(1) All available military records pertinent to an application.

(2) An advisory opinion concerning an application. The advisory opinion will include an analysis of the facts of the case and of the applicant's contentions, a statement of whether or not the requested relief can be done administratively, and a recommendation on the timeliness and merit of the request. Regardless of the recommendation, the advisory opinion will include instructions on specific corrective action to be taken if the Board grants the application.

(b) *Access to records.* Applicants will have access to all records considered by the Board, except those classified or privileged. To the extent practicable, applicants will be provided unclassified or nonprivileged summaries or extracts of such records considered by the Board.

(c) *Payment of expenses.* The Air Force has no authority to pay expenses of any kind incurred by or on behalf of an applicant in connection with a correction of military records under 10 U.S.C. 1034 or 1552.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51 and 52

[FRL–5450–9]

Control of Air Pollution; Removal and Modification of Obsolete, Superfluous or Burdensome Rules

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is determining, through ''direct final'' procedure, that certain rules in the Code of Federal Regulations (CFR), 40 CFR Parts 51 and 52 should be deleted or modified. Deleting or modifying these rules will clarify their legal status and remove unnecessary, obsolete or burdensome regulations.

In the proposed rules section of this Federal Register, EPA is proposing these determinations and soliciting public comment on them. If adverse comments are received on the direct final rule, EPA will withdraw the portions of the final rule that triggered the comments. EPA will address those comments in a final rule on the related proposed rule, which is being published in the proposed rules section of this Federal Register. See, for example, EPA's partial withdrawal of a direct final rule in 60 FR 6030 (Feb. 1, 1995). Any portions of the final rule for which no adverse or critical comment is received will become final after the designated period.

DATES: This action will be effective June 10, 1996 unless notice is received by May 13, 1996 that any person wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Maureen Delaney, Office of Air and Radiation, Office of Policy Analysis and Review, (202) 260–7431.

SUPPLEMENTARY INFORMATION:

I. Introduction

On March 4, 1995, the President directed all Federal Agencies and departments to conduct a comprehensive review of the regulations they administer, to identify those rules that are obsolete or unduly burdensome. EPA conducted such a review, including rules issued under the Clean Air Act (CAA), as amended (42 U.S.C. 7401 *et seq.*) On June 29, 1995, EPA published a notice deleting more than 200 Clean Air Act rules that were no longer legally in effect. 60 FR 33915 (June 29,1995).

In this document, EPA tackles the next phase of its revision effort, deleting or modifying: additional regulations that are legally obsolete in whole or in part; regulations which duplicate the statute or guidance; and regulations that do not add significantly to statutory provisions, are unduly restrictive or inhibitive of Agency flexibility, or otherwise are overly burdensome.

EPA's philosophy in this rulemaking is to delete those regulations which there is no compelling reason to retain, even though no clear harm results from retention. For example, some regulations are being deleted because the same substantive provisions exist in the form of policy guidance. In the case of these regulations, EPA has concluded that the policy guidance is sufficient to inform the public of EPA's regulatory interpretations, while allowing the Agency to be more quickly responsive to unforeseen circumstances that may call for increased flexibility in EPA's positions. Where EPA has determined that a regulation does not add substantial value to what is already contained in the law, or where there are alternative means to accomplish the regulatory end without restricting EPA's ability to respond to factual peculiarities in a timely and appropriate way, EPA has determined that the regulation should be deleted.

EPA has included in this phase of its regulatory streamlining effort those regulations which can readily be deleted or modified without a major or complicated regulatory overhaul, and which do not raise issues on which EPA anticipates adverse comment. These are therefore appropriate for direct final rulemaking. In the next phase of its rulemaking effort, EPA anticipates addressing the modifications and deletions that require a comprehensive approach to more complex or potentially controversial revisions.

The removal of these rules from the CFR is not intended to affect the status of any civil or criminal actions that were initiated prior to the publication of this rule, or which may be initiated in the future to redress violations of the rules that occurred when the rules were still legally in effect. Removal of provisions on the ground that they reiterate or are redundant of statutory provisions does not affect any obligation or requirement to comply with such statutory provision.

Finally, this rule deletes several state-specific regulations that no longer have any use or legal effect. For example, the rule deletes several federal implementation plan provisions that were promulgated in the 1970's for states that subsequently achieved approval of corrective state plans. Those approvals removed EPA's authority to retain the federal provisions, and therefore the federal provisions should have been deleted at that time. This rule accomplishes those and other similar deletions.

II. Deletion and Modification of Unnecessary or Burdensome Rules

The following deletions/modifications have been divided into two basic types of regulations found in 40 CFR Parts 51 and 52: (1) rules applicable on a national basis; (2) rules applicable to a specific state. This notice looks in turn at each of the categories, setting forth the reasons that EPA seeks today to remove them from the CFR.

Any deletion of provisions that state implementation plans (''SIPs'') currently reference is not intended to disturb those references, and EPA interprets those references to be to the version that was in the CFR when the state adopted the reference, unless the state subsequently provides otherwise and EPA approves such subsequently adopted provision as a SIP revision.

1. National Rules

The following regulations apply on a national basis. EPA has reviewed these rules and found that they should be deleted (or, where indicated, modified) for the reasons set forth below.

Part 51

40 CFR 51.100(o) and 51.110(c): Section 51.100(o) defines reasonably available control technology (''RACT'') for the purpose of implementing secondary national ambient air quality standards (''NAAQS''). This definition is only used in the establishment of secondary NAAQS attainment dates [see § 51.110(c)] and in the evaluation of State requests for extensions of SIP submittals [see § 51.341(b)] for secondary NAAQS.

Section 51.110(c) requires plans to provide for the attainment of a secondary standard within a reasonable time after the date of the Administrator's approval of the plan, and for maintenance of the standard after it has been attained.

Under the Clean Air Act of 1977, the test for approval of the attainment date in a SIP implementing a secondary NAAQS was contained in section 110(a)(2)(A)(ii). This required that the SIP attain the secondary NAAQS within a ''reasonable time''. Under the CAA of 1990, this was changed. The new test for approval of a secondary NAAQS attainment date is contained in section 172(a)(2)(B) and requires attainment ''as expeditiously as practicable after the date such area was designated nonattainment.''

As a result of this statutory change, § 51.110(c) is obsolete and is being deleted from the CFR to eliminate any possible confusion regarding the appropriate tests for approval of a secondary NAAQS attainment date. Further, the § 51.100(o) definition of RACT, which was the sole factor in the evaluation of the approvability of secondary NAAQS attainment dates or requests for extension of SIP submittal dates, is no longer necessary and is being deleted. The EPA believes that evaluation of the approvability of the expeditiousness of attainment dates for secondary nonattainment areas requires a case-by-case analysis of the nature and extent of the problem. For example, this analysis could consider the number of affected sources, the nature of the emissions (stack or fugitive), the feasibility of controls, the costs of controls, and other relevant factors. The EPA does not believe that the availability and effectiveness of RACT should be a determinative factor in implementing secondary NAAQS. In addition this will eliminate potential confusion, since the current Agency definition of RACT is contained in a December 9, 1976 memorandum from R. Strelow to Regional Administrators, Regions I–X, entitled ''Guidance to Determining Acceptability of SIP Regulations in Nonattainment Areas.''

40 CFR 51.101 Stipulations: Section 51.101 states that nothing in Part 51 should be construed to encourage states: to adopt implementation plans that do not protect the environment; to adopt plans that do not take into consideration cost-effectiveness and social and economic impact; to limit appropriate techniques for estimating air quality or demonstrating adequacy of control strategies; and otherwise to limit state flexibility to adopt appropriate control strategies or to attain and maintain air quality better than that required by a national standard.

While EPA wholeheartedly endorses the policies embodied in § 51.101, EPA does not believe it necessary to clutter the CFR with such precatory language, particularly since the Clean Air Act and judicial interpretations construing the Act provide for state flexibility. For example, Section 110(a)(2)(A) provides in part that implementation plans shall ''include enforceable emission limitations and other control measures, means or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights) * * *. as may be necessary or appropriate to meet the applicable requirements of this Act. * * *'' Section 101(a)(3) of the Clean Air Act provides that air pollution prevention and control is ''the primary responsibility of States and local governments; * * *'' The Supreme Court, in construing the Clean Air Act, has also made clear that the state has broad discretion in constructing attainment plans. *Train* v. *NRDC,* 421 U.S. 60, 78–79 (1975) *Union Electric Co.* v. *EPA,* 427 U.S. 246, 256–57 (1976). There is thus no compelling legal or policy reason to retain this section, and accordingly it is deleted.

40 CFR 51.104 Revisions: Section 51.104(a). Section 51.104(a) provides that an implementation plan shall be revised from time to time as necessary to take into account revisions of national standards, the availability of improved methods of attaining standards, or a finding that the plan is substantially inadequate to attain or maintain the standards, or comply with the requirements of the Act.

This provision is superfluous because its requirements are superseded by the 1990 Clean Air Act Amendments which set forth the conditions and specific schedules according to which plan revisions should take place. See CAA section 110(k)(5), the general authority of sections 110(k) and (l). See also section 110(a)(2)(H), which requires plans to provide for revisions under the same circumstances set forth in § 51.104(a). Accordingly, § 51.104(a) is deleted.

Section 51.104(b). Section 51.104(b) provides that the State must revise a plan within 60 days after notice by the Administrator, or such later date as is set by the Administrator.

This regulation has been superseded by Section 110(k)(5) of the Clean Air Act, which sets up a different timetable for revisions. Section 51.104(b) is legally obsolete, and accordingly is deleted.

