73, 38 FR 30876.	
K.A.R. 28-19-42 ..	Performance Testing	1/1/72	11/8/73, 38 FR 30876.	
K.A.R. 28-19-43 ..	Exceptions	1/1/71	5/31/72, 37 FR 10867.	
Opacity Restrictions				
K.A.R. 28-19-50 ..	Opacity Requirements	12/27/72	11/8/73, 38 FR 30876.	
K.A.R. 28-19-52 ..	Exceptions	1/1/72	5/31/72, 37 FR 10867.	
Air Pollution Emergencies				
K.A.R. 28-19-55 ..	General Provisions	1/1/72	5/31/72, 37 FR 10867.	
K.A.R. 28-19-56 ..	Episode Criteria	10/16/89	1/16/90, 55 FR 1422.	

EPA—APPROVED KANSAS REGULATIONS—Continued

Kansas citation	Title	State effective date	EPA approval date	Comments
K.A.R. 28-19-57 ..	Emission Reduction Requirements ..	1/1/72	5/31/72, 37 FR 10867.	
K.A.R. 28-19-58 ..	Emergency Episode Plans ..	1/1/72	5/31/72, 37 FR 10867.	
Volatile Organic Compound Emissions				
K.A.R. 28-19-61 ..	Definitions ..	10/7/91	6/23/92, 57 FR 27936.	
K.A.R. 28-19-62 ..	Testing Procedures ..	10/7/91	6/23/92, 57 FR 27936.	
K.A.R. 28-19-63 ..	Automobile and Light Duty Truck Surface Coating.	11/8/93	10/18/94, 59 FR 52425.	
K.A.R. 28-19-64 ..	Bulk Gasoline Terminals ..	5/1/88	5/18/88, 53 FR 17000.	
K.A.R. 28-19-65 ..	Volatile Organic Compounds (VOC) Liquid Storage in Permanent Fixed Roof Type Tanks.	5/1/88	5/18/88, 53 FR 17700.	
K.A.R. 28-19-66 ..	Volatile Organic Compounds (VOC) Liquid Storage in External Floating Roof Tanks.	5/1/88	5/18/88, 53 FR 17700.	
K.A.R. 28-19-67 ..	Petroleum Refineries ..	5/1/86	1/2/87, 52 FR 53.	
K.A.R. 28-19-68 ..	Leaks from Petroleum Refinery Equipment.	5/1/86	1/2/87, 52 FR 53.	
K.A.R. 28-19-69 ..	Cutback Asphalt ..	5/1/88	5/18/88, 53 FR 17700.	
K.A.R. 28-19-70 ..	Leaks from Gasoline Delivery Vessels and Vapor Collection Systems.	5/1/88	5/18/88, 53 FR 17700.	
K.A.R. 28-19-71 ..	Printing Operations ..	5/1/88	5/18/88, 53 FR 17700.	
K.A.R. 28-19-72 ..	Gasoline Dispensing Facilities ..	5/1/88	5/18/88, 53 FR 17700.	
K.A.R. 28-19-73 ..	Surface Coating of Miscellaneous Metal Parts and Products and Metal Furniture.	6/8/92	1/12/93, 58 FR 3847.	
K.A.R. 28-19-74 ..	Wool Fiberglass Manufacturing ..	5/1/88	5/18/88, 53 FR 17700.	
K.A.R. 28-19-75 ..	Solvent Metal Cleaning ..	5/1/88	5/18/88, 53 FR 17700.	
K.A.R. 28-19-76 ..	Lithography Printing Operations ..	10/7/91	6/23/92, 57 FR 27936.	
K.A.R. 28-19-77 ..	Chemical Processing Facilities That Operate Alcohol Plants or Liquid Detergent Plants.	10/7/91	6/23/92, 57 FR 27936.	
K.A.R. 28-19-79 ..	Fuel Volatility ..	5/2/97	7/7/97, 62 FR 36212.	
General Provisions				
K.A.R. 28-19-204	Permit Issuance and Modification; Public Participation.	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28-19-212	Approved Test Methods and Emission Compliance Determination Procedures.	1/23/95	7/17/95, 60 FR 36361.	
Construction Permits And Approvals				
K.A.R. 28-19-300	Applicability ..	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28-19-301	Application and Issuance ..	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28-19-302	Additional Provisions; Construction Permits.	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28-19-303	Additional Provisions; Construction Approvals.	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28-19-304	Fees ..	1/23/95	7/17/95, 60 FR 36361.	
General Permits				
K.A.R. 28-19-400	General Requirements ..	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28-19-401	Adoption by the Secretary ..	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28-19-402	Availability of Copies; Lists of Sources to Which Permits Issued.	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28-19-403	Application to Construct or Operate Pursuant to Terms of General Permits.	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28-19-404	Modification, Revocation ..	1/23/95	7/17/95, 60 FR 36361.	
Operating Permits				
K.A.R. 28-19-500	Applicability ..	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28-19-501	Emissions Limitations and Pollution Control Equipment for Class I and Class II Operating Permits; Conditions.	1/23/95	7/17/95, 60 FR 36361.	

