

summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801-808.

List of Subject in 21 CFR Part 524

Animal drugs.

n Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 524 is amended as follows:

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS

n 1. The authority citation for 21 CFR part 524 continues to read as follows:

Authority: 21 U.S.C. 360b.

n 2. Section 524.1044g is amended by revising paragraphs (b)(3), (c)(1)(ii), and (c)(2) to read as follows.

§ 524.1044g Gentamicin sulfate, betamethasone valerate, clotrimazole ointment.

* * * * *

(b) * * *

(3) No. 059130 for use of 10-, 20-, or 215-g bottles.

(c) * * *

(1) * * *

(ii) From 20- or 215-g bottles: 2 drops for dogs weighing less than 30 lb or 4 drops for dogs weighing 30 lb or more.

(2) *Indications for use.* For the treatment of acute and chronic canine otitis externa associated with yeast (*Malassezia pachydermatis*, formerly *Pityrosporum canis*) and/or bacteria susceptible to gentamicin.

* * * * *

Dated: February 8, 2005.

Steven D. Vaughn,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 05-3179 Filed 2-17-05; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. S-023A]

RIN No. 1218-AC08

Updating OSHA Standards Based on National Consensus Standards; General, Incorporation by Reference; Hazardous Materials, Flammable and Combustible Liquids; General Environmental Controls, Temporary Labor Camps; Hand and Portable Powered Tools and Other Hand Held Equipment, Guarding of Portable Powered Tools; Welding, Cutting, and Brazing, Arc Welding and Cutting; Special Industries, Sawmills

AGENCY: Occupational Safety and Health Administration (OSHA), Department of Labor.

ACTION: Withdrawal of direct final rule.

SUMMARY: Due to significant adverse comment, OSHA is withdrawing the direct final rule for Updating OSHA Standards Based on National Consensus Standards; General, Incorporation by Reference; Hazardous Materials, Flammable and Combustible Liquids; General Environmental Controls, Temporary Labor Camps; Hand and Portable Powered Tools and Other Hand Held Equipment, Guarding of Portable Powered Tools; Welding, Cutting, and Brazing, Arc Welding and Cutting; Special Industries, Sawmills, which was published on November 24, 2004 [69 FR 68712]. In that document, OSHA stated that if it received significant adverse comment, the agency would "publish a notice of significant adverse comment in the **Federal Register** withdrawing this direct final rule * * *" OSHA published a companion proposed rule identical to the direct final rule on the same day. [69 FR 68706]. The agency will address the significant adverse comment and the other comments on the direct final and proposed rules in a new final rule. OSHA will not institute a second comment period.

DATES: The direct final rule published on November 24, 2004 [69 FR 68712] is withdrawn effective February 18, 2005.

FOR FURTHER INFORMATION CONTACT: Lee Smith, Director, Office of Safety Systems, Directorate of Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3609, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693-2255.

Authority and Signature: This document was prepared under the direction of Jonathan L. Snare, Acting Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

It is issued pursuant to sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657) Secretary of Labor's Order 5-2002 (67 FR 65008), and 29 CFR part 1911.

Signed at Washington, DC, this 14th day of February 2005.

Jonathan L. Snare,

Acting Assistant Secretary of Labor.

[FR Doc. 05-3171 Filed 2-17-05; 8:45 am]

BILLING CODE 4510-26-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NC-200429; FRL-7868-7]

Approval and Promulgation of Air Quality Implementation Plans; North Carolina Update to Materials Incorporated by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of administrative change.

SUMMARY: EPA is publishing this action to provide the public with notice of the update to the North Carolina State Implementation Plan (SIP) compilation, which appears at 40 CFR 52.1770 (Subpart II). In particular, materials submitted by North Carolina that are incorporated by reference (IBR) into the North Carolina SIP are being updated to reflect EPA-approved revisions to North Carolina's SIP that have occurred since the last update. In this action EPA is also notifying the public of the correction of certain typographical errors in Table I of 40 CFR 52.1770(c).

DATES: This rule is effective February 18, 2005.

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 4, 61 Forsyth Street, SW., Atlanta, GA 30303; the EPA, Air and Radiation Docket and Information Center, Air Docket (Mail Code 6102T), 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and the National Archives and Records Administration. For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/

[code_of_federal_regulations/ibr_locations.html](#).

FOR FURTHER INFORMATION CONTACT: Ms. Jane Spann at the above Region 4 address or at (404) 562-9029.

SUPPLEMENTARY INFORMATION: 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 networks, attainment demonstrations, and enforcement mechanisms.

Each state must formally adopt the control measures and strategies in the SIP after the public has had an opportunity to comment on them and then submit the SIP to EPA. Once these control measures and strategies are approved by 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 full text of the state regulation approved by EPA is not reproduced in its entirety in 40 CFR part 52, but is "incorporated by reference." This means that EPA has approved a given state regulation with a specific effective date. The public is referred to the location of the full text version should they want to know which measures are contained in a given SIP. The information provided allows EPA and the public to monitor the extent to which a state implements a SIP to attain and maintain the NAAQS and to take enforcement action if necessary.