Section 51.104(e). Section 51.104(e) requires the state to identify and describe revisions other than those covered by § 51.101(a) and (d). Section 110(l) of the Clean Air Act governs SIP revisions to EPA, and therefore this section is unnecessary, superfluous, and overly restrictive. Accordingly, it is being deleted.

Note: Sections 51.104 (c), (d), (f) and (g) are being retained, and are being redesignated § 51.104 (a) and (b), (c), and (d), respectively.

40 CFR 51.110 (a) through (l) Attainment and Maintenance of National Standards: These sections set forth various requirements for state implementation plans (''SIPs'') providing for attainment of the primary and secondary national ambient air quality standards. (''NAAQS'').

Section 51.110(a). Section 51.110(a) requires SIPs to provide for emissions reductions sufficient to offset any increase in air quality concentrations resulting from an emissions increase due to projected growth of population, industrial activity, motor vehicle traffic, or other factors.

This section is at odds with the approach taken in current law, under section 110(l). Section 110(l) establishes as a test of approvability of a SIP revision that the revision may not ''interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 171), or any other applicable requirement of this Act.'' It thus calls into play, and must be read with, the Act's highly specific requirements in areas such as reasonable further progress and conformity. EPA interprets section 110(l) by applying it to each SIP revision, in light of the circumstances presented by each case. Thus, in contrast to § 51.110(a), and statutory provisions such as section 193 of the Clean Air Act (which applies to modifications of pre-1990 SIP

components) section 110(l) does not call for a ''one-size-fits-all'' equivalence standard. EPA therefore concludes that the rigid equivalence test of § 51.110(a) conflicts with the current statute. To the extent that this regulation remains consistent with new law, it is superfluous. EPA has not issued general guidance on section 110(l), because it views each type of SIP revision as presenting unique issues that should be addressed on a case-by-case basis. Accordingly, § 51.110(a) is being deleted.

Section 51.110(b). Section 51.110(b) requires that plans for attainment of the primary standard, or revisions to such plans, provide for attainment as expeditiously as practicable, but no longer than three years after the date of approval by the Administrator, unless the state obtains an exemption under Subpart R. Section 51.110(b) further requires that each plan provide for maintenance of the standard.

As to basic or original SIPs, the requirements of § 51.110(b) have been superseded by sections 172(c)(l), 181–182, 186–187(CO), 188–189 (PM_{10}), 191–192 (SO_2, NO_X, lead) as enacted as part of the Clean Air Act Amendments of 1990. As to revisions, this section is superseded by section 110(l) and new statutory provision 175A, which addresses how states are supposed to assure maintenance. With respect to section 110(a)(l) of the CAA, § 51.110(b) is redundant and therefore unnecessary. Section 51.110(b) is accordingly being deleted.

Section 51.110(c). See the discussion above under § 51.100(o).

Section 51.110(d). Retained.

Section 51.110(e). Section 51.110(e) requires plans to ensure that stationary sources within one region will not prevent attainment and maintenance of standards in any other region, or interfere with PSD or visibility measures required to be included in other regions' plans.

Section 51.110(e) is duplicative of the statute, which states that any plan must meet section 110(a)(2)(D), and with section 110(l), which provides that any plan revision shall not interfere with statutory requirements, including section 110(a)(2)(D).

Section 51.110(f). Section 110(f) provides that, for purposes of developing a control strategy, data derived from measurements of existing ambient levels of a pollutant may be adjusted to reflect the extent to which occasional natural or accidental phenomena demonstrably affected such measured levels.

This section restates the general position that data used to develop control strategies may be adjusted to reflect occasional natural or accidental phenomena. This section is unnecessary, since it is redundant of other guidance. To the extent that natural or accidental phenomena affect measured levels of pollutants, pollutant-specific legislative or policy guidance is available to deal with the impact of these phenomena. For example, section 188(f) of the Clean Air Act of 1990 provides waivers for certain areas affected by nonanthropogenic sources of PM_{10}. In addition, EPA has provided specific guidance regarding the interpretation and implementation of this section in the General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990: State Implementation Plans for serious PM_{10} nonattainment areas and attainment date waivers for PM_{10} nonattainment areas, generally 59 FR *157,* 41998–42017. Accordingly, this section is being deleted as superfluous and redundant.

Section 51.110(g). Section 51.110(g) states that EPA encourages States, in developing their attainment plans, to identify alternative control strategies and the costs and benefits thereof.

While EPA endorses the policies embodied in this regulation, EPA does not believe it necessary to clutter the CFR with such precatory language. Sections 110(a)(2)(A) and 101(a)(3), as well as *Train* v. *NRDC, supra* and *Union Electric* v. *EPA, supra,* make clear that the state is free to consider a broad range of factors in constructing its attainment plans. Accordingly, § 51.110(g) is being deleted.

Section 51.110(h). Section 51.110(h) requires a state plan, to be submitted by 1974, to identify areas which may have the potential for exceeding any national standard within the subsequent ten-year period.

This section deals with plan requirements that were due in the 1970's. The statute now sets up a comprehensive scheme that governs how states should address maintenance. Section 110(a)(l) and Section 175A. Section 51.110(h) is a relic of an outmoded statutory framework. EPA believes it is not necessary or warranted for this section to remain on the books in light of the maintenance requirements in the current statute. Accordingly it is being deleted.

Section 51.110(i). This section states that the Administrator will publish by August, 1975, a list of the areas that shall be subject to the requirements of § 51.110(g).

Section 51.110(i) is obsolete because in the 1977 Clean Air Act Amendments, and then again in the 1990 Amendments, Congress statutorily prescribed the contents of new plans for attainment. Sections 172(c)(l), Sections 181–182 (ozone), 186–187 (CO) 188–189 (PM_{10}), 191–192 (SO_2, NO_X, lead). Accordingly, § 51.110(I) is being deleted.

Section 51.110(j). Section 51.110(j) provides that for each area identified under § 51.110(f), the State must submit an air quality analysis and, if necessary, a plan revision.

Section 51.110(j) is obsolete because in the 1977 Clean Air Act Amendments, and then again in the 1990 Amendments, Congress statutorily prescribed the requirements for new plans for attainment and for revisions. Sections 172(c)(l), 181–182 (ozone), 182(b)(l), 182(c)(2)(A) (ozone), 186–187 (CO), 188–189 (PM_{10}), 191–192 (SO_2, NO_X, lead. Accordingly, § 51.110(j) is being deleted.

Section 51.110(k). Section 51.110(k) applies to state plans required to be submitted by May, 1978, and includes maintenance provisions and requirements for data collection and assessment that include a requirement that the State notify the Administrator if an area is ''undergoing an amount of development such that it presents the potential for a violation of national standards within a period of 20 years.'' This section also requires that state plans provide for assessing all areas of the State every five years to determine if any areas need plan revision.

This section is a relic of a previous statutory framework and related round of SIP revisions. The current statute sets forth a different, and detailed scheme for plan revisions. Section 110(k)(5) provides that the Administrator may call for SIP revisions based on a range of findings. EPA does not believe that § 51.110(k) should remain in the CFR to limit the flexibility embodied in sections 110(k)(5) and 175A. Accordingly § 51.110(k) is being deleted.

Section 51.110(l). Section 51.110(l) provides that whenever the Administrator calls for a plan revision she may require it to be developed in accordance with Subpart D without publishing the area in part 52.

Section 110(k)(5) of the current Clean Air Act adequately governs the circumstances under which the Administrator may call for plan revisions. EPA will determine on a case-by-case basis the procedures it will apply in implementing SIP calls. Accordingly, § 51.110(l) is unnecessary and is being deleted.

40 CFR 51.213 Transportation Control Measure: Section 51.213(a): Section 51.213(a) provides that plans must

contain procedures for obtaining and maintaining data on actual emissions reductions achieved as a result of implementation of transportation control measures.

Section 51.213(b). Section 51.213(b) provides that, for measures based on traffic flow changes or reductions in vehicle use, data must include observed changes in vehicle miles traveled and average speeds.

Section 51.213(c). Section 51.213(c) requires data to be kept so as to facilitate comparison of the planned and actual efficacy of transportation control measures.

Section 51.213(a–c) are generally addressed in section III, SIP requirements, of the General Preamble for Title I of the 1990 CAA. The procedural elements of the SIP submittals are specifically required by sections 182 and 187 of the CAAA. The requirements are incorporated in Agency regulation and guidance on each required SIP submittal that is related to transportation control. For example, guidance documents such as ''Transportation Control Measure: State Implementation Plan Guidance (September, 1990), ''Section 187 VMT Forecasting and Tracking Guidance'' (January, 1992), and ''Transportation Control Measure Information Documents'' (March, 1992), discuss the same requirements that are set forth in § 51.213. Thus, this section is redundant of other EPA guidance regarding transportation control measures, and accordingly is being deleted.

40 CFR 51.241(b)–(f); 51.242–252 Subpart M—Intergovernmental Consultation: (Includes the following rules:)

51.241 Nonattainment areas for carbon monoxide and ozone
51.242 [Reserved]
51.243 Consultation process objectives
51.244 Plan elements affected
51.245 Organizations and officials to be consulted
51.246 Timing
51.247 Hearings on consultation process violations
51.248 Coordination with other programs
51.249 [Reserved]
51.250 Transmittal of information
51.251 Conformity with Executive Order 12372
51.252 Summary of plan development participation

The requirements described in this subpart are generally addressed in section III, SIP requirements, of the General Preamble for Title I of the Clean Air Act Amendments of 1990 (CAAA). The requirements of § 51.241 regarding Section 174 of the CAAA and designation of a lead planning organization are specifically addressed in a guidance document required by section 108(3) of the CAAA. EPA issued the guidance entitled, ''The 1992 Transportation and Air Quality Planning Guidelines'' in July, 1992.