EPA—APPROVED KANSAS REGULATIONS—Continued

Kansas citation	Title	State effective date	EPA approval date	Comments
K.A.R. 28–19–502	Identical Procedural Requirements ..	1/23/95	7/17/95, 60 FR 36361	
Class II Operating Permits				
K.A.R. 28–19–540	Applicability	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–541	Application Timetable and Contents	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–542	Permit-by-Rule	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–543	Permit Term and Content; Operational Compliance.	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–544	Modification of Sources or Operations.	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–545	Application Fee	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–546	Annual Emission Inventory	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–561	Permit-by-Rule; Reciprocating Engines.	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–562	Permit-by-Rule; Organic Solvent Evaporative Sources.	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–563	Permit-by-Rule; Hot Mix Asphalt Facilities.	1/23/95	7/17/95, 60 FR 36361.	
Open Burning Restrictions				
K.A.R. 28–19–645	Open Burning Prohibited	3/1/96	10/2/96, 61 FR 51366.	
K.A.R. 28–19–646	Responsibility for Open Burning	3/1/96	10/2/96, 61 FR 51366.	
K.A.R. 28–19–647	Exceptions to Prohibition on Open Burning.	3/1/96	10/2/96, 61 FR 51366.	
K.A.R. 28–19–648	Agricultural Open Burning	3/1/96	10/2/96, 61 FR 51366.	
Conformity				
K.A.R. 28–19–800	General Conformity of Federal Actions.	3/15/96	10/2/96, 61 FR 51366	
Wyandotte County				
2A–1	Jurisdiction	5/1/81	4/3/81, 46 FR 20164.	
2A–2	Purpose	5/1/81	4/3/81, 46 FR 20164.	
2A–3	Definitions	5/1/81	4/3/81, 46 FR 20164.	
2A–4	Powers of the Board	5/1/81	4/3/81, 46 FR 20164.	
2A–5	Facts and Circumstances Pertinent to Orders of Joint Board.	5/1/81	4/3/81, 46 FR 20164.	
2A–6	Right of Entry for Inspection	5/1/81	4/3/81, 46 FR 20164.	
2A–7	Time for Compliance Schedule	5/1/81	4/3/81, 46 FR 20164.	
2A–8	Variance	5/1/81	4/3/81, 46 FR 20164.	
2A–9	Circumvention of Chapter or Regulations.	5/1/81	4/3/81, 46 FR 20164.	
2A–10	Air Pollution Nuisances Prohibited; Additional Emission Restrictions; Interference with the Enjoyment of Life and Property.	5/1/81	4/3/81, 46 FR 20164.	
2A–11	Reserved			
2A–12	Confidential Information	5/1/81	4/3/81, 46 FR 20164.	
2A–13	Registration and Permit Systems; Exemptions.	5/1/81	4/3/81, 46 FR 20164.	
2A–14	Review of New or Altered Sources ..	5/1/81	4/3/81, 46 FR 20164.	
2A–15	Public Hearings	5/1/81	4/3/81, 46 FR 20164.	
2A–16	Installations in Which Fuel Is Burned	5/1/81	4/3/81, 46 FR 20164.	
2A–17	Restriction of Emission of Particulate Matter.	5/1/81	4/3/81, 46 FR 20164.	
2A–18	Open Burning Restrictions	5/1/81	4/3/81, 46 FR 20164.	
2A–19	Opacity Requirements	5/1/81	4/3/81, 46 FR 20164.	
2A–20	Exceptions Due To Breakdowns or Scheduled Maintenance.	5/1/81	4/3/81, 46 FR 20164.	
2A–21	Preventing Particulate from Becoming Airborne.	5/1/81	4/3/81, 46 FR 20164.	
2A–22	Measurement of Emissions	5/1/81	4/3/81, 46 FR 20164.	
2A–23	Restrictions of Emissions of Odors ..	5/1/81	4/3/81, 46 FR 20164.	
2A–24	Sulfur Compound Emissions	5/1/81	4/3/81, 46 FR 20164.	
2A–25	Control of Carbon Monoxide Emissions.	5/1/81	4/3/81, 46 FR 20164.	
2A–26	Control of Nitrogen Oxide Emissions	5/1/81	4/3/81, 46 FR 20164.	

