

This interim approval, which may not be renewed, extends until December 22, 1997. During this interim approval period, the State of Georgia is protected from sanctions, and EPA is not obligated to promulgate, administer and enforce a Federal operating permits program in the State. Permits issued under a program with interim approval have full standing with respect to part 70, and the one-year time period for submittal of permit applications by subject sources begins upon the effective date of this interim approval, as does the 3-year time period for processing the initial permit applications.

If the State fails to submit a complete corrective program for full approval by June 23, 1997, EPA will start an 18-month clock for mandatory sanctions. If Georgia then fails to submit a corrective program that EPA finds complete before the expiration of that 18-month period, EPA will be required to apply one of the sanctions in section 179(b) of the Act, which will remain in effect until EPA determines that Georgia has corrected the deficiency by submitting a complete corrective program. Moreover, if the Administrator finds a lack of good faith on the part of the State, both sanctions under section 179(b) will apply after the expiration of the 18-month period until the Administrator determined that Georgia had come into compliance. In any case, if, six months after application of the first sanction, Georgia still has not submitted a corrective program that EPA has found complete, a second sanction will be required.

If EPA disapproves Georgia's complete corrective program, EPA will be required to apply one of the section 179(b) sanctions on the date 18 months after the effective date of the disapproval, unless prior to that date the State has submitted a revised program and EPA has determined that it corrected the deficiencies that prompted the disapproval. Moreover, if the Administrator finds a lack of good faith on the part of the State, both sanctions under section 179(b) shall apply after the expiration of the 18-month period until the Administrator determines that Georgia has come into compliance. In all cases, if, six months after EPA applies the first sanction, the State has not submitted a revised program that EPA has determined corrects the deficiencies, a second sanction will be required.

In addition, discretionary sanctions may be applied where warranted any time after the expiration of an interim approval period if Georgia has not timely submitted a complete corrective program or EPA has disapproved its submitted corrective program.

Moreover, if EPA has not granted full approval to Georgia's program by the expiration of this interim approval and that expiration occurs after November 15, 1995, EPA must promulgate, administer and enforce a Federal permits program for the State upon interim approval expiration.

B. Preconstruction Permit Program Implementing Section 112(g)

EPA is approving the use of Georgia's preconstruction review program found in Rule 391-3-1-.03 as a mechanism to implement section 112(g) during the transition period between promulgation of EPA's section 112(g) rule and Georgia's adoption of rules specifically designed to implement section 112(g). This approval is limited to the implementation of the 112(g) rule and is effective only during any transition time between the effective date of the 112(g) rule and the adoption of specific rules by Georgia to implement 112(g). The duration of this approval is limited to 18 months following promulgation by EPA of section 112(g) regulations, to provide the State with adequate time to adopt regulations consistent with Federal requirements.

C. Program for Delegation of Section 112 Standards as Promulgated

Requirements for approval, specified in 40 CFR 70.4(b), encompass section 112(l)(5) requirements for approval of a program for delegation of section 112 standards as promulgated by EPA as they apply to part 70 sources. Section 112(l)(5) requires that the State's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under part 70. Therefore, the EPA is also promulgating approval under section 112(l)(5) and 40 CFR 63.91 of Georgia's program for receiving delegation of section 112 standards and programs that are unchanged from Federal rules as promulgated. In addition, EPA is approving the delegation of all existing standards and programs under 40 CFR parts 61 and 63. This program for delegation applies to both part 70 sources and non-part 70 sources.

III. Administrative Requirements

A. Docket

Copies of the State's submittal and other information relied upon for the final interim approval are contained in docket number GA-95-01 maintained at the EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development

of this final interim approval. The docket is available for public inspection at the location listed under the ADDRESSES section of this document.

B. Executive Order 12866

The Office of Management and Budget has exempted this action from Executive Order 12866 review.

C. Regulatory Flexibility Act

The EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: November 2, 1995.
Patrick M. Tobin,
Acting Regional Administrator.

Part 70, title 40 of the Code of Federal Regulations is amended as follows:

PART 70—[AMENDED]

1. The authority citation for part 70 continues to read as follows:

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

2. Appendix A to part 70 is amended by adding the entry for Georgia in alphabetical order to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

* * * * *

Georgia

(a) The Georgia Department of Natural Resources submitted on November 12, 1993, and supplemented on June 24, 1994; November 14, 1994; and June 5, 1995; interim approval effective on December 22, 1995; interim approval expires December 22, 1997.

(b) (Reserved)

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[FR Doc. 95-28385 Filed 11-21-95; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration****49 CFR Parts 571 and 586**

[Docket No. 95-92, Notice 01]

RIN 2127-AF84

Federal Motor Vehicle Safety Standards; Side Impact Protection

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Technical amendment.