The requirements of §§ 51.243 through 51.252 regarding the planning consultation process are incorporated in Agency regulation and guidance on each SIP submittal required by the CAAA. For example, the EPA regulation, ''Criteria and Procedures for Determining Conformity to State or Federal Implementation Plans or Transportation Plans, Programs, and Projects Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act'' (November, 1993), contains specific requirements for the planning and consultation process that States must adhere to and incorporate into their SIP submittal. Thus, these requirements are redundant of other EPA rules regarding air quality planning, and consequently are being deleted.

40 CFR 51.325 Contingency Plan Actions: Section 51.325 requires states to report any measures taken to stop emissions contributing to any incident of air pollution which corresponds to a stage of episode criteria as established in the state's contingency plan. States are also required to report an account of any episode stage during which no action was taken, and an explanation for the failure to take action.

This section imposes a reporting burden on states that is no longer appropriate and necessary. This section was promulgated at a time when EPA did not have routine access to state air quality data. Currently, EPA has access to State air quality data and has the ability to initiate the appropriate regulatory response to these high concentrations, e.g., redesignation to nonattainment. In addition, this regulation reflects an era when many State air pollution control agencies were new and may have needed EPA support in dealing with elevated air pollution levels. State agencies have progressed to the extent that they do not need EPA assistance in dealing with this type of event. Moreover, the reporting of how exactly every state responds to each of these events does not yield a significant enough benefit to justify the reporting burden, since that information would be publicly available in any event. The EPA believes that the CFR should reflect these developments and is therefore removing this regulation as unnecessary.

40 CFR 51.341 Request for 18-month Extension: Section 51.341(a) states that the Administrator may, whenever she determines necessary, extend the submittal date for the portion of a SIP which implements a secondary NAAQS.

This section merely restates the statutory language contained in section 110(b) of the Clean Air Act of 1990. Since this section is redundant, EPA is deleting it from the CFR.

Sections 51.341 (b), (c) and (d) impose certain requirements on any State request for an extension of the submittal date for a SIP implementing a secondary NAAQS. Section 51.341(b) requires, at a minimum, the application of RACT as defined in § 51.100(o). Section 51.341(c) requires that any request for an extension involving an interstate area either be accompanied by requests from all affected States in the area or show that all other States in the area were notified of the request. Finally, § 51.341(d) requires that any request must be submitted sufficiently in advance to permit SIP development prior to the original SIP submittal deadline in the event the request is denied.

These sections place unnecessary limits on the exercise of discretion by the Administrator in acting on State requests for extensions of the submittal date for SIPs to implement secondary NAAQS. While these sections reflect general principles which the Administrator may wish to consider, they are not compelled by the statutory language of the Clean Air Act of 1990. EPA believes that such restrictions are unnecessary and that they may unduly inhibit State flexibility. Consequently, these sections are being deleted from the CFR.

Part 52

40 CFR 52.02(d) Introduction: Section 52.02(d) provides that approved plans are available for inspection at the Office of the Federal Register and at listed EPA headquarters and regional addresses.

The EPA addresses listed in § 52.02(d) are no longer correct. Accordingly § 52.02(d)(1) through (d)(3) are being revised to reflect current addresses.

40 CFR 52.03 Extensions: Section 52.03 states that each subpart includes the Administrator's determination with respect to requests for extensions under section 110(b) for submitting secondary standard attainment plans, and requests under section 110(e) for extensions of the 3-year deadline for attaining the primary standard.

Section 110(e) has been repealed, and thus there are no longer any determinations of requests for extensions under that section. With respect to any other extension of attainment dates or extensions under section 110(b) for submitting secondary

standard attainment plans, there is no need for a requirement to put such determinations in the CFR. EPA will provide notice of any such extension.

40 CFR 52.16 Submission to Administrator: Section 52.16 provides that communications and submissions to the Administrator pursuant to part 52 shall be addressed to the appropriate regional office of the EPA. It supplies addresses for each regional office, and directs that submissions be addressed to the attention of the Director, Enforcement Division.

This section provides incorrect addresses, and accordingly is being revised.

40 CFR 52.19 Revision of Plans by Administrator: Section 52.19 provides that, after notice and opportunity for hearing in each affected State, the Administrator may revise any provision of an applicable plan if the provision was promulgated by the Administrator and the revised plan will be consistent with the Clean Air Act and the requirements of Part 51 of the CFR.

This section is superfluous, since it is redundant of the statute section 307(d)(5), and also more restrictive than the statute, which does not require a hearing in each affected state.

With respect to § 52.19(b), section 110(l) of the Clean Air Act applies to revisions to FIPs as well as SIPs, and provides a standard for the acceptability of a plan revision different from that set forth in § 52.19(b). Section 110(l) provides that plan revisions may not ''interfere with any applicable requirement concerning attainment and reasonable further progress * * * or any other applicable requirement of this Act.'' Accordingly, § 52.19 is being deleted.

2. State Specific Rules

The following regulations include rules applicable on a state-specific basis. EPA has reviewed these rules and found that they should be deleted (or, where indicated, modified) for the reasons set forth below.

Part 52

Region 3 (Delaware, Washington, DC, Maryland, Pennsylvania, Virginia, West Virginia)

Maryland

40 CFR 52.1073(b), (c) Approval Status: Sections 52.1073(b) and (c) state exceptions to EPA's approval of Maryland's implementation plan for attaining and maintaining national air quality standards regarding an outdated O_3CO control strategy. EPA has approved and incorporated by reference Maryland's new control strategy regulations at §§ 52.1070(c)(110)-(c)(112), 60 FR 2067 (Jan. 6, 1995); § 52.1070(c)(72), 49 FR 35500 (Sept. 10, 1984); § 52.1070(c)(102), 59 FR 60908 (Nov. 29, 1994); and §§ 52.1070(c)(103) and (c)(104), 59 FR 46180 (Sept. 7, 1994). The requirements of §§ 52.1073(b) and (c) cross-reference obsolete regulations. They are therefore legally obsolete, and accordingly are being deleted.

40 CFR 52.1082 Rules and regulations: Section 52.1082 cross-references § § 52.1073 (b) and (c), both obsolete regulations. EPA has approved and incorporated by reference Maryland's new control strategy regulations at § § 52.1070(c)(110)-(c)(112), 60 FR 2067 (Jan. 6, 1995); § 52.1070(c)(72), 49 FR 35500 (Sept. 10, 1984); § 52.1070(c)(102), 59 FR 60908 (Nov. 29, 1994); and §§ 52.1070(c)(103) and (c)(104), 59 FR 46180 (Sept. 7, 1994). Section 52.1082 is therefore legally obsolete, and accordingly is being deleted.

40 CFR 52.1086, 40 CFR 52.1101 Gasoline transfer vapor control: Sections 52.1086 and 52.1101 describe control strategy requirements for gasoline transfer vapor. The 1990 CAAA provisions supersede those requirements. EPA has approved and incorporated by reference revised Maryland regulations. See § § 52.1070(c)(110)-(c)(112), 60 FR 2067 (Jan. 6, 1995). Sections 52.1086 and 52.1101 are therefore legally obsolete, and accordingly are being deleted.

40 CFR 52.1087, 40 CFR 52.1102 Control of evaporative emissions from the filling of vehicular tanks: Sections 52.1087 and 52.1102 describe the EPA promulgated control strategy for evaporative emissions from the filling of vehicular tanks. The provisions of Section 182(b)(3)(A) of the CAA, as amended in 1990, supersede their requirements. EPA has approved and incorporated by reference revised Maryland regulations. See § 52.1070(c)(107), 59 FR 29730 (June 9, 1994). Sections 52.1087 and 52.1102 are therefore legally obsolete, and accordingly are being deleted.

40 CFR 52.1088, 40 CFR 52.1107 Control of dry cleaning solvent evaporation: Sections 52.1088 and 52.1107 describe the EPA promulgated control strategy for dry cleaning solvent evaporation. The provisions of sections 182(b)(2)and 182(b)(2)(A) in the CAA, as amended in 1990, supersede their requirements. EPA has approved and incorporated by reference revised Maryland regulations. See § § 52.1070(c)(72), 49 FR 35500 (Sept. 10, 1994); § 52.1070(c)(102), 59 FR 60908 (Nov. 29, 1994); and §§ 52.1070(c)(103) and (c)(104), 59 FR 46180 (Sept. 7, 1994). Sections 52.1088 and 52.1107 are therefore legally obsolete, and accordingly are being deleted.

Pennsylvania

40 CFR 52.2023 (b)-(d), (f), (g) Approval status: Sections 52.2023(f) and (g) state exceptions to EPA's approval of Pennsylvania's implementation plan for attaining and maintaining national air quality standards. EPA has subsequently approved all official SIP submittals by Pennsylvania DER to correct the listed deficiencies. See §§ 52.2020(c)(41), 47 FR 8358 (Feb. 26, 1982); (c)(48), 48 FR 2319 (Jan 19, 1983); and (c)(49), 48 FR 2768 (Jan. 21, 1983). Sections (b)-(d) reflect EPA requirements prior to the 1977 CAA amendments. Pursuant to the 1977 CAA amendments, EPA approved and incorporated by reference revised Pennsylvania regulations at § § 52.2420(c)(63), 50 FR 7772 (Feb. 26, 1985). All part 52 regulations cross-referenced in these sections have been determined to be obsolete. Sections 52.2036, 52.2040, 52.2044 through 52.2048, and 52.2052 had previously been removed. (45 FR 33607 (May 20, 1980). Sections 52.2030, 52.2031, 52.2038, 52.2040, 52.2041, 52.2043, 52.2049 through 52.2051, and 52.2053 are being removed elsewhere in this action. These sections are therefore legally obsolete, and accordingly are being deleted.