EPA—APPROVED KANSAS REGULATIONS—Continued

Kansas citation	Title	State effective date	EPA approval date	Comments
2A-27	Air Pollution Emergencies—General Provisions.	5/1/81	4/3/81, 46 FR 20164.	
2A-28	Same—Episode Criteria	5/1/81	4/3/81, 46 FR 20164.	
2A-29	Emission Reduction Requirements ..	5/1/81	4/3/81, 46 FR 20164.	
2A-30	Emergency Episode Plans	5/1/81	4/3/81, 46 FR 20164.	
2A-31	Penalties for Violation of Chapter or Air Pollution Control Regulations.	5/1/81	4/3/81, 46 FR 20164.	
2A-32	Conflict of Ordinances, Effect of Partial Invalidity.	5/1/81	4/3/81, 46 FR 20164.	

(d) EPA-approved state source-specific permits.

EPA-APPROVED KANSAS SOURCE-SPECIFIC PERMITS

Name of source	Permit No.	State effective date	EPA approval date	Comments
Board of Public Utilities, Quindaro Power Station	2090048	10/20/93	10/18/94, 59 FR 52425.	
Board of Public Utilities, Kaw Power Station	2090049	10/20/93	10/18/94, 59 FR 52425.	

(e) EPA-approved nonregulatory provisions and quasi-regulatory measures.

EPA-APPROVED KANSAS NONREGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or Non-attainment area	State submittal date	EPA approval date	Comments
Implementation Plan for Attainment and Maintenance of the National Air Quality Standards.	Statewide	1/31/72	5/31/72, 37 FR 10867.	
Comments on the Plan in Response to EPA Review.	Kansas City	3/24/72	6/22/73, 38 FR 46565	Correction notice published 3/2/76.
Emergency Episode Operations/Communications Manual.	Kansas City	4/6/72	11/8/73, 38 FR 30876	Correction notice published 3/2/76.
Emergency Episode Operations/Communications Manual.	Statewide except Kansas City.	2/15/73	11/8/73, 38 FR 30876	Correction notice published 3/2/76.
Letter Concerning Attainment of CO Standards.	Kansas City	5/29/73	11/8/73, 38 FR 30876	Correction notice published 3/2/76.
Amendment to State Air Quality Control Law Dealing with Public Access to Emissions Data.	Statewide	7/27/73	11/8/73, 38 FR 30876	Correction notice published 3/2/76.
Analysis and Recommendations Concerning Designation of Air Quality Maintenance Areas.	Statewide	2/28/74	3/2/76, 41 FR 8960.	
Ozone Nonattainment Plan	Kansas City	9/17/79	4/3/81, 46 FR 20165.	
Ozone Nonattainment Plan	Douglas County ..	10/22/79	4/3/81, 46 FR 20165.	
TSP Nonattainment Plan	Kansas City	3/10/80	4/3/81, 46 FR 20165.	
Lead Plan	Statewide	2/17/81	10/22/81, 46 FR 51742.	
CO Nonattainment Plan	Wichita	4/16/81	12/15/81, 46 FR 61117.	
Air Monitoring Plan	Statewide	10/16/81	1/22/82, 47 FR 3112.	
Letter and Supporting Documentation Relating to Reasonably Available Control Technology for Certain Particulate Matter Sources.	Kansas City	9/15/81	6/18/82, 47 FR 26387	Correction notice published 1/12/84.
Letter Agreeing to Follow EPA Interim Stack Height Policy for Each PSD Permit Issued Until EPA Revises the Stack Height Regulations.	Statewide	6/20/84	12/11/84, 49 FR 48185.	
Letters Pertaining to Permit Fees	Statewide	3/27/86 9/15/87	12/21/87, 52 FR 48265.	
Revisions to the Ozone Attainment Plan.	Kansas City	7/2/86 4/16/87 8/18/87 8/19/87 1/6/88	5/18/88, 53 FR 17700.	
Revised CO Plan	Wichita	3/1/85 9/3/87	10/28/88, 53 FR 43691.	