The SIP is a living document which the state can revise as necessary to address the unique air pollution problems in the state. Therefore, 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), EPA revised the procedures for incorporating by reference (IBR), into the Code of Federal Regulations, materials submitted by states in their EPA-approved SIP revisions. These changes revised the format for the identification of the SIP in 40 CFR part 52, stream-lined the mechanisms for announcing EPA approval of revisions to a SIP, and stream-lined the mechanisms for EPA's updating of the IBR information contained for each SIP in 40 CFR part 52. The revised procedures also called for EPA to maintain "SIP Compilations" that contain the federally-approved regulations and source specific permits

submitted by each state agency. These SIP Compilations are contained in 3-ring binders and are updated primarily on an annual basis. Under the revised procedures, EPA is to periodically publish an informational document in the rules section of the **Federal Register** when updates are made to a SIP Compilation for a particular state. EPA's 1997 revised procedures were formally applied to North Carolina on May 20, 1999 (64 FR 27465).

This action represents EPA's publication of the North Carolina SIP Compilation update, appearing in 40 CFR part 52. In addition, notice is provided of the following typographical corrections to Table 1 of § 52.1770(c), as described below:

1. Correcting typographical errors listed in Table 1 of § 52.1770(c), as described below:

A. Where absent, the addition of **Federal Register** citations in the "EPA Approval Date" column.

B. Change in **Federal Register** citation to reflect the beginning page of the preamble as opposed to that of the regulatory text.

C. Change of punctuation within the section Titles.

D. Section 2D.0306 title is revised to read as "Emission Reduction Level-Warning Plan."

E. Section 2D.0307 title is revised to read as "Emission Reduction Level-Emergency Plan."

F. Section 2D.0405 State Effective Date is revised to read "05/01/99."

G. Section 2D.0502 EPA Approval Date is revised to read "07/26/82."

H. Section 2D.0519 title is revised to read as "Control of Nitrogen Dioxide and Nitrogen Oxides Emissions."

I. Section 2D.0520 was repealed and replaced by new rules under Section .1900 "Open Burning," **Federal Register** (62 FR 41277) dated July 01, 1997.

J. Section 2D.0535 title is revised to read as "Excess Emission Reporting and Malfunctions."

K. Section 2D.0952 title is revised to read as "Petition for Alternative Controls for RACT."

L. Section 2D.0953 removing the duplicate rule "Vapor Return Piping for Stage II Vapor Recovery."

M. Section 2Q.0605 title is revised to read as "Final Action on Permit Applications."

EPA has determined that today's action falls under the "good cause" exemption in the section 553(b)(3)(B) of the Administrative Procedure 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 an action effective immediately

(thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). Today's administrative action simply codifies provisions which are already in effect as a matter of law in Federal and approved State programs and corrects typographical errors appearing the **Federal Register**. 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 for this administrative action is "unnecessary" and "contrary to the public interest" since the codification (and typographical corrections) only reflect existing law. Immediate notice of this action in the **Federal Register** benefits the public by providing the public notice of the updated North Carolina SIP Compilation and notice of typographical corrections to the North Carolina "Identification of Plan" portion of the **Federal Register**.

Statutory and Executive Order Reviews

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993) this administrative action is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget. This action is not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866. Because the agency has made a "good cause" finding that this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute as indicated in the Supplementary Information section above, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA. This administrative action also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the

national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This administrative action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant. This administrative action does not involve technical standards; thus the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. The administrative action also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). In this administrative action, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996). EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1998) by examining the takings implications of this administrative action in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the Executive Order. This administrative action does not impose an information collection burden under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). EPA's compliance with these Statutes and Executive Orders for the underlying rules are discussed in previous actions taken on the State's rules.

B. Submission to Congress and the Comptroller General

The Congressional Review Act (CRA) (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. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public

interest. Today's administrative action simply codifies (and corrects) provisions which are already in effect as a matter of law in Federal and approved State programs. 5 U.S.C. 808(2). These announced actions were effective when EPA approved them through previous rulemaking actions. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this action in the **Federal Register**. This update to North Carolina's SIP Compilation and correction of typographical errors is not a "major rule" as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

EPA has also determined that the provisions of section 307(b)(1) of the Clean Air Act pertaining to petitions for judicial review are not applicable to this action. This action is simply an announcement of prior rulemakings that have previously undergone notice and comment rulemaking. Prior EPA rulemaking actions for each individual component of the North Carolina SIP compilation previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action.

List of Subjects in 40 CFR Part 52

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

Dated: January 24, 2005.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

Chapter I, title 40, Code of Federal Regulations, is amended as follows:

PART 52—[AMENDED]

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

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

Subpart II—North Carolina

n 2. Section 52.1770 is amended by revising paragraph (b) and revising table 1 in paragraph (c) to read as follows:

§ 52.1770 Identification of plan.