40 CFR 52.2030 (b) Source surveillance: Section 52.2030(b) disapproves Pennsylvania's source surveillance portion of the implementation plan. Pennsylvania has submitted and EPA has approved a continuous emission monitoring program as well as additional measures which require periodic source testing. See §§ 52.2020(c)(48), 48 FR 2319 (Jan. 19, 1983); (c)(74), 57 FR 43905 (Sept. 23, 1992); and (c)(81), 58 FR 34911 (June 30, 1993). Section 52.2030(b) is therefore legally obsolete, and accordingly is being deleted.

40 CFR 52.2031 Resources: Section 52.2031 states that the Pennsylvania implementation plan failed to meet the requirements of § 51.280 by showing a lack of manpower resources and funds necessary to carry out the plan five years after its submission. Since 1973, Pennsylvania has submitted over 90 SIP revisions which EPA has approved and incorporated by reference in § 52.2020(c). EPA's approval actions include comprehensive submittals made pursuant to the 1977 and 1990 CAA amendments, portions of which are referenced elsewhere in today's actions. Those approved submittals evidence

that the state has adequate resources to implement its plans. Section 52.2031 is therefore legally obsolete, and accordingly is being deleted.

40 CFR 52.2034 Attainment dates for national standards: Section 52.2034 states dates by which national ambient air quality standards are to be attained for Pennsylvania. All of the attainment dates in the regulation have been superseded by dates in the 1990 CAAA provisions except with regard to the attainment and maintenance of the secondary sulfur dioxide standards. Pennsylvania has not submitted a secondary SO_2 plan, as of December 31, 1979, for Nothumberland County, Snyder County and Allegheny County. All of the attainment dates, except the date for attainment of the secondary SO_2 standard in those counties, are therefore deleted.

40 CFR 52.2038 Inspection and maintenance: Section 52.2038 reflects inspection and maintenance requirements predating the 1977 CAAA. Pennsylvania has an EPA- approved I/M program reflecting the 1977 CAAA provisions. See § 52.2020(c)(66), 52 FR 11259 (April 8, 1987). Section 52.2038 is therefore legally obsolete, and accordingly is being deleted.

40 CFR 52.2039 Air bleed to intake manifold retrofit: Section 52.2039 describes emission control requirements that apply to pre-1968 model year vehicles. Current EPA provisions no longer require these vehicles to be tested under a State's I/M program. See § § 51.351(a)(4) and 51.352(a)(4), 57 FR 52950 (Nov. 5, 1992). Section 52.2039 is therefore legally obsolete, and accordingly is being deleted.

40 CFR 52.2041, 52.2043, 52.2049, 52.2050, 52.2051 Transportation control measures FIP: These regulations are made obsolete by 40 CFR 52.2020. The following miscellaneous provisions for Pennsylvania arise from a FIP, and have been superseded by approved SIP control strategies. See § 52.2020(c)(63), 50 FR 7772 (Feb. 26, 1985):

Sec.
52.2041 Study and establishment of bikeways
52.2043 Computer carpool matching system
52.2049 Specific express busways in Allegheny County
52.2050 Exclusive bus lanes for Pittsburgh suburbs and outlying areas
52.2051 Regulation for the limitation of public parking

These sections are therefore legally obsolete, and accordingly are being deleted.

40 CFR 52.2042 Gasoline transfer vapor control: Section 52.2042 describes the control strategy requirements for gasoline transfer vapor. The 1977 and 1990 CAAA provisions supersede these requirements. EPA has approved and incorporated by reference revised Pennsylvania regulations. See §§ 52.2020(c)(23), 45 FR 33607 (May 20, 1980) and (c)(79), 58 FR 28362 (May 13, 1993). Section 52.2042 is therefore legally obsolete, and accordingly is being deleted.

40 CFR 52.2053 Monitoring transportation mode trends: Section 52.2053 should have been deleted as part of EPA's approval action at § 52.2020(c)(22) et seq., 45 FR 33607 (May 20, 1980). Section 52.2053 is therefore legally obsolete, and accordingly is being deleted.

Virginia

40 CFR 52.2423(b), (c) Approval status: Sections 52.2423 (b) and (c) state exceptions to EPA's approval of Virginia's implementation plan for attaining and maintaining national air quality standards regarding an outdated O_3/CO control strategy. Its requirements cross-reference other obsolete regulations. The 1977 and 1990 CAAA provisions supersede these requirements. EPA has approved and incorporated by reference revised Virginia regulations. See §§ 52.2420(c)(47), 46 FR 57282 (Nov. 23, 1981); (c)(55), 47 FR 2769 (Jan. 19, 1982); (c)(73), 48 FR 7579 (Feb. 23, 1983); (c)(74), (c)(78) and (c)(79), 49 FR 3083 (Jan. 25, 1984). Section 52.2423 (b) and (c) are therefore legally obsolete, and accordingly are being deleted.

40 CFR 52.2430 Legal authority: Section 52.2430 states that Virginia failed to satisfy § 51.231(a), identification of legal authority. EPA has approved and incorporated by reference revised Virginia regulations correcting those deficiencies. See §§ 52.2420(c)(47), 46 FR 57282 (Nov. 23, 1981); (c)(73), 48 FR 7579 (Feb. 23, 1983); (c)(74), (c)(78) and (c)(79), 49 FR 3083 (Jan. 25, 1984). Section 52.2430 is therefore legally obsolete, and accordingly is being deleted.

40 CFR 52.2431 Control strategy: carbon monoxide and ozone: Section 52.2431(a)–(c) states disapproval of Virginia's implementation plan regarding the control strategy for carbon monoxide and ozone. These provisions reflect EPA requirements prior to the 1977 CAA amendments. Pursuant to the 1977 CAAA, EPA has approved and incorporated by reference revised Virginia regulations. See §§ 52.2420(c)(55), 47 FR 2769 (Jan. 19, 1982); (c)(74) and (c)(78), 49 FR 3083 (Jan. 25, 1984). Section 52.2431(d) cross-references 40 CFR 52.2438, gasoline transfer vapor control, an obsolete regulation. Pursuant to the 1990 CAA amendments, EPA has approved and incorporated by reference revised Virginia regulations at § 52.2420(c)(99) 59 FR 15117 (Mar. 31, 1994). Section 52.2431 is therefore legally obsolete, and accordingly is being deleted.

40 CFR 52.2435 Compliance schedules: Section 52.2435 describes the compliance schedule for the Eisenhower Avenue Incinerator in Alexandria, Virginia. According to the Virginia Department of Environmental Quality, this facility was physically dismantled in 1988. Since the facility no longer exists and any reopening would be subject to new requirements under NSR or PSD, this regulation is obsolete. Accordingly, § 52.2435 is being deleted.

40 CFR 52.2436(a) Rules and regulations: Section 52.2436(a) refers to an outdated O_3 control strategy. Its requirements cross reference §§ 52.2438, 52.2439 and 52.2440, all legally obsolete. Section 52.2436(a) is therefore legally obsolete, and accordingly is being deleted.

40 CFR 52.2438 Gasoline transfer vapor control: Section 52.2438 describes the control strategy requirements for gasoline transfer vapor. The 1977 and 1990 CAAA provisions supersede these requirements. EPA has approved and incorporated by reference revised Virginia regulations meeting the new requirements. See §§ 52.2420(c)(55), 47 FR 2769 (Jan. 19, 1982); and (c)(99), 59 FR 15117 (Mar. 31, 1994). Section 52.2438 is therefore legally obsolete, and accordingly is being deleted.

40 CFR 52.2440 Control of dry cleaning solvent evaporation: Section 52.2440 describes the control strategy requirements for dry cleaning solvent evaporation. The provisions of §§ 182(b)(2) and 182(b)(2)(A) in the 1990 CAAA supersede their requirements. EPA has approved and incorporated by reference revised Virginia regulations meeting those statutory requirements. See § 52.2420(c)(99), 59 FR 15117 (Mar. 31, 1994). Section 52.2440 is therefore legally obsolete, and accordingly is being deleted.

West Virginia

40 CFR 52.2523 Attainment dates for national standards: Section 52.2523 states dates by which national ambient air quality standards are to be attained for West Virginia. The attainment dates in the regulation have been superseded by new dates in the 1990 CAAA provisions, except with regard to attainment and maintenance of the secondary sulfur dioxide standards. The superseded attainment dates are being deleted, since they are legally inoperative.

Region 5 (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin)

Illinois

40 CFR 52.727 Attainment dates for national standards: Section 52.727 states dates by which national ambient air quality standards are to be attained for Illinois. All of the attainment dates in the regulation have been superseded by new dates in 1990 CAAA provisions, with the exception of the secondary sulfur dioxide attainment dates. Illinois' remaining SO_2 secondary nonattainment area, Hollis township in Peoria County, was redesignated as attaining the SO_2 standard on April 4, 1995 (60 FR 10734) at which time EPA also approved a maintenance plan. The EPA conditionally approved the State's SO_2 nonattainment area plan on February 21, 1980 (45 FR 11472) and codified its satisfaction of the final conditional approval element on September 2, 1992 (57 FR 40126). This regulation is therefore obsolete, and accordingly is being deleted.