EPA-APPROVED KANSAS NONREGULATORY PROVISIONS—Continued

Name of nonregulatory SIP provision	Applicable geographic or Non-attainment area	State submittal date	EPA approval date	Comments
Letter Pertaining to the Effective Date of Continuous Emission Monitoring Regulations.	Statewide	1/6/88	11/25/88, 53 FR 47690.	
Letters Pertaining to New Source Permit Regulations, Stack Height Regulations, and Stack Height Analysis and Negative Declarations.	Statewide	3/27/86 12/7/87 1/6/88	4/20/89, 54 FR 15934.	
PM ₁₀ Plan	Statewide	10/5/89 10/16/89	1/16/90, 55 FR 1422.	
Ozone Maintenance Plan	Kansas City	10/23/91	6/23/92, 57 FR 27936.	
Letter Pertaining to PSD NO _x Requirements.	Statewide	9/15/92	1/12/93, 58 FR 3847.	
Small Business Assistance Plan	Statewide	1/25/94	5/12/94, 59 FR 24644.	
Letter Regarding Compliance Verification Methods and Schedules Pertaining to the Board of Public Utilities Power Plants.	Kansas City	12/11/92	10/18/94, 59 FR 52425.	
Emissions Inventory Update Including a Motor Vehicle Emissions Budget.	Kansas City	5/11/95	4/25/96, 59 FR 52425.	

Subpart CC—Nebraska

§ 52.1420 [Redesignated as § 52.1426]

6. Section 52.1420 is redesignated as 52.1426 and the section heading and paragraph (a) are revised to read as follows:

§ 52.1426 Original identification of plan section.

(a) This section identifies the original “Nebraska Air Quality Implementation Plan” and all revisions submitted by Nebraska that were Federally approved prior to July 1, 1998.

* * * * *

7. A new § 52.1420 is added to read as follows:

§ 52.1420 Identification of Plan.

(a) Purpose and scope. This section sets forth the applicable SIP for

Nebraska under section 110 of the CAA, 42 U.S.C. 7401 *et seq.*, and 40 CFR Part 51 to meet NAAQS.

(b) Incorporation by reference.

(1) Material listed in paragraphs (c), (d), and (e) of this section with an EPA approval date prior to July 1, 1998, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the **Federal Register**. Entries in paragraphs (c), (d), and (e) of this section with the EPA approval dates after July 1, 1998, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region VII certifies that the rules/regulations provided by the EPA

in the SIP compilation at the addresses in paragraph (b)(3) are an exact duplicate of the officially promulgated state rules/regulations which have been approved as part of the SIP as of July 1, 1998.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region VII, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101; the Office of Federal Register, 800 North Capitol Street, N.W., Suite 700, Washington, D.C.; or at the EPA Air and Radiation Docket and Information Center, Air Docket (6102), 401 M Street, SW., Washington, DC 20460.

(c) EPA-approved regulations.