* * * * *

(b) Incorporation by reference.

(1) Material listed in paragraph (c) of this section with an EPA approval date prior to December 30, 2004, for North Carolina (Table 1 of the North Carolina State Implementation Plan), January 1, 2003, for Forsyth County, North Carolina (Table 2 of the North Carolina State Implementation Plan) and January 1, 2003, for Mecklenburg County, North Carolina (Table 3 of the North Carolina State Implementation Plan), 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) of this section with EPA approval dates after December 30, 2004, for North Carolina (Table 1 of the December 30, 2004, for North Carolina State Implementation Plan), January 1, 2003, for Forsyth County, North Carolina (Table 2 of the North Carolina State Implementation Plan) and January 1, 2003, for Mecklenburg County, North Carolina, (Table 3 of the North Carolina State Implementation Plan) will be incorporated by reference in the next update to these SIP compilation notebooks.

(2) EPA Region 4 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State implementation plan as of the dates referenced in paragraph (b)(1).

(3) Copies of the materials incorporated by reference may be inspected at the Region 4 EPA Office at 61 Forsyth Street, SW., Atlanta, GA 30303; the EPA, Air and Radiation Docket and Information Center, Air Docket (Mail Code 6102T), 1200 Pennsylvania Avenue, NW., Washington, DC 20460 and the National Archives and Records Administration. For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(c) EPA approved regulations.

TABLE 1.—EPA APPROVED NORTH CAROLINA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
Subchapter 2D Air Pollution Control Requirements				
Section .0100 Definitions and References				
Sect .0101	Definitions	01/15/98	11/10/99, 64 FR 61213.	
Sect .0103	Copies of Referenced Federal Regulations.	12/01/92	08/15/94, 59 FR 41708.	
Sect .0104	Incorporation by Reference	01/15/98	11/10/99, 64 FR 61213.	
Sect .0105	Mailing List	07/01/02	09/17/03, 68 FR 54362.	
Section .0200 Air Pollution Sources				
Sect .0201	Classification of Air Pollution Sources.	04/12/84	10/11/85, 50 FR 41501.	
Sect .0202	Registration of Air Pollution Sources	01/15/98	11/10/99, 64 FR 61213.	
Section .0300 Air Pollution Emergencies				
Sect .0301	Purpose	02/01/76	06/03/86, 51 FR 19834.	
Sect .0302	Episode Criteria	01/15/98	11/10/99, 64 FR 61213.	
Sect .0303	Emission Reduction Plans	04/12/84	10/11/85, 50 FR 41501.	
Sect .0304	Preplanned Abatement Program	04/14/88	12/12/88, 53 FR 49881.	
Sect .0305	Emission Reduction Plan—Alert Level.	04/12/84	10/11/85, 50 FR 41501.	
Sect .0306	Emission Reduction Plan—Warning Level.	04/12/84	10/11/85, 50 FR 41501.	
Sect .0307	Emission Reduction Plan—Emergency Level.	04/12/84	10/11/85, 50 FR 41501.	
Section .0400 Ambient Air Quality Standards				
Sect .0401	Purpose	12/01/92	08/15/94, 59 FR 41708.	
Sect .0402	Sulfur Oxides	04/12/84	10/11/85, 50 FR 41501.	
Sect .0403	Total Suspended Particulates	07/01/88	01/16/90, 55 FR 1419.	
Sect .0404	Carbon Monoxide	10/01/89	3/12/90, 55 FR 9125.	
Sect .0405	Ozone	05/01/99	10/22/02, 67 FR 64989.	
Sect .0407	Nitrogen Dioxide	10/01/89	03/12/90, 55 FR 9125.	
Sect .0408	Lead	04/12/84	10/11/85, 50 FR 41501.	
Sect .0409	Particulate Matter	07/01/88	01/16/90, 55 FR 1419.	
Sect .0410	PM2.5 Particulate Matter	05/01/99	10/22/02, 67 FR 64989.	
Section .0500 Emission Control Standards				
Sect .0501	Compliance with Emission Control Standards.	04/01/01	08/08/02, 67 FR 51461.	
Sect .0502	Purpose	03/01/81	07/26/82, 47 FR 32118.	
Sect .0503	Particulates from Fuel Burning Indirect Heat Exchangers.	05/01/99	10/22/02, 67 FR 64989.	
Sect .0504	Particulates from Wood Burning Indirect Heat Exchangers.	07/01/02	12/27/02, 67 FR 78980.	
Sect .0505	Control of Particulates from Incinerators.	07/01/87	02/29/88, 53 FR 5974.	
Sect .0506	Particulates from Hot Mix Asphalt Plants.	03/20/98	11/10/99, 64 FR 61213.	
Sect .0507	Particulates from Chemical Fertilizer Manufacturing Plants.	04/01/03	09/17/03, 68 FR 54362.	
Sect .0508	Particulates from Pulp and Paper Mills.	03/20/98	11/10/99, 64 FR 61213.	
Sect .0509	Particulates from Mica or Feldspar Processing Plants.	04/01/03	09/17/03, 68 FR 54362.	
Sect .0510	Particulates from Sand, Gravel, or Crushed Stone Operations.	03/20/98	11/10/99, 64 FR 61213.	
Sect .0511	Particulates from Lightweight Aggregate.	03/20/98	11/10/99, 64 FR 61213.	
Sect .0512	Particulates from Wood Products Finishing Plants.	11/01/84	12/19/86, 51 FR 45468.	
Sect .0513	Particulates from Portland Cement Plants.	03/20/98	11/10/99, 64 FR 61213.	
Sect .0514	Particulates from Ferrous Jobbing Foundries.	03/20/98	11/10/99, 64 FR 61213.	
Sect .0515	Particulates from Miscellaneous Industrial Processes.	04/01/03	09/17/03, 68 FR 54362.	