40 CFR 52.729 Control strategy: Carbon monoxide: Illinois contains no carbon monoxide (CO) nonattainment areas. This was most recently confirmed by the November 15, 1995 reexamination of the CO attainment status mandated by the Clean Air Act Amendments of 1990. EPA did conditionally approve the State's CO nonattainment area plans for the Chicago and Peoria areas on September 22, 1980 (45 FR 62804). The satisfaction of these conditional approvals is codified at 40 CFR 52.720(c) (25), (33) and (34). Section 52.729 is therefore legally obsolete, and accordingly is being deleted.

40 CFR 52.731 Inspection and maintenance of vehicles: Section 52.731 contains a federally promulgated I/M program which has been superseded by a State program which was incorporated in the SIP at 40 CFR 52.720(c)(79). Section 52.731 is therefore legally obsolete, and accordingly is being deleted.

40 CFR 52.732 Traffic flow improvements: Section 52.732 has been satisfied by transportation control plans codified as received and approved at § 52.720(c) (25), (33), and (34). This section is therefore legally obsolete, and accordingly is being deleted.

40 CFR 52.733 Restriction of on-street parking: This section contains a federally promulgated regulation which has been replaced by State developed and adopted transportation control plans which were codified and approved at §§ 52.720(c) (25), (33), and (34). This regulation is therefore obsolete, and accordingly is being deleted.

40 CFR 52.734 Monitoring transportation mode trends: This section contains a federally promulgated regulation which has been replaced by State developed and adopted transportation control plans which were codified and approved at §§ 52.720(c) (25), (33) and (34). This regulation is therefore obsolete, and accordingly is being deleted.

Minnesota

40 CFR 52.1227 Transportation and land use controls: Section 52.1227 requires Minnesota to submit information relating to its transportation control plan by December 30, 1973. Receipt of a transportation control plan on May 20, 1985 and April 17, 1986 is codified at § 52.1220(c)(23). Section 52.1227 is therefore legally obsolete, and accordingly is being deleted.

Ohio

40 CFR 52.1875 Attainment dates for national standards: Section 52.1875 states dates by which national ambient air quality standards are to be attained for Ohio. All of the attainment dates in the regulation have been superseded by new dates in 1990 CAAA provisions, with the exception of the secondary sulfur dioxide attainment dates. Therefore, references to the attainment of other national standards should be deleted from this section of the CFR.

40 CFR 52.1878 Inspection and maintenance program: Paragraphs (a) through (g) of this section are used to codify a federally promulgated I/M program which has been superseded by a State operated and approved I/M section. Paragraph (h) is a conditional approval which should have been removed during the recent full approval action. EPA's most recent approval of Ohio's I/M program is codified at § 52.1870(c)(101). This submittal satisfied the conditional approval of the program contained in § 52.1878(h). This section is therefore obsolete, and accordingly is being deleted.

40 CFR 52.1885(e)–(q) Control strategy: ozone: Paragraphs (e) through (q) list numerous site-specific SIP submittals which have been disapproved. The applicable requirements for these sources are initially codified as § 52.1870(c)(15) and other provisions contain the subsequent modifications to the SIP as approved by EPA. Paragraphs (e) through (q) of § 52.1885 should be removed because they do not alter the contents of the SIP. These sections are therefore legally obsolete, and accordingly are being deleted.

Region 6 (Arkansas, Louisiana, New Mexico, Oklahoma, Texas)

Arkansas

40 CFR 52.175 Resources: Section 52.175 states that the (January 1972) Arkansas implementation plan failed to meet the requirements of § 51.280, by showing a lack of manpower resources and funds necessary to carry out the plan in the five years after its submission on January 1972. The State has now demonstrated that it has adequate resources by attaining and maintaining all National Ambient Air Quality Standards. See § 81.304, 56 FR 5671 (Nov. 6, 1991). Further, the State has carried out an adequate air pollution control program, thus demonstrating the lack of manpower and funding has been remedied. Section 52.175 is therefore legally obsolete, and accordingly is being deleted.

Louisiana

40 CFR 52.972 Approval status: Section 52.972 states exceptions to EPA's approval of Louisiana's implementation plan for attaining and maintaining national air quality standards. The exceptions relate to certain RACT rules that were required of the State. Louisiana adopted RACT rules for the sources covered by CTGs and EPA has approved the regulations. See § 52.970(c)(60), 59 FR 23164 (May 5, 1994). Section 52.972 is therefore legally obsolete, and accordingly is being deleted.

40 CFR 52.978 Resources: Section 52.978 states that the (January 1972) Louisiana implementation plan failed to meet the requirements of § 51.280 by showing a lack of manpower and funds necessary to carry out the plan (during the five years after its submission). Since January 1972, Louisiana has submitted over 62 SIP revisions which EPA has approved and incorporated-by-reference in § 52.970(c). EPA's approval actions include comprehensive submittals made pursuant to the 1977 and 1990 CAA Amendments, portions of which are referenced elsewhere in today's actions. Section 52.978 is therefore legally obsolete, and accordingly is being deleted.

40 CFR 52.988 Rules and regulations: Section 52.988 (a) states that the requirements of § 51.281 are not met since the definitions of ''particulate matter'' and ''suspended particulate matter'', as provided in LAC:33:III:111 (formerly §§ 4.47 and 4.72, respectively), could make applicable emission limitations of the Louisiana Department of Environmental Quality (LDEQ) unenforceable in some circumstances. Therefore,

LAC:33:III:111 ''particulate matter'' and ''suspended particulate matter'' were disapproved. Sections 52.988 (b) and (c) respectively prescribe definitions of particulate matter applicable to the following chapters in LAC:33:III: 1) Chapters 13 and 56 (formerly Regulation 9.0 and 27.0 respectively); and 2) Chapter 13 (formerly Regulations 19.0, 20.0, 21.0) and Chapter 23, Subchapters A and B (formerly Regulations 23.0 and 28.0 respectively). The State of Louisiana has since adopted definitions to cover these areas and EPA has approved them, making § 52.988 obsolete. See § 52.970(c)(50); 54 FR 25451 (June 15, 1989). Specifically, LDEQ revised its definition of particulate matter and total suspended particulate and added definitions for particulate matter emissions, PM_{10}, and PM_{10} emissions. These definitions are essentially identical to the Federal definitions. LDEQ also deleted its definition for suspended particulate matter, which EPA had disapproved in a March 28, 1979 rulemaking notice. EPA approved all these changes in the June 15, 1989 rulemaking action. Section § 52.988 is therefore legally obsolete, and accordingly is being deleted.

New Mexico

40 CFR 52.1625 Control strategy: particulate matter: Section 52.1625 states that the New Mexico plan for total suspended particulates (TSP) for the Albuquerque nonattainment area was conditionally approved on five conditions as indicated. EPA may no longer require development of control strategies designed to attain the TSP standard after the July 1, 1987 promulgation of the particulate matter (PM_{10}) standard and the repeal of the TSP standard. See 52 FR 24634 (July 1, 1987). Section 52.1625 is therefore legally obsolete, and accordingly is being deleted. Also, the Albuquerque/Bernalillo County area is currently designated as unclassifiable for the PM_{10} NAAQS (see § 81.332, PM_{10} table; 58 FR 67334, Dec. 21, 1993).

Oklahoma

40 CFR 52.1922 Approval status (last sentence): Section 52.1922 states exceptions to EPA's 1979 approval of Oklahoma's implementation plan for attaining and maintaining national air quality standards. EPA approved Oklahoma's post-1982 SIP revision (including State adopted rules) for attainment of the ozone NAAQS in Tulsa County, and approved the State's request to redesignate Tulsa County from nonattainment to attainment for the ozone NAAQS (effective immediately upon signature of the EPA Administrator on October 31, 1990). See § 52.1920(c)(39) and § 81.337—Ozone; 56 FR 3777 (Jan. 31, 1991). The last sentence of section 52.1922 is therefore legally obsolete, and accordingly is being deleted.

40 CFR 52.1932 Control strategy and regulations: ozone: On June 16, 1975, the Governor of Oklahoma submitted to EPA revisions of Oklahoma Regulation No. 15 for control of emissions of organic materials as adopted (effective date) December 31, 1974. See § 52.1920(c)(11). Section 52.1932 states that subsection 15.27c of Oklahoma Revised Regulation 15 (effective date of December 31, 1974) is disapproved. Subsection 15.27c exempts ''agricultural purposes'' from all provisions for hydrocarbon control. The previous (1972) regulation did not exempt such sources. See § 52.1920(c)(4). In its June 16, 1975 submittal, the State did not provide EPA with justification for relaxation of the 1972 regulation or with an analysis of the air quality impact of exempting previously controlled sources. The EPA could not approve relaxation of an approved SIP regulation without such an analysis. Thus, subsection 15.27c was disapproved on March 31, 1978, at 43 FR 13574.

Since March 1978, when this rule was published, the State has shown sufficient justification for relaxation of the 1972 regulation (i.e., for approval of the subsection 15.27c exemption). Specifically, EPA approved Oklahoma's post-1982 SIP revision (including State adopted rules) for attainment of the ozone NAAQS in Tulsa County, and approved the State's request to redesignate Tulsa County from nonattainment to attainment for the ozone NAAQS (effective immediately upon signature of the EPA Administrator on October 31, 1990). (Oklahoma Regulation 15.27c was subsequently renumbered as State Regulation 3.7.1.(d)(3), and again renumbered as State Regulation 310:200–37–4(c).)