EPA—APPROVED NEBRASKA REGULATIONS

Nebraska Citation	Title	State effective date	EPA approval date	Comments
STATE OF NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY				
129-1	Definitions	5/29/95	10/18/95, 60 FR 53872.	
129-2	Definition of Major Source	5/29/95	10/18/95, 60 FR 53872.	
129-3	Region and Subregions	6/26/94	1/04/95, 60 FR 372.	
129-4	Ambient Air Quality Standards	6/26/94	1/04/95, 60 FR 372.	
129-5	Operating Permit	5/29/95	2/09/96, 61 FR 4899.	
129-6	Emissions Reporting	5/29/95	10/18/95, 60 FR 53872.	
129-7	Operating Permits—Application	5/29/95	2/09/96, 61 FR 4899.	
129-8	Operating Permit Content	5/29/95	10/18/95, 60 FR 53872.	
129-9	General Operating Permits for Class I and II Sources.	5/29/95	10/18/95, 60 FR 53872.	
129-10	Operating Permits for Temporary Sources	5/29/95	10/18/95, 60 FR 53872.	
129-11	Operating Permits—Emergency; Defense	5/29/95	10/18/95, 60 FR 53872.	
129-12	Operating Permit Renewal and Expiration	5/29/95	2/09/96, 61 FR 4899.	
129-13	Class I Operating Permit—EPA Review; Affected States Review; Class II Permit.	5/29/95	10/18/95, 60 FR 53872.	

EPA—APPROVED NEBRASKA REGULATIONS—Continued

Nebraska Citation	Title	State effective date	EPA approval date	Comments
129-14	Permits—Public Participation	5/29/95	10/18/95, 60 FR 53872.	
129-15	Operating Permit Modification; Reopening for Cause.	5/29/95	10/18/95, 60 FR 53872.	
129-16	Stack Heights; Good Engineering Practice (GEP).	6/26/94	1/04/95, 60 FR 372.	
129-17	Construction Permits—When Required	5/29/95	2/09/96, 61 FR 4899.	
129-19	Prevention of Significant Deterioration of Air Quality.	5/29/95	2/09/96, 61 FR 4899.	
129-20	Particulate Emissions; Limitations and Standards (Exceptions Due to Breakdowns of Scheduled Maintenance: See Chapter 34).	6/26/94	1/04/95, 60 FR 372.	
129-21	Controls for Transferring, Conveying, Railcar and Truck Loading at Rock Processing Operations in Cass County.	6/26/94	1/05/95, 60 FR 372.	
129-22	Incinerators; Emission Standards	6/26/94	1/04/95, 60 FR 372.	
129-24	Sulfur Compound Emissions, Existing Sources Emission Standards.	6/26/94	1/04/95, 60 FR 372.	
129-25	Nitrogen Oxides (Calculated as Nitrogen Dioxide); Emissions Standards for Existing Stationary Sources.	5/29/95	2/09/96, 61 FR 4899.	
129-30	Open Fires, Prohibited; Exceptions	6/26/94	1/04/95, 60 FR 372.	
129-32	Dust; Duty to Prevent Escape of	6/26/94	1/04/95, 60 FR 372.	
129-33	Compliance; Time Schedule for	6/26/94	1/04/95, 60 FR 372.	
129-34	Emission Sources; Testing; Monitoring	6/26/94	1/04/95, 60 FR 372.	
129-35	Compliance; Exceptions Due to Startup, Shutdown, or Malfunction.	6/26/94	1/04/95, 60 FR 372.	
129-36	Control Regulations; Circumvention, When Excepted.	6/26/94	1/04/95, 60 FR 372.	
129-37	Compliance; Responsibility	6/26/94	1/04/95, 60 FR 372.	
129-38	Emergency Episodes; Occurrence and Control, Contingency Plans.	6/26/94	1/04/95, 60 FR 372.	
129-39	Visible Emissions from Diesel-powered Motor Vehicles.	6/26/94	1/04/95, 60 FR 372.	
129-40	General Conformity	5/29/95	2/12/96, 61 FR 5297.	
129-41	General Provision	5/29/95	2/09/96, 61 FR 4899.	
129-42	Consolidated with Chapter 41	5/29/95	2/09/96, 61 FR 4899.	
129-43	Consolidated with Chapter 41	5/29/95	2/09/96, 61 FR 4899.	
129-44	Consolidated with Chapter 41	5/29/95	2/09/96, 61 FR 4899.	
Appendix I	Emergency Emission Reductions	6/26/94	1/04/94, 60 FR 372.	