TABLE 1.—EPA APPROVED NORTH CAROLINA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
Sect .0516	Sulfur Dioxide Emissions from Combustion Sources.	04/01/03	09/17/03, 68 FR 54362.	
Sect .0517	SO ₂ Emissions from Plants Producing Sulfuric Acid.	11/01/84	12/19/86, 51 FR 45468.	
Sect .0519	Control of Nitrogen Dioxide and Nitrogen Oxides Emissions.	07/01/96	08/01/97, 62 FR 41277.	
Sect .0520	Control and Prohibition of Open Burning.	07/01/96	08/01/97, 62 FR 41277	Repealed.
Sect .0521	Control of Visible Emissions	03/20/98	11/10/99, 64 FR 61213.	
Sect .0522	Control and Prohibition of Odorous Emissions.	02/01/76	06/03/86, 51 FR 19834.	
Sect .0523	Control of Conical Incinerators	01/01/85	09/09/87, 52 FR 33933.	
Sect .0527	Emissions from Spodumene Ore Roasting.	11/01/84	12/19/86, 51 FR 45468.	
Sect .0530	Prevention of Significant Deterioration.	11/21/96	10/15/99, 64 FR 55831.	
Sect .0531	Sources in Nonattainment Areas	01/15/98	11/10/99, 64 FR 61213.	
Sect .0532	Sources Contributing to an Ambient Violation.	07/01/94	02/01/96, 61 FR 3584.	
Sect .0533	Stack Height	07/01/94	02/01/96, 61 FR 3584.	
Sect .0535	Excess Emissions Reporting and Malfunctions.	07/01/96	08/01/97, 62 FR 41277.	
Sect .0536	Particulate Emissions from Electric Utility Boilers.	08/01/91	02/14/96, 61 FR 5689.	
Sect .0540	Particulates from Fugitive Non-process Dust Emission Sources.	03/20/98	11/10/99, 64 FR 61213.	
Sect .0542	Control of Particulate Emissions from Cotton Ginning Operations.	07/01/02	12/27/02, 67 FR 78980.	
Section .0600 Air Contaminants; Monitoring, Reporting				
Sect .0601	Monitoring: Recordkeeping: Reporting.	04/01/99	08/08/02, 67 FR 51461.	
Sect .0602	Definitions	04/01/99	08/08/02, 67 FR 51461.	
Sect .0604	Exceptions to Monitoring and Reporting Requirements.	04/01/99	08/08/02, 67 FR 51461.	
Sect .0605	General Recordkeeping and Reporting Requirements.	04/01/99	08/08/02, 67 FR 51461.	
Sect .0606	Other Coal or Residual Oil Burners	05/02/88	12/12/88, 53 FR 49881.	
Sect .0607	Large Wood and Wood-Fossil Fuel Combination Units.	04/01/99	08/08/02, 67 FR 51461.	
Sect .0608	Program Schedule	07/01/96	08/01/97, 62 FR 41277.	
Sect .0609	Monitoring Condition in Permit	04/12/84	10/04/85, 50 FR 41501.	
Sect .0610	Federal Monitoring Requirements ...	04/01/99	08/08/02, 67 FR 51461.	
Sect .0611	Monitoring Emissions from Other Sources.	04/01/99	08/08/02, 67 FR 51461.	
Sect .0612	Alternative Monitoring and Reporting Procedures.	04/01/99	08/08/02, 67 FR 51461.	
Sect .0613	Quality Assurance Program	04/01/99	08/08/02, 67 FR 51461.	
Sect .0614	Compliance Assurance Monitoring ...	04/01/99	08/08/02, 67 FR 51461.	
Sect .0615	Delegation	04/01/99	08/08/02, 67 FR 51461.	
Section .0800 Complex Sources				
Sect .0801	Purpose and Scope	07/01/94	02/01/96, 61 FR 3584.	
Sect .0802	Definitions	07/01/94	02/01/96, 61 FR 3584.	
Sect .0803	Highway Projects	07/01/94	02/01/96, 61 FR 3584.	
Sect .0804	Airport Facilities	07/01/96	08/01/97, 62 FR 41277.	
Sect .0805	Parking Facilities	07/01/96	08/01/97, 62 FR 41277.	
Sect .0806	Ambient Monitoring and Modeling Analysis.	07/01/94	02/01/96, 61 FR 3584.	
Section .0900 Volatile Organic Compounds				
Sect .0901	Definitions	07/01/96	08/01/97, 62 FR 41277.	
Sect .0902	Applicability	07/01/00	08/27/01, 66 FR 34117.	
Sect .0903	Recordkeeping: Reporting: Monitoring.	04/01/99	08/08/02, 67 FR 51461.	
Sect .0905	Petition for Alternative Controls	11/08/84	12/19/86, 51 FR 45468.	
Sect .0906	Circumvention	11/08/84	12/19/86, 51 FR 45468.	