Specifically, the post-1982 Oklahoma ozone nonattainment SIP demonstrated attainment of the ozone NAAQS in Tulsa County by December 31, 1987, without taking credit for the emission reductions from § 52.1932 promulgated by EPA in March 1978. The emission reductions from the federally promulgated measure were not included in either a) the State's base-year (1984) emission inventory or b) the anticipated emission reductions, from the post-1982 SIP demonstrating attainment of the ozone standard for Tulsa County. Also the State did not take any such credit in the modeling input parameters they used in the plan. Consequently, EPA's rationale for disapproving Regulation 15.27c became moot with EPA's approval of the post-1982 ozone attainment demonstration, and this rule § 52.1932 is now obsolete.

For example, the Reasonable Further Progress (RFP) curve submitted with the post-1982 ozone SIP predicted sufficient VOC emission reductions would be achieved with the implementation of the State regulations and the continuation of the Federal Motor Vehicle Control Program to attain the ozone NAAQS. The curve shows that a VOC emissions decrease of 19.7 percent was to occur in Tulsa County between 1984 and 1986. This anticipated decrease was without taking credit for the federally promulgated measure at § 52.1932. The State demonstrated that a 12 percent decrease of VOC emissions was required to attain the ozone NAAQS, which was more than met with its post-1982 ozone SIP.

Thus, the federally promulgated measure at § 52.1932 is obsolete and has been superseded by SIP control strategies approved by EPA in June and October 1990 (see § 52.1920(c)(36), 55 FR 23734 (June 12, 1990) and § 52.1920(c)(39), 56 FR 3777 (Jan. 31, 1991)). Section 52.1932 is therefore legally obsolete, and accordingly is being deleted.

Texas

40 CFR 52.2273 Approval status (last sentence of first paragraph and paragraph (a)): Section 52.2273 states exceptions to EPA's approval of Texas' implementation plan for attaining and maintaining national air quality standards. The disapproval of the lead SIP was superseded by a later lead SIP approval by EPA. See § 52.2770(c)(65), 53 FR 16261 (May 6, 1988). Texas has also adopted RACT rules for the sources covered by CTGs and EPA has approved them. See § 52.2270(c)(77), 57 FR 44124 (Sept. 24, 1992). The last sentence of the first paragraph and paragraph (a) of section 52.2273 are therefore legally obsolete, and accordingly are being deleted.

40 CFR 52.2294, 40 CFR 52.2296, 40 CFR 52.2297, 40 CFR 52.2298 Transportation control measures (TCM's) FIP: These regulations were made obsolete by 40 CFR 52.2270. The following miscellaneous provisions for the State of Texas, which date back to the early 1970's and arise from a FIP, are obsolete because they have been superseded by approved SIP control strategies (see § 52.2270(c)(20), 45 FR 19244 (Mar. 25, 1980) and § 52.2770(c)(24), 45 FR 52148 (Aug. 6, 1980):

Sec.
52.2294 Texas Incentive Program to Reduce Vehicle Emissions Through Increased Bus and Carpool Use.
52.2296 Texas Carpool Matching and Promotion System.
52.2297 Texas Employer Mass Transit and Carpool Incentive Program.
52.2298 Texas Monitoring Transportation Mode Trends.

Specifically, the 1979 Texas ozone nonattainment SIP demonstrated attainment of the ozone NAAQS in Bexar, Dallas and Tarrant Counties by 0December 31, 1982, and in Harris County by December 31, 1987, without taking credit for the EPA transportation control measures (TCM's) promulgated July 21, 1977. The emission reductions from the federally promulgated TCM's were not included in either a) the State's base-year (1977) emission inventories or b) the anticipated emission reductions, from the 1979 SIP demonstrating attainment of the ozone standard for the above four counties. Also, the State did not take any such credit in the modeling input parameters they used in the plan. (Note: the State used modified rollback to determine the percent of VOC emissions reductions required.)

Thus, the four federally promulgated TCM's are obsolete and have been superseded by SIP control strategies approved by EPA in March and August 1980 (see § 52.2270(c)(20), and § 52.2270(c)(24)). Accordingly, § 52.2294, and §§ 52.2296–52.2298 are being deleted.

40 CFR 52.2305 Lead control plan: Section 52.2305 sets a compliance date for the owner or operator of any copper or zinc smelter located in El Paso County, Texas, to comply with the requirements of TACB Rule 113.53; the final compliance date is August 13, 1987. Thus these facilities were required to have come into compliance eight years ago and § 52.2305 is now obsolete. Any remaining issues with regards to compliance will be dealt with under the currently applicable requirements. Accordingly, § 52.2305 is being deleted.

Note: The disapproval of the lead SIP was superseded by a later lead SIP approval by EPA. See § 52.2270(c)(65); 53 FR 16261 (May 6, 1988). The State demonstrated attainment by August 1987, more than eight years ago. In the May 6, 1988 Federal Register action, EPA announced approval of the demonstration of attainment by August 14, 1987, of the Texas Lead SIP for El Paso County and the limited area surrounding ASARCO. That Federal Register action approved the entire lead SIP for El Paso.

Region 7 (Iowa, Kansas, Missouri, Nebraska)

Iowa

40 CFR 52.826 Control strategy: particulate matter: Section 52.826 states conditions under which EPA can approve Iowa nonattainment plans for the secondary air quality standard for total suspended particulates (TSP). EPA may no longer require development of control strategies designed to attain the TSP standard after the July 1, 1987 promulgation of the particulate matter (PM_{10}) standard and the repeal of the TSP standard. See 52 FR 24634 (July 1, 1987). Section 52.826 is therefore legally obsolete, and accordingly is being deleted.

40 CFR 52.829 Review of new sources and modifications: Section 52.829 rescinds approval of Iowa's NSR program for nonattainment areas (after December 31, 1980) if the State fails to submit a revised NSR regulation by that date. The State submitted revised regulations for NSR in nonattainment areas. EPA gave full final approval to the State's NSR program. See 50 FR 37176 (Sept. 12, 1985) and 51 FR 25199 (July 11, 1986). Section 52.829 is therefore legally obsolete, and accordingly is being deleted.

Kansas

40 CFR 52.873(a) (retain (b)) *Approval status:* Section 52.873(a) states exceptions to EPA's approval of Kansas' implementation plan for attaining and maintaining national air quality standards. Kansas submitted the necessary corrections to its CAA Part D SIP. EPA gave full and final approval to this SIP revision on January 12, 1984. See 49 FR 1491. Section 52.873(a) is therefore legally obsolete, and accordingly is being deleted.

40 CFR 52.879 Attainment dates for national standards: Section 52.879 sets forth the dates by which national air quality standards are to be attained. All of the dates in the regulation have been superseded by new dates in the 1990 CAAA provisions. Section 52.879 is therefore legally obsolete, and accordingly is being deleted.

Missouri

40 CFR 52.1324 General requirements: Section 52.1324 states procedures whereby the Regional Administrator can obtain emissions data in instances where Missouri has inadequate legal authority to do so. Missouri submitted a rule which provided for the submission of emissions data. On April 17, 1986, EPA approved the rule as a revision to the Missouri SIP, thus correcting the plan deficiency. See 51 FR 13000. Section 52.1324 is therefore legally obsolete, and accordingly is being deleted.

Region 8 (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming)

Montana

40 CFR 52.1374 Review of new source and modification: Section 52.1374 implements the provisions of § 52.22(b), which included provisions for indirect source review and for disapproving SIPs for failing to meet indirect source review requirements contained in § 51.12 (no longer exists). In the June 29, 1995 regulatory streamiling notice, section 52.22(b) was determined to be legally obsolete; therefore, § 52.1374 is also obsolete. Accordingly, EPA is deleting § 52.1374 from the CFR.

40 CFR 52.1375 Attainment dates for national standards: Section 52.1375 states the dates by which national ambient air quality standards are to be attained for Montana. The dates in the regulation have been superseded by new dates in the 1990 CAAA provisions, except with respect to attainment and maintenance of the sulfur dioxide secondary NAAQS. Pursuant to the 1970 amended CAA, States were to submit plans that provided for implementation, maintenance, and enforcement of the national ambient air quality standards within each air quality control region in the State. Such plan was to specify the projected dates of attainment for the primary and secondary standards. Montana submitted its plan on March 22, 1972 with supplemental information submitted on May 10, 1972. EPA approved, with some exceptions, that SIP and created the format for the current table found in § 52.1375 in a May 31, 1972 Federal Register action (37 FR 10842). For areas that did not have specified attainment dates in the SIP, EPA established attainment dates.

Pursuant to the 1977 amended CAA, States were to submit a list of the NAAQS attainment status of all areas within the State. The Administrator was to promulgate the State lists with any necessary modifications. The attainment status for Montana was published on March 3, 1978 (43 FR 8962). The only two areas listed as not meeting the secondary sulfur dioxide NAAQS were the East Helena and Anaconda areas.

The fact that EPA only designated two areas (Anaconda and East Helena) as not meeting the secondary sulfur dioxide NAAQS in March 1978 evidences that all the other areas listed in the table in § 52.1375 that show a specific attainment date for the secondary sulfur

dioxide NAAQS had attained the NAAQS. These old secondary sulfur dioxide attainment dates may be deleted as obsolete for those areas that have since attained the NAAQS.

With respect to the two areas listed in table § 52.1375 that were also listed as nonattainment areas for the secondary sulfur dioxide NAAQS in the March 3, 1978 notice, EPA approved the SIP for the Anaconda area on January 10, 1980 (45 FR 2034) and redesignated the area to attainment on July 15, 1982 (47 FR 30763). Therefore, for Anaconda, since EPA has determined that the area has attained the NAAQS, the attainment date may be deleted as obsolete. For the East Helena area, the secondary SIP has not yet been submitted nor has EPA determined that the area has attained the NAAQS. Since the Administrator has not established a new attainment date for the area pursuant to the 1990 CAAA, the attainment date for the secondary sulfur dioxide NAAQS for the area remains as December 31, 1982.