SUMMARY: This document deletes several obsolete sections of Standard 214, "Side Impact Protection." They relate to (1) the phase-in of dynamic side impact protection requirements for passenger cars, (2) the phase-in of quasi-static side door strength requirements for trucks, buses and multipurpose passenger vehicles with a gross vehicle weight rating of 10,000 pounds or less (these vehicles are referred to as "LTVs"), and (3) the one-year delay of the quasi-static requirements for double opening cargo doors, doors with no windows, and certain contoured doors on LTVs. These sections are obsolete because the time periods and events to which they relate are all in the past. This document also removes from Part 586, "Side Impact Phase-In Reporting Requirements," the reporting requirements associated with the LTV phase-in. These amendments improve the clarity and conciseness of Standard 214 and Part 586.

DATES: Effective Date: This rule is effective December 22, 1995.

FOR FURTHER INFORMATION CONTACT: For nonlegal issues: Dr. William Fan, Office of Vehicle Safety Standards, NPS-14, telephone (202) 366-4922. For legal issues: Ms. Deirdre Fujita, Office of Chief Counsel, NCC-20, (202) 366-2992. Both may be reached at the National Highway Traffic Safety Administration, 400 Seventh St., S.W., Washington, D.C., 20590.

SUPPLEMENTARY INFORMATION: Pursuant to the President's March 4, 1995 directive, "Regulatory Reinvention Initiative," to the heads of departments and agencies, NHTSA undertook a review of all its regulations and directives. During the course of this review, the agency identified several requirements and regulations that are potential candidates for rescission. In reviewing Standard 214, the agency identified several obsolete sections relating to (1) the phase-in of dynamic side impact protection requirements for passenger cars, (2) the phase-in of quasi-

static side door strength requirements for trucks, buses and multipurpose passenger vehicles with a gross vehicle weight rating of 10,000 pounds or less (these vehicles are referred to as "LTVs"), and (3) a one year delay of the quasi-static requirements for double opening cargo doors, doors with no windows, and certain contoured doors on LTVs. These sections are obsolete because the time periods and events to which they relate are all in the past. To improve the clarity and conciseness of Standard 214, the agency is deleting these sections from the standard.

The obsolete sections of the standard relating to the phase-in of dynamic side impact protection requirements for passenger cars are in S8.1 and S8.2. S8.1 sets forth the phase-in requirements for passenger cars manufactured on or after September 1, 1993 and before September 1, 1994. (Roughly speaking, under S8.1, manufacturers had to ensure that not less than 10 percent of their annual production of passenger cars met the dynamic side impact standard.) S8.2 sets forth the requirements for passenger cars manufactured on or after September 1, 1994 and before September 1, 1995. (Under S8.2, manufacturers had to ensure that not less than 25 percent of their annual production met the standard.) Since the parts of the phase-in schedule to which S8.1 and S8.2 relate are over, the agency is deleting those sections.

(S8.3 and S8.4 are retained for now, since they contain current requirements. S8.3 sets forth phase-in requirements for passenger cars manufactured on or after September 1, 1995 and before September 1, 1996. Under S8.3, not less than 40 percent of a manufacturer's annual production of cars have to meet the dynamic test requirements. The phase-in ends September 1, 1996. On and after that date, all passenger cars must meet the requirements. S8.4 has provisions for calculating the average annual production of passenger cars for cars produced by more than one manufacturer.)

The obsolete sections of Standard 214 that relate to the phase-in of quasi-static side door strength requirements for LTVs are in S3(a)(3), S9, and S9.1 through S9.2.3. Since the phase-in is over, those sections need not be retained.

The one-year delay of the effective date of the LTV quasi-static requirements, until September 1, 1994, is in S3(e)(5), S3(e)(6) and S3(e)(7) for double opening cargo doors, doors with no windows, and certain contoured doors, respectively. These sections are obsolete since that date has passed and

the quasi-static requirements are now in effect for these doors.

This rule also deletes reporting requirements in 49 CFR Part 586 that related to the phase-in of the quasi-static side door strength requirements for LTVs. The reporting requirements were needed for the agency to enforce the phase-in. The reporting requirements directed manufacturers to report certain information to NHTSA within 60 days after the end of the production year ending August 31, 1994. Since the deadline for the reports has passed, NHTSA is removing the requirement from the CFR. There remains, however, a recordkeeping requirement relating to the LTV phase-in. 49 CFR section 586.8 requires manufacturers to maintain records of certain vehicle identification number information until December 31, 1996. This rule does not affect that recordkeeping requirement.