TABLE 1.—EPA APPROVED NORTH CAROLINA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
Sect .0907	Compliance Schedules for Sources in Nonattainment Areas.	11/21/96	10/15/99, 64 FR 55831	Repealed.
Sect .0908	Equipment Modification Compliance Schedules.	11/08/84	12/19/86, 51 FR 45468.	
Sect .0909	Compliance Schedules for Sources in New Nonattainment Areas.	07/01/00	08/27/01, 66 FR 34117.	
Sect .0910	Alternate Compliance Schedules	11/21/96	10/15/99, 64 FR 55831	Repealed.
Sect .0911	Exceptions for Compliance Schedules.	11/21/96	10/15/99, 64 FR 55831	Repealed.
Sect .0912	General Provisions on Test Methods and Procedures.	04/01/03	09/17/03, 68 FR 54362.	
Sect .0913	Determination of Volatile Content of Surface Coatings.	07/01/88	01/16/90, 55 FR 1420.	
Sect .0914	Determination of VOC Emission Control System Efficiency.	03/20/98	11/10/99, 64 FR 61213.	
Sect .0915	Determination of Solvent Metal Cleaning VOC Emissions.	11/08/84	12/19/86, 51 FR 45468.	
Sect .0916	Determination of VOC Emissions from Bulk Gasoline Terminals.	07/01/88	01/16/90, 55 FR 1420.	
Sect .0917	Automobile and Light-duty Truck Manufacturing.	07/01/96	08/01/97, 62 FR 41277.	
Sect .0918	Can Coating	07/01/96	08/01/97, 62 FR 41277.	
Sect .0919	Coil Coating	07/01/96	08/01/97, 62 FR 41277.	
Sect .0920	Paper Coating	07/01/96	08/01/97, 62 FR 41277.	
Sect .0921	Fabric and Vinyl Coating	07/01/96	08/01/97, 62 FR 41277.	
Sect .0922	Metal Furniture Coating	07/01/96	08/01/97, 62 FR 41277.	
Sect .0923	Surface Coating of Large Appliances	07/01/96	08/01/97, 62 FR 41277.	
Sect .0924	Magnet Wire Coating	07/01/96	08/01/97, 62 FR 41277.	
Sect .0925	Petroleum Liquid Storage	12/01/89	06/23/94, 59 FR 32362.	
Sect .0926	Bulk Gasoline Plants	07/01/96	08/01/97, 62 FR 41277.	
Sect .0927	Bulk Gasoline Terminals	04/01/03	09/17/03, 68 FR 54362.	
Sect .0928	Gasoline Service Stations Stage I ...	07/01/96	08/01/97, 62 FR 41277.	
Sect .0930	Solvent Metal Cleaning	03/01/91	06/23/94, 59 FR 32362.	
Sect .0931	Cutback Asphalt	12/01/89	06/23/94, 59 FR 32362.	
Sect .0932	Gasoline Truck Tanks and Vapor Collection Systems.	04/01/03	09/17/03, 68 FR 54362.	
Sect .0933	Petroleum Liquid Storage in External Floating Roof Tanks.	07/01/95	02/01/96, 62 FR 3589.	
Sect .0934	Coating of Miscellaneous Metal Parts and Products.	07/01/96	08/01/97, 62 FR 41277.	
Sect .0935	Factory Surface Coating of Flat Wood Paneling.	07/01/96	08/01/97, 62 FR 41277.	
Sect .0936	Graphic Arts	12/01/89	06/23/94, 59 FR 32362.	
Sect .0937	Manufacture of Pneumatic Rubber Tires.	07/01/96	08/01/97, 62 FR 41277.	
Sect .0938	Perchloroethylene Dry Cleaning System.	03/20/98	11/10/99, 64 FR 61213	Repealed.
Sect .0939	Determination of Volatile Organic Compounds Emissions.	07/01/88	01/16/90, 55 FR 1420.	
Sect .0940	Determination of Leak Tightness and Vapor Leaks.	07/01/88	01/16/90, 55 FR 1420.	
Sect .0941	Alternative Method for Leak Tightness.	03/01/91	06/23/94, 59 FR 32362.	
Sect .0942	Determination of Solvent in Filter Waste.	07/23/80	08/27/81, 46 FR 43137.	
Sect .0943	Synthetic Organic Chemical and Polymer Manufacturing.	03/01/91	06/23/94, 59 FR 32362.	
Sect .0944	Manufacture of Polyethylene, Polypropylene, and Polystyrene.	03/14/85	11/19/86, 51 FR 41786.	
Sect .0945	Petroleum Dry Cleaning	03/14/85	11/19/86, 51 FR 41786.	
Sect .0947	Manufacture of Synthesized Pharmaceutical Products.	07/01/94	05/05/95, 60 FR 22284.	
Sect .0948	VOC Emissions from Transfer Operations.	07/01/00	08/27/01, 66 FR 34117.	
Sect .0949	Storage of Miscellaneous Volatile Organic Compounds.	07/01/00	08/27/01, 66 FR 34117.	
Sect .0951	Miscellaneous Volatile Organic Compound Emissions.	07/01/00	08/27/01, 66 FR 34117.	
Sect .0952	Petition for Alternative Controls for RACT.	05/01/95	02/01/96, 62 FR 3589.	