Therefore, the table and paragraph preceding the table should be deleted and replaced with the following: The attainment date for the secondary NAAQS for sulfur dioxide for East Helena is December 31, 1982.

40 CFR 52.1376 (a) and (c) Extensions: Section 52.1376 extends the attainment date for the national standards for sulfur oxides in the Helena Intrastate Region of Montana. The attainment date extensions are superseded by new dates in the 1990 CAAA provisions, except with regard to the secondary sulfur dioxide NAAQS. Sections 52.1376(a) and (c) are therefore legally obsolete, and accordingly are being deleted. Section 52.1376(b) is renumbered (a) and is modified: On October 7, 1993 (58 FR 52237), EPA granted the request by the State for the full three years allowed by section 172(b) of the CAA, as amended in 1990, for submittal of the SIP for the East Helena area to attain and maintain the sulfur dioxide secondary NAAQS. Therefore, the SIP for the area was due November 15, 1993. The SIP was not submitted by that date.

North Dakota

40 CFR 52.1824(a), (b) Review of new source and modification: Section 52.1824(a) and (b) implement the provisions of § 52.22(b), which included provisions for indirect source review and for disapproving SIPs for failing to meet indirect source review requirements contained in § 51.12 (no longer exists). Section 52.22(b) has been determined to be obsolete; therefore, § 52.1824(a) and (b) is also obsolete. Accordingly, §§ 52.1824(a) and (b) are being deleted.

Utah

40 CFR 52.2322 Extensions: Section 52.2322 extends the attainment date for the national standards for CO in the Wasatch Front intrastate region of Utah. The attainment date extensions are superseded by new dates in the 1990 CAAA provisions. The secondary sulfur dioxide NAAQS SIP requirements were met. See 59 FR 64329 (Dec. 14, 1994). Section 52.2322 is therefore legally obsolete, and accordingly is being deleted.

40 CFR 52.2331 Attainment dates for national standards: Section 52.2331 states dates by which national ambient air quality standards are to be attained for Utah. The dates in the regulation have been superseded by new dates in 1990 CAAA provisions, except relating to the secondary NAAQS for sulfur dioxide. Section 52.2331 is being deleted and replaced with the following statement: The attainment date for the secondary NAAQS for sulfur dioxide for Salt Lake County and portions of Tooele County is December 31, 1994. December 31, 1994 is the attainment date because the PM_{10} SIP for Salt Lake County, approved by EPA on July 8, 1994 (59 FR 35036), requires Kennecott to meet a certain SO_2 emission limit by December 31, 1994, by either adding a double contact acid plant or plant operation restrictions. The SO_2 SIP indicates that at the SO_2 limit mentioned in the PM_{10} SIP, the area will attain the SO_2 NAAQS.

Wyoming

40 CFR 52.2623 Review of new source and modification: Section 52.2623 implements the provisions of § 52.22(b), which included provisions for indirect source review and for disapproving SIPs for failing to meet indirect source review requirements contained in § 51.12 (no longer exists). Section 52.22(b) has been determined to be obsolete, therefore, § 52.2623 is also obsolete. Accordingly, § 52.2623 is being deleted.

Region 10 (Alaska, Idaho, Oregon, Washington)

Alaska

40 CFR 52.74 Legal Authority: Section 52.74 relates to a required indirect source review in the carbon monoxide area in Alaska. Indirect source requirements as a condition of SIP approval were made obsolete by CAA § 110(a)(5)(A). Section 52.74 is therefore legally obsolete, and accordingly it is being deleted.

Idaho

40 CFR 52.676 Control strategy: sulfur oxides: Section 52.676 states implementation plan requirements for control of sulfur dioxide emissions for the Bunker Hill Company lead and zinc smelter in Idaho. Since the Bunker Hill Company no longer exists and any reopening of the facility would be subject to new requirements under NSR or PSD, this regulation is obsolete. Accordingly, § 52.676 is being deleted.

40 CFR 52.680 Attainment dates for national standards: Section 52.680 states all of dates by which national ambient air quality standards are to be attained for Idaho. All of the attainment dates in the regulation have been superseded by new dates in 1990 CAAA provisions. This regulation is therefore obsolete, and accordingly is being deleted.

40 CFR 52.684 Control Strategy: carbon monoxide: Section 52.684 (45 FR 70261 (Oct. 23, 1980), 40 CFR 52.670 (c)(19)) states the implementation plan requirements for controlling carbon monoxide in Idaho. The control strategy was put in place to assure that the standards were met prior to December 31, 1987, and the SIP has since been approved. See § 52.670(c)(23),(24), 50 FR 23810 and 23811 (June 6, 1985); 51 FR 22808 (June 23, 1986). This regulation is therefore obsolete, and accordingly is being deleted.

40 CFR 52.686 Inspection and maintenance program: Section 52.686 (45 FR 70261 (Oct 23, 1980), 40 CFR 52.670 (c)(19)) requires an Idaho I/M implementation plan revision. The I/M SIP was submitted and approved at § 52.670(c)(23), 50 FR 23810 and 23811 (June 6, 1985). Therefore, § 52.686 is being deleted.

Oregon

40 CFR 52.1973 Attainment dates for national standards: Section 52.1973 states all of dates by which national ambient air quality standards are to be attained for Oregon. All of the attainment dates in the regulation have been superseded by new dates in 1990 CAAA provisions. This regulation is therefore obsolete, and accordingly is being deleted.

40 CFR 52.1981 Extensions: Section 52.1981 extends the attainment date for the national standards for CO for certain areas in Oregon. The attainment date extensions are superseded by the 1990 CAAA provisions. This regulation is therefore obsolete, and accordingly is being deleted.

Washington

40 CFR 52.2483 Resources: Section 52.2483 states that the Washington

implementation plan failed to meet the requirements of § 51.280 because the transportation control plan does not contain a sufficient description of resources available to the State and local agencies to carry out the plan during the five year period following submittal. This section is obsolete and has been superseded by approved SIP control strategies for all CO and ozone nonattainment areas. See 40 CFR 52.2470(22) (Seattle) and 40 CFR 52.2470(24) Spokane, 46 FR 45607 (Sept. 24, 1981) (Seattle) and 47 FR 1266 (March 22, 1982). Section 52.2483 is therefore legally obsolete, and accordingly is being deleted.

III. Final Action

EPA determines that the above-referenced rules should be deleted or modified at this time. This action will become effective on June 10, 1996. However, if the EPA receives adverse comments by May 13, 1996, then the EPA will publish a notice that withdraws the portions of the action on which EPA received the adverse comments, and will address those comments in a separate final action.

IV. Analyses Under E.O. 12866, the Unfunded Mandates Reform Act of 1995, the Regulatory Flexibility Act, and the Paperwork Reduction Act

Because the withdrawal of these rules from the CFR merely withdraws obsolete, duplicative, or superfluous requirements, this action is not a ''significant'' regulatory action within the meaning of Executive Order 12866.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities (5 U.S.C. 603 and 604). Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Today's determination does not create any new requirements, but allows deletion or modification of existing requirements which are obsolete, duplicative, superfluous, unnecessary, or otherwise unduly burdensome. I therefore certify that it does not have any significant impact on any small entities affected.

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act'') signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

EPA's final action here does not impose upon the states any federal intergovernmental mandate, as defined in section 101 of the Unfunded Mandates Act. No additional costs to State, local, or tribal governments, or to the private sector, result from this action, which deletes or eases the indicated requirements. Thus, EPA has determined that this final action does not include a mandate that may result in estimated costs of $100 million or more to either State, local or tribal governments in the aggregate, or to the private sector.

Finally, EPA here is merely removing or revising superfluous requirements, their deletion from the CFR does not affect requirements under the Paperwork Reduction Act.

Under Section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 10, 1996.

List of Subjects

40 CFR Part 51

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

40 CFR Part 52

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

Dated: March 15, 1996.

Carol M. Browner,

Administrator.

For the reasons set out in the preamble, and under the authority of 42 U.S.C. 7401–7671q, title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 51—[AMENDED]

1. The authority citation for part 51 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

§ 51.100 [Removed]

2. Section 51.100(o) is removed.

§ 51.101 [Removed]

3. Section 51.101 is removed.

§ 51.104 [Amended]

4. In § 51.104, paragraphs (a), (b) and (e) are removed, and paragraphs (c), (d), (f), and (g) are redesignated (a), (b), (c) and (d) respectively.

§ 51.110 [Amended]

5. In § 51.110, paragraphs (a), (c), (e), (f), (g), (h), (i), (j), (k), and (l) are removed, and paragraph (d) is redesignated as (a) and paragraph (b) is removed and reserved.

§ 51.213 [Removed]

6. Section 51.213 is removed.

§ 51.241 [Amended]

7. Section 51.241 (b) through (f) are removed and reserved.

§§ 51.243–51.248 [Removed]

8. Sections 51.243 through 51.248 are removed.

§§ 51.250–51.252 [Removed]

9. Sections 51.250 through 51.252 are removed.

§ 51.325 [Removed]

10. Section 51.325 is removed.

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

12. In § 52.02, paragraph (d) is revised to read as follows:

§ 52.02 Introduction.

* * * * *

(d) All approved plans and plan revisions listed in subparts B through DDD of this part and on file at the Office of the Federal Register are 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. Notice of amendments to the plans will be published in the Federal Register. The plans and plan revisions are available for inspection at the Office of the Federal Register, 800 North Capitol Street, N.W., suite 700, Washington, D.C. In addition the plans and plan revisions are available at the following locations:

(1) Office of Air and Radiation, Docket and Information Center (Air Docket), EPA, 401 M Street, S.W., Room M1500, Washington, D.C. 20460.