TITLE 115—RULES OF PRACTICE AND PROCEDURE

115-1	Definitions of Terms	8/08/93	1/04/95, 60 FR 372.	
115-2	Filing and Correspondence	8/08/93	1/04/95, 60 FR 372.	
115-3	Public Records Availability	8/08/93	1/04/95, 60 FR 372.	
115-4	Public Records Confidentiality	8/08/93	1/04/95, 60 FR 372.	
115-5	Public Hearings	8/08/93	1/04/95, 60 FR 372.	
115-6	Voluntary Compliance	8/08/93	1/04/95, 60 FR 372.	
115-7	Contested Cases	8/08/93	1/04/95, 60 FR 372.	
115-8	Emergency Proceeding Hearings	8/08/93	1/04/95, 60 FR 372.	
115-9	Declaratory Rulings	8/08/93	1/04/95, 60 FR 372.	
115-10	Rulemaking	8/08/93	1/04/95, 60 FR 372.	
115-11	Variations	8/08/93	1/04/95, 60 FR 372.	

Lincoln-Lancaster County Air Pollution Control Program
Article 1—Administration and Enforcement

Section 1	Intent	5/16/95	2/14/96, 61 FR 5701.	
Section 2	Unlawful Acts—Permits Required	5/16/95	2/14/96, 61 FR 5701.	
Section 3	Violations—Hearing—Orders	5/16/95	2/14/96, 61 FR 5701.	
Section 4	Appeal Procedure	5/16/95	2/14/96, 61 FR 5701.	
Section 5	Variance	5/16/95	2/14/96, 61 FR 5701.	
Section 7	Compliance—Actions to Enforce—Penalties for Non-Compliance.	5/16/95	2/14/96, 61 FR 5701.	
Section 8	Procedure for Abatement	5/16/95	2/14/96, 61 FR 5701.	
Section 9	Severability	5/16/95	2/14/96, 61 FR 5701.	

Article 2—Regulations and Standards

Section 1	Definitions	5/16/95	2/14/96, 61 FR 5701.	
Section 2	Major Sources—Defined	5/16/95	2/14/96, 61 FR 5701.	

EPA—APPROVED NEBRASKA REGULATIONS—Continued

Nebraska Citation	Title	State effective date	EPA approval date	Comments
Section 4	Ambient Air Quality Standards	5/16/95	2/14/96, 61 FR 5701.	
Section 5	Operating Permits—When Required	5/16/95	2/14/96, 61 FR 5701.	
Section 6	Emissions Reporting—When Required	5/16/95	2/14/96, 61 FR 5701.	
Section 7	Operating Permits—Application	5/16/95	2/14/96, 61 FR 5701.	
Section 8	Operating Permit—Content	5/16/95	2/14/96, 61 FR 5701.	
Section 9	General Operating Permits for Class I and II Sources.	5/19/95	2/14/96, 61 FR 5701.	
Section 10	Operating Permits for Temporary Services	5/16/95	2/14/96, 61 FR 5701.	
Section 11	Emergency Operating Permits—Defense	5/16/95	2/14/96, 61 FR 5701.	
Section 12	Operating Permit Renewal and Expiration	5/16/95	2/14/96, 61 FR 5701.	
Section 14	Permits—Public Participation	5/16/95	2/14/96, 61 FR 5701.	
Section 15	Operating Permit Modifications—Reopening for Cause.	5/16/95	2/14/96, 61 FR 5701.	
Section 16	Stack—Heights—Good Engineering Practice (GEP).	5/16/95	2/14/96, 61 FR 5701.	
Section 17	Construction Permits—When Required	5/16/95	2/14/96, 61 FR 5701.	
Section 19	Prevention of Significant Deterioration of Air Quality.	5/16/95	2/14/96, 61 FR 5701.	
Section 20	Particulate Emissions—Limitations and Standards.	5/16/95	2/14/96, 61 FR 5701.	
Section 22	Incinerator Emissions	5/16/95	2/14/96, 61 FR 5701.	
Section 24	Sulfur Compound Emissions—Existing Sources—Emission Standards.	5/16/95	2/14/96, 61 FR 5701.	
Section 25	Nitrogen Oxides (Calculated as Nitrogen Dioxide)—Emissions Standards for Existing Stationary Sources.	5/16/95	2/14/96, 61 FR 5701.	
Section 32	Dust—Duty to Prevent Escape of	5/16/95	2/14/96, 61 FR 5701.	
Section 33	Compliance—Time Schedule for	5/16/95	2/14/96, 61 FR 5701.	
Section 34	Emission Sources—Testing—Monitoring	5/16/95	2/14/96, 61 FR 5701.	
Section 35	Compliance—Exceptions Due to Startup Shutdown or Malfunction.	5/16/95	2/14/96, 61 FR 5701.	
Section 36	Control Regulations—Circumvention—When Expected.	5/16/95	2/14/96, 61 FR 5701.	
Section 37	Compliance—Responsibility of Owner/Operator Pending Review by Director.	5/16/95	2/14/96, 61 FR 5701.	
Section 38	Emergency Episodes—Occurrence and Control—Contingency Plans.	5/16/95	2/14/96, 61 FR 5701.	
Appendix I	Emergency Emission Reduction Regulations ..	5/16/95	2/14/96, 61 FR 5701.	