TABLE 1.—EPA APPROVED NORTH CAROLINA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
Sect .0953	Vapor Return Piping for Stage II Vapor Recovery.	03/20/98	11/10/99, 64 FR 61213.	
Sect .0954	Stage II Vapor Recovery	04/01/03	09/17/03, 68 FR 54362.	
Sect .0955	Thread Bonding Manufacturing	04/01/95	02/01/96, 62 FR 3589.	
Sect .0956	Glass Christmas Ornament Manufacturing.	04/01/95	02/01/96, 62 FR 3589.	
Sect .0957	Commercial Bakeries	04/01/95	02/01/96, 62 FR 3589.	
Sect .0958	Work Practices for Sources of Volatile Organic Compounds.	07/01/00	08/27/01, 66 FR 34117.	
Sect .0959	Reserved.			
Section .1000 Motor Vehicle Emissions Control Standards				
Sect .1001	Purpose	07/01/02	10/30/02, 67 FR 66056.	
Sect .1002	Applicability	07/01/02	10/30/02, 67 FR 66056.	
Sect .1003	Definitions	12/01/82	06/02/95, 60 FR 28726.	
Sect .1004	Emissions Standards	07/01/02	10/30/02, 67 FR 66056.	
Sect .1005	Measurement and Enforcement	07/01/02	10/30/02, 67 FR 66056.	
Section .1300 Oxygenated Gasoline Standard				
Sect .1301	Purpose	09/01/92	06/30/94, 59 FR 33683.	
Sect .1302	Applicability	09/01/92	06/30/94, 59 FR 33683.	
Sect .1303	Definitions	09/01/92	06/30/94, 59 FR 33683.	
Sect .1304	Oxygen Content Standard	09/01/92	06/30/94, 59 FR 33683.	
Sect .1305	Measurement and Enforcement	09/01/92	06/30/94, 59 FR 33683.	
Section .1400 Nitrogen Oxides Emissions				
Sect .1401	Definitions	07/15/02	12/27/02, 67 FR 78987.	
Sect .1402	Applicability	07/15/02	12/27/02, 67 FR 78987.	
Sect .1403	Compliance Schedules	07/15/02	12/27/02, 67 FR 78987.	
Sect .1404	Recordkeeping: Reporting: Monitoring.	07/15/02	12/27/02, 67 FR 78987.	
Sect .1409	Stationary Internal Combustion Engines.	07/15/02	12/27/02, 67 FR 78987.	
Sect .1416	Emission Allocations for Utility Companies.	07/15/02	12/27/02, 67 FR 78987.	
Sect .1417	Emission Allocations for Large Combustion Sources.	07/15/02	12/27/02, 67 FR 78987.	
Sect .1418	New Electric Generating Units, Large Boilers, and Large I/C Engines.	07/15/02	12/27/02, 67 FR 78987.	
Sect .1419	Nitrogen Oxide Budget Trading Program.	07/15/02	12/27/02, 67 FR 78987.	
Sect .1420	Periodic Review and Reallocations ..	07/15/02	12/27/02, 67 FR 78987.	
Sect .1421	Allocations for New Growth of Major Point Sources.	07/15/02	12/27/02, 67 FR 78987.	
Sect .1422	Compliance Supplement Pool and Early Emission Reduction Credits.	07/15/02	12/27/02, 67 FR 78987.	
Sect .1423	Large Internal Combustion Engines	07/15/02	12/27/02, 67 FR 78987.	
Section .1900 Open Burning				
Sect .1901	Purpose, Scope, and Impermissible Open Burning.	07/01/96	08/01/97, 62 FR 41277.	
Sect .1902	Definitions	01/15/98	11/10/99, 64 FR 61213.	
Sect .1903	Permissible Open Burning Without a Permit.	01/15/98	11/10/99, 64 FR 61213.	
Sect .1904	Air Curtain Burners	07/01/96	08/01/97, 62 FR 41277.	
Section .2000 Transportation Conformity				
Sect .2001	Purpose, Scope and Applicability	04/01/99	12/27/02, 67 FR 78983.	
Sect .2002	Definitions	04/01/99	12/27/02, 67 FR 78983.	
Sect .2003	Transportation Conformity Determination.	04/01/99	12/27/02, 67 FR 78983	Except for the incorporation by reference of 40 CFR 93.104(e) of the Transportation Conformity Rule.
Sect .2004	Determining Transportation Related Emissions.	04/01/99	12/27/02, 67 FR 78983.	