(2) The appropriate EPA Regional Office as listed below:

(i) Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. Environmental Protection Agency, Region 1, John F. Kennedy Federal Building, One Congress Street, Boston, MA 02203.

(ii) New York, New Jersey, Puerto Rico, and Virgin Islands. Environmental Protection Agency, Region 2, 290 Broadway, New York, NY 10007–1866.

(iii) Delaware, District of Columbia, Pennsylvania, Maryland, Virginia, and West Virginia. Environmental Protection Agency, Region 3, 841 Chestnut Building, Philadelphia, PA 19107.

(iv) Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee Environmental Protection Agency, Region 4, 345 Courtland Street, N.E., Atlanta, GA 30365.

(v) Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, IL 60604–3507.

(vi) Arkansas, Louisiana, New Mexico, Oklahoma, and Texas. Environmental Protection Agency, Region 6, Fountain Place, 1445 Ross Avenue, Suite 1200, Dallas TX 75202–2733.

(vii) Iowa, Kansas, Missouri, and Nebraska. Environmental Protection Agency, Region 7, 726 Minnesota Avenue, Kansas City, KS 66101.

(viii) Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming. Environmental Protection Agency, Region 8, 999 18th Street, Suite 500, Denver, CO 80202–2466.

(ix) Arizona, California, Hawaii, Nevada, American Samoa, and Guam. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105.

(x) Alaska, Idaho, Oregon, and Washington. Environmental Protection Agency, Region 10, 1200 6th Avenue Seattle, WA 98101.

* * * * *

§ 52.03 [Removed]

13. Section 52.03 is removed.

14. Section 52.16 is revised to read as follows:

§ 52.16 Submission to Administrator.

(a) All requests, reports, applications, submittals, and other communications to the Administrator pursuant to this part shall be submitted in duplicate and addressed to the appropriate Regional Office of the Environmental Protection Agency.

(b) The Regional Offices are as follows:

(1) Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. EPA Region 1, John F. Kennedy Federal Building, One Congress Street, Boston, MA 02203.

(2) New York, New Jersey, Puerto Rico, and Virgin Islands. EPA Region 2, 290 Broadway, New York, NY 10007–1866.

(3) Delaware, District of Columbia, Pennsylvania, Maryland, Virginia, and West Virginia. EPA Region 3, 841 Chestnut Building, Philadelphia, PA 19107.

(4) Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee. EPA Region 4, 345 Courtland Street, N.E., Atlanta, GA 30365.

(5) Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin. EPA Region 5, 77 West Jackson Boulevard, Chicago, IL 60604–3507.

(6) Arkansas, Louisiana, New Mexico, Oklahoma, and Texas. EPA Region 6, Fountain Place, 1445 Ross Avenue, Suite 1200, Dallas, TX 75202–2733.

(7) Iowa, Kansas, Missouri, and Nebraska. EPA Region 7, 726 Minnesota Avenue, Kansas City, KS 66101.

(8) Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming. EPA Region 8, 999 18th Street, Suite 500, Denver, CO 80202–2466.

(9) Arizona, California, Hawaii, Nevada, American Samoa, and Guam. EPA, Region 9, 75 Hawthorne Street, San Francisco, CA 94105.

(10) Alaska, Idaho, Oregon, and Washington. EPA, Region 10, 1200 6th Avenue, Seattle, WA 98101.

§ 52.19 [Removed]

15. Section 52.19 is removed.

§ 52.74 [Removed and reserved]

16. Section 52.74 is removed and reserved.

§ 52.175 [Removed and reserved]

17. Section 52.175 is removed and reserved.

§ 52.676 [Removed and reserved]

18. Section 52.676 is removed and reserved.

§ 52.680 [Removed and reserved]

19. Section 52.680 is removed and reserved.

§ 52.684 [Removed and reserved]

20. Section 52.684 is removed and reserved.

§ 52.686 [Removed and reserved]

21. Section 52.686 is removed and reserved.

§ 52.727 [Removed and reserved]

22. Section 52.727 is removed and reserved.

§ 52.729 [Removed and reserved]

23. Section 52.729 is removed and reserved.

§§ 52.731–734 [Removed and reserved]

24. Sections 52.731 through 52.734 are removed and reserved.

§ 52.826 [Removed and reserved]

25. Section 52.826 is removed and reserved.

§ 52.829 [Removed and reserved]

26. Section 52.829 is removed and reserved.

§ 52.873 [Removed and reserved]

27. In § 52.873, paragraph (a) is removed and paragraph (b) is redesignated as paragraph (a).

§ 52.879 [Removed and reserved]

28. Section 52.879 is removed and reserved.

§ 52.972 [Removed and reserved]

29. Section 52.972 is removed and reserved.

§ 52.978 [Removed and reserved]

30. Section 52.978 is removed and reserved.

§ 52.988 [Removed and reserved]

31. Section 52.988 is removed and reserved.

§ 52.1073 [Amended]

32. In § 52.1073, paragraphs (b) and (c) are removed and paragraphs (d), (e) and (f) are redesignated paragraphs (b), (c) and (d), respectively.

§ 52.1082 [Removed and reserved]

33. Section 52.1082 is removed and reserved.

§§ 52.1086–52.1088 [Removed and reserved]

34. Sections 52.1086 through 52.1088 are removed and reserved.

§ 52.1101 [Removed and reserved]

35. Section 52.1101 is removed and reserved.

§ 52.1102 [Removed and reserved]

36. Section 52.1102 is removed and reserved.

§ 52.1107 [Removed and reserved]

37. Section 52.1107 is removed and reserved.

§ 52.1127 [Removed and reserved]

38. Section 52.1227 is removed and reserved.

§ 52.1324 [Removed and reserved]

39. Section 52.1324 is remvoed and reserved.

§ 52.74 [Removed and reserved]

40. Section 52.1374 is removed and reserved.

41. Section 52.1375 is revised to read as follows:

§ 52.1375 Attainment dates for national standards.

The attainment date for the secondary NAAQS for sulfur dioxide for East Helena is December 31, 1982.

42. Section 52.1376 is revised as follows:

§ 52.1376 Extensions.

On October 7, 1993, EPA granted the request by the State for the full three years allowed by section 172(b) of the CAA, as amended in 1990, for submittal of the SIP for the East Helena area to attain and maintain the sulfur dioxide secondary NAAQS. Therefore, the SIP for the area was due November 15, 1993. The SIP was not submitted by that date.

§ 52.1625 [Removed and reserved]

43. Section 52.1625 is removed and reserved.

§ 52.1824 [Amended]

44. In § 52.1824, paragraphs (a) and (b) are removed and reserved.

45. Section 52.1875 is revised as follows:

§ 52.1875 Attainment dates for achieving the sulfur dioxide secondary standard.

The attainment date for achieving the sulfur dioxide (SO_2) secondary national ambient air quality standard (NAAQS) is August 27, 1979 except as follows. The following sources are required to achieve the secondary SO_2 NAAQS by June 17, 1980: Youngstown Sheet & Tube Co.; PPG Industries, Inc.; Wheeling-Pittsburgh Steel Corp.; Pittsburgh-Canfield Corporation; The Timken Company; The Sun Oil Co.; Sheller-Globe Corp.; The B.F. Goodrich Company; Phillips Petroleum Co.; Shell Oil Co.; Federal Paper Board Co.; The Firestone Tire & Rubber Co.; Republic Steel Corp.; Chase Bag Co.; White-Westinghouse Corp.; U.S. Steel Corp.; Interlake, Inc.; Austin Power Co.; Diamond Crystal Salt Co.; The Goodyear Tire & Rubber Co.; The Gulf Oil Co.; The Standard Oil Co.; Champion International Corp.; Koppers Co., Inc.; General Motors Corp.; E.I. duPont de Nemours and Co.; Coulton Chemical Corp.; Allied Chemical Corp.; Specialty Chemical Division; The Hoover Co.; Aluminum Co. of America; Ohio Greenhouse Asso.; Armco Steel Corp.; Buckeye Power, Inc.; Cincinnati Gas and Electric; Cleveland Electric Illuminating Co.; Columbus and Southern Ohio Electric; Dayton Power and Light Co.; Duquesne Light Co.; Ohio Edison Co.; Ohio Electric Co.; Pennsylvania Power Co.; Toledo Edison Co.; Ohio Edison Co.; RCA Rubber Co. The Ashland Oil Company is subject to a secondary SO_2 NAAQS attainment date of September 14, 1982. The following sources located in Summit County are required to achieve the secondary SO_2 NAAQS by January 4, 1983: Diamond Crystal Salt; Firestone Tire & Rubber Co.; General Tire & Rubber Co.; General Tire & Rubber; B.F. Goodrich Co.; Goodyear Aerospace Corp.; Goodyear Tire & Rubber Co.; Chrysler Corp.; PPG Industries Inc.; Seiberling Tire & Rubber; Terex Division of General Motors Corp.; Midwest Rubber Reclaiming; Kittinger Supply Co. The boiler of PPG Industries, Inc. located in Summit County must achieve attainment of the secondary SO_2 NAAQS by August 25, 1983. The Portsmouth Gaseous Diffusion Plant in Pike County is required to attain the secondary SO_2 NAAQS by November 5, 1984. The Ohio Power Company Galvin Plant located in Gallia County is required to attain the secondary SO_2 NAAQS by August 25, 1985.

§ 52.1878 [Removed and reserved]

46. Section 52.1878 is removed and reserved.

§ 52.1885 [Amended]

47. In § 52.1885, paragraphs (e