City of Omaha
Chapter 41—Air Quality Control
Article I in General

41-2	Adoption of State Regulations with Exceptions	9/24/74	5/26/82, 47 FR 22954.	
41-4	Enforcement—Generally	5/29/95	2/14/96, 61 FR 5701.	
41-5	Same Health Department	5/29/95	2/14/96, 61 FR 5701.	
41-6	Residential Exemptions	5/29/95	2/14/96, 61 FR 5701.	
41-9	Penalties	5/29/95	2/14/96, 61 FR 5701.	
41-10	Civil Enforcement	5/29/95	2/14/96, 61 FR 5701.	

Article II—Permitting of Air Contaminant Sources

41-23	Prerequisite to Approval	5/29/95	2/14/96, 61 FR 5701.	
41-27	Signature Required; Guarantee	5/29/95	2/14/96, 61 FR 5701.	
41-38	Funds	5/29/95	2/14/96, 61 FR 5701.	
41-40	Fees—When Delinquent	5/29/95	2/14/96, 61 FR 5701.	

Article IV—Waste Incinerators Division 1. Generally

41-60	Definitions	5/29/95	2/14/96, 61 FR 5701.	
41-61	Violations	5/26/70	5/31/72, 37 FR 10842.	

Article IV—Waste Incinerators Division 2. Emissions

41-70	New or Modified Facilities	5/29/95	2/14/96, 61 FR 5701.	
41-71	Existing Facilities	5/29/95	2/14/96, 61 FR 5701.	
41-72	Emission Testing	5/29/95	2/14/96, 61 FR 5701.	

Article IV—Waste Incinerators Division 3. Design

41-80	New or Modified Waste Incinerators	5/29/95	2/14/96, 61 FR 5701.	
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EPA—APPROVED NEBRASKA REGULATIONS—Continued

Nebraska Citation	Title	State effective date	EPA approval date	Comments
41-81	Existing Incinerators	5/29/95	2/14/96, 61 FR 5701.	

(d) EPA-approved state source-specific permits.

EPA-APPROVED NEBRASKA SOURCE-SPECIFIC PERMITS

Name of source	Permit No.	State effective date	EPA approval date	Comments
Gould, Inc	677	11/9/83	1/31/85, 50 FR 4510.	The EPA did not approve paragraph 19.
Asarco, Inc	1520	6/6/96	3/20/97, 62 FR 13329	

(e) EPA-approved nonregulatory provisions and quasi-regulatory measures.