TABLE 1.—EPA APPROVED NORTH CAROLINA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
Sect .2005	Memorandum of Agreement	04/01/99	12/27/02, 67 FR 78983.	
Subchapter 2Q Air Quality Permits				
Section .0100 General Provisions				
Sect .0101	Required Air Quality Permits	03/20/98	11/10/99, 64 FR 61213.	
Sect .0102	Activities Exempted from Permit Requirements.	07/01/02	12/27/02, 67 FR 78980.	
Sect .0103	Definitions	05/01/99	10/22/02, 67 FR 64989.	
Sect .0104	Where to Obtain and File Permit Applications.	07/01/02	12/27/02, 67 FR 78980.	
Sect .0105	Copies of Referenced Documents ...	08/15/94	02/01/96, 61 FR 3584.	
Sect .0106	Incorporation by Reference	08/15/94	02/01/96, 61 FR 3584.	
Sect .0107	Confidential Information	05/01/99	10/22/02, 67 FR 64989.	
Sect .0108	Delegation of Authority	03/15/98	11/10/99, 64 FR 61213.	
Sect .0109	Compliance Schedule for Previously Exempted Activities.	04/01/01	08/08/02, 67 FR 51461.	
Sect .0110	Retention of Permit at Permitted Facility.	08/15/94	02/01/96, 61 FR 3584.	
Sect .0111	Applicability Determinations	08/15/94	02/01/96, 61 FR 3584.	
Section .0200 Permit Fees				
Sect .0207	Annual Emissions Reporting	01/15/98	11/10/99, 64 FR 61213.	
Section .0300 Construction and Operating Permits				
Sect .0301	Applicability	07/01/94	07/28/95, 60 FR 38710.	
Sect .0303	Definitions	07/01/94	07/28/95, 60 FR 38710.	
Sect .0304	Applications	07/01/99	10/22/02, 67 FR 64989.	
Sect .0305	Application Submittal Content	07/01/94	07/28/95, 60 FR 38710.	
Sect .0306	Permits Requiring Public Participation.	07/01/99	10/22/02, 67 FR 64989.	
Sect .0307	Public Participation Procedures	01/15/98	11/10/99, 64 FR 61213.	
Sect .0308	Final Action on Permit Applications ..	07/01/94	07/28/95, 60 FR 38710.	
Sect .0309	Termination, Modification and Revocation of Permits.	07/01/99	10/22/02, 67 FR 64989.	
Sect .0310	Permitting of Numerous Similar Facilities.	07/01/94	07/28/95, 60 FR 38710.	
Sect .0311	Permitting of Facilities at Multiple Temporary Sites.	07/01/96	08/01/97, 62 FR 41277.	
Sect .0312	Application Processing Schedule	03/20/98	11/10/99, 64 FR 61213.	
Sect .0313	Expedited Application Processing Schedule.	04/17/97	11/10/99, 64 FR 61213.	
Sect .0314	General Permitting Requirements ...	07/01/99	10/22/02, 67 FR 64989.	
Sect .0315	Synthetic Minor Facilities	07/01/99	10/22/02, 67 FR 64989.	
Sect .0316	Administrative Permit Amendments	04/01/01	08/08/02, 67 FR 51461.	
Sect .0317	Avoidance Conditions	04/01/01	08/08/02, 67 FR 51461.	
Section .0600 Transportation Facility Procedures				
Sect .0601	Purpose of Section and Requirements for Permit.	07/01/94	02/01/96, 61 FR 3584.	
Sect .0602	Definitions	07/01/94	02/01/96, 61 FR 3584.	
Sect .0603	Applications	07/28/97	12/31/98, 63 FR 72193.	
Sect .0604	Public Participation	07/01/94	02/01/96, 61 FR 3584.	
Sect .0605	Final Action on Permit Applications ..	07/01/94	02/01/96, 61 FR 3584.	
Sect .0606	Termination, Modification and Revocation of Permits.	07/01/94	02/01/96, 61 FR 3584.	
Sect .0607	Application Processing Schedule	04/17/97	11/10/99, 64 FR 61213.	
Section .0800 Exclusionary Rules				
Sect .0801	Purpose and Scope	05/01/99	10/22/02, 67 FR 64989.	
Sect .0802	Gasoline Servicing Stations and Dispensing Facilities.	08/01/95	09/20/96, 61 FR 49413.	
Sect .0803	Coating, Solvent Cleaning, Graphic Arts Operations.	05/01/99	10/22/02, 67 FR 64989.	
Sect .0804	Dry Cleaning Facilities	08/01/95	09/20/96, 61 FR 49414.	
Sect .0805	Grain Elevators	04/01/01	08/08/02, 67 FR 51461.	
Sect .0806	Cotton Gins	04/01/02	08/08/02, 67 FR 51461.	