NHTSA finds good cause to make this amendment effective 30 days after publication of this document. This amendment makes minor changes to Standard 214 and to the reporting requirements of Part 586 that clarify the standard and regulation without affecting their requirements.

NHTSA also finds for good cause that notice and an opportunity for comment on this document are unnecessary. This document does not impose any additional responsibilities on any manufacturer. Instead, this document simply removes outdated provisions of the standard and regulation.

Rulemaking Analyses and Notices*Executive Order 12866 and DOT Regulatory Policies and Procedures*

This rulemaking document was not reviewed under E.O. 12866, "Regulatory Planning and Review." Further, this action has been determined to be not "significant" under the Department of Transportation's regulatory policies and procedures. This rule removes outdated portions of Standard 214 and part 586 without changing any of the requirements in the standard and regulation. Because this rule does not affect any substantive requirement of the side impact standard or recordkeeping regulation, its impacts are so minimal as not to warrant preparation of a full regulatory evaluation.

Regulatory Flexibility Act

NHTSA has also considered the impacts of this rule under the Regulatory Flexibility Act. I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. As

noted above, this rule simply removes outdated sections of Standard 214 and part 586. It has no effect whatsoever on the manufacture or sale of vehicles.

National Environmental Policy Act

NHTSA has also analyzed this rule under the National Environmental Policy Act and determined that it will not have a significant impact on the human environment.

Executive Order 12612 (Federalism)

NHTSA has analyzed this rule in accordance with the principles and criteria contained in E.O. 12612, and has determined that this rule will not have significant federalism implications to warrant the preparation of a Federalism Assessment.

Civil Justice Reform

This rule will not have any retroactive effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the state requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

List of Subjects

49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles.

49 CFR Part 586

Reporting and recordkeeping requirements.

In consideration of the foregoing, parts 571 and 586 of title 49 of the Code

of Federal Regulations are amended as follows:

PART 571—[AMENDED]

1. The authority citation for part 571 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

§ 571.214 [Amended]

2. Section 571.214 is amended by removing S3(a)(3), S3(e)(5), S3(e)(6) and S3(e)(7), removing and reserving S8.1 and S8.2, and removing S8.1.1, S8.2.1, S9, S9.1, S9.1.1, S9.1.2, S9.2, S9.2.1, S9.2.2 and S9.2.3.

PART 586—[AMENDED]

3. The authority citation for part 586 is revised to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

4. 49 CFR part 586 is amended by revising § 586.1, § 586.3, § 586.4(a), removing and reserving § 586.7, and revising § 586.8, to read as follows:

§ 586.1 Scope.

This part establishes requirements for passenger car manufacturers to submit a report, and maintain records related to the report, concerning the number of passenger cars manufactured that meet the dynamic test procedures and performance requirements of Standard No. 214, *Side Impact Protection* (49 CFR 571.214), and it establishes requirements for manufacturers of trucks, buses and multipurpose passenger vehicles with a gross vehicle weight rating (GVWR) of 10,000 pounds or less to maintain records related to the number of such vehicles that meet the side door strength requirements of Standard No. 214.

§ 586.3 Applicability.

This part applies to manufacturers of passenger cars and to manufacturers of trucks, buses and multipurpose passenger vehicles with a GVWR of 10,000 pounds or less manufactured

before September 1, 1994. However, this part does not apply to any manufacturers of trucks, buses and multipurpose passenger vehicles whose production consists exclusively of walk-in vans, vehicles which do not have any side doors that can be used for occupant egress, vehicles which exclusively have doors of the types specified in S3(e) of 49 CFR 571.214 or double cargo doors, doors without one or more windows, or doors for which the ratio of the width of the lowest portion of the door to the width of the door at its widest point is not greater than 0.5. (The width of the door is measured in a horizontal plane and on the outside surface of the door. The lowest portion of the door is that portion of the lower edge of the door which is lowest to the ground and which is essentially horizontal.) In addition, this section does not apply to vehicles manufactured in two or more stages, and vehicles that are altered after previously having been certified in accordance with part 567 of this chapter.

§ 586.4 Definitions.

(a) All terms defined in section 30102 of Title 49, U.S.C., Chapter 301 are used in their statutory meaning.

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§ 586.8 Records—manufacturers of trucks, buses and multipurpose passenger vehicles.

Until December 31, 1996, each manufacturer shall maintain records of the vehicle identification number for each truck, bus and multipurpose passenger vehicle with a GVWR of 10,000 pounds or less produced in the production year ending August 31, 1994, that meets the side door strength requirements (S3.1 or S3.2) of Standard No. 214.

Issued on: November 13, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

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