EPA-APPROVED NEBRASKA NONREGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Comments
Air Quality Implementation Plan	Statewide	1/28/72	5/31/72, 37 FR 10842.	
Confirmation That the State Does Not Have Air Quality Control Standards Based on Attorney General's Disapproval.	Statewide	4/25/72	5/31/72, 37 FR 10842.	
Request for Two-Year Extension to Meet the Primary NO _x Standard.	Omaha	1/24/72	7/27/72, 37 FR 15080.	
Clarification of Section 11 of the State's Plan	Statewide	2/16/72	7/27/72, 37 FR 15080.	
Letters Clarifying the Application of the States Emergency Episode Rule.	Omaha	10/2/72	5/14/73, 38 FR 12696.	
Analysis of Ambient Air Quality in Standard Metropolitan Statistical Areas and Recommendations for Air Quality Maintenance Areas.	Omaha, Lincoln, Sioux City.	5/9/74	6/2/75, 40 FR 23746.	
Amended State Law (LB1029) Giving the Department of Environmental Quality Authority to Require Monitoring of Emissions, Reporting of Emissions and Release of Emissions Data.	Statewide	2/10/76	6/23/76, 41 FR 25898.	
Air Monitoring Plan	Statewide	6/19/81	10/6/81, 46 FR 49122.	
TSP Nonattainment Plan	Douglas and Cass Counties.	9/25/80 8/9/82	3/28/83, 48 FR 12715.	
Plan for Intergovernmental Consultation and Coordination and for Public Notification.	Statewide	8/9/82	7/5/83, 48 FR 30631.	
Lead Plan	Statewide except Omaha.	1/9/81 8/5/81 1/11/83	11/29/83, 48 FR 53697	The plan was approved except that portion pertaining to Omaha.
Lead Nonattainment Plan	Omaha	7/24/84 11/17/83 8/1/84	1/31/85, 50 FR 4510.	
CO Nonattainment Plan	Omaha	4/3/85	9/15/86, 51 FR 32640.	
CO Nonattainment Plan	Lincoln	4/3/85	9/19/86, 51 FR 33264.	
Revised Lead Nonattainment Plan	Omaha	2/2/87	8/3/87, 52 FR 28694.	State submittal date is date of the letter.
Letter Pertaining to NO _x Rules and Analysis Which Certifies the Material Became Effective on February 20, 1991.	Statewide	3/8/91	7/2/91, 56 FR 30335	
Small Business Assistance Program	Statewide	11/12/92	8/30/93, 58 FR 45452.	
Class II Operating Permit Program Including Letter Committing to Submit Information to RACT/ BACT/LAER Clearinghouse, Letter Regarding Availability of State Operating Permits to the EPA and Specified Emissions Limits in Permits, and Letter Regarding the Increase in New Source Review Thresholds.	Statewide	2/16/94	1/4/95, 60 FR 372.	
Letter from City of Omaha Regarding Authority to Implement Section 112(l) and Letter from the State Regarding Rule Omissions and PSD Program Implementation.	Omaha, Lincoln	9/13/95 11/9/95	2/14/96, 61 FR 5725	State submittal dates are dates of letters.

[FR Doc. 99-2989 Filed 2-11-99; 8:45 am]
 BILLING CODE 6560-50-P

**FEDERAL EMERGENCY
 MANAGEMENT AGENCY**

44 CFR Part 65

**Changes in Flood Elevation
 Determinations**

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: Modified base (1% annual chance) flood elevations are finalized for the communities listed below. These modified elevations will be used to calculate flood insurance premium rates for new buildings and their contents.

EFFECTIVE DATES: The effective dates for these modified base flood elevations are indicated on the following table and revise the Flood Insurance Rate Map(s) in effect for each listed community prior to this date.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-3461, or (e-mail) matt.miller@fema.gov.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency makes the final determinations listed below of the final determinations of modified base flood elevations for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Associate Director has resolved any appeals resulting from this notification.

The modified base flood elevations are not listed for each community in this notice. However, this rule includes the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection.

The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR Part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities.

These modified elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No

environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Associate Director for Mitigation certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification

This final rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for Part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Oklahoma (FEMA Docket No. 7264).	City of Shawnee ..	September 18, 1998, September 25, 1998, <i>Shawnee News-Star</i> .	The Honorable Chris Harden, Mayor, City of Shawnee, P.O. Box 1448, Shawnee, Oklahoma 74802-1448.	August 14, 1998 ..	400178
Texas: Denton and Dallas (FEMA Docket No. 7260).	City of Carrollton	September 11, 1998, September 18, 1998, <i>Metrocrest News</i> .	The Honorable Milburn Gravley, Mayor, City of Carrollton, P.O. Box 110535, Carrollton, Texas 75011-0535.	August 19, 1998 ..	480167