TABLE 1.—EPA APPROVED NORTH CAROLINA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
Sect .0807	Emergency Generators	04/01/02	08/08/02, 67 FR 51461.	
Sect .0808	Peak Shaving Generators	07/01/99	10/22/02, 67 FR 64989.	

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[FR Doc. 05–3062 Filed 2–17–05; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

Pipeline and Hazardous Materials Safety Administration

49 CFR Chapter I

Research and Innovative Technology Administration

49 CFR Chapter XI

[Docket No. OST 1999–6189]

RIN 9991–AA47

Pipeline and Hazardous Materials Safety Administration, and to the Administrator, Research and Innovative Technology Administration; Establishment and Delegation of Powers and Duties

AGENCY: Office of the Secretary of Transportation (OST), DOT.

ACTION: Final rule.

SUMMARY: Two new administrations, the Pipeline and Hazardous Materials Safety Administration and the Research and Innovative Technology Administration, are being established within the United States Department of Transportation pursuant to the Norman Y. Mineta Research and Special Programs Improvement Act. Each new administration is established effective February 20, 2005. Accordingly, by this action, the Secretary delegates to the Administrator, Pipeline and Hazardous Materials Safety Administration, and the Administrator, Research and Innovative Technology Administration, functions required for the operation of each new administration. In addition, this final rule renames chapters I and XI of subtitle B of title 49 CFR.

DATES: Effective Date: This final rule is effective on February 20, 2005.

FOR FURTHER INFORMATION CONTACT: David K. Tochen, Deputy Assistant General Counsel, Office of the Assistant

General Counsel for Environmental, Civil Rights, and General Law, Department of Transportation, 400 Seventh Street, SW., Room 10102, Washington, DC 20590; Telephone (202) 366–9153.

SUPPLEMENTARY INFORMATION:

Background

The Norman Y. Mineta Research and Special Programs Improvement Act [Pub. L. 108–426, 118 Stat. 2423 (November 30, 2004)] amends title 49, United States Code, by reorganizing the Research and Special Program Administration (RSPA) into two new administrations, the Pipeline and Hazardous Materials Safety Administration (PHMSA) and the Research and Innovative Technology Administration (RITA). PHMSA succeeds to all the authority exercised by RSPA with regard to pipeline and hazardous materials safety. RITA succeeds to substantially all the research authority currently exercised by RSPA, and includes other duties and powers of the Secretary that advance the Department’s research, development, and technology objectives. In addition, two existing organizations of the Department, the Bureau of Transportation Statistics and the Office of Intermodalism, are moved to RITA (49 CFR Chapter XI). 49 CFR part 1 enumerates powers and duties that each modal administration within the Department of Transportation is responsible for carrying out. This rule amends 49 CFR part 1 to reflect the Secretary’s delegation of authority to the Administrators of PHMSA and RITA, respectively.

The Administrators of PHMSA and RITA may redelegate their respective powers and duties described in this document if not inconsistent with statute, departmental regulations, policies, and orders governing delegations.

As this rule relates to Departmental organization, procedures, and practice, notice and comment on it are unnecessary under 5 U.S.C. 553(b). In addition, the Secretary finds that prior notice and opportunity to comment are unnecessary, and good cause exists to dispense with the 30-day delay in the effective date requirement so that PHMSA and RITA may operate

pursuant to the changes noted above beginning February 20, 2005.

Ministerial amendments to a number of other parts in title 49 of the Code of Federal Regulations that pertain to functions of the new administrations will be issued in the near future.

Regulatory Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This final rule is not considered a significant regulatory action under Executive Order 12866 (“Regulatory Planning and Process”), and the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034). There are no costs associated with this rule.

B. Executive Order 13132

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 (“Federalism”). This final rule does not have a substantial direct effect on, or sufficient federalism implications for, the States, nor would it limit the policymaking discretion of the States. Therefore, the consultation requirements of Executive Order 13132 do not apply.

C. Executive Order 13175

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13175 (“Consultation and Coordination with Indian Tribal Governments”). Because this final rule does not significantly or uniquely affect the communities of the Indian tribal governments and does not impose substantial direct compliance costs, the funding and consultation requirements of Executive Order 13175 do not apply.

D. Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this rule under the Administrative Procedure Act (5 U.S.C. 553), the provision of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

E. Paperwork Reduction Act

This final rule contains no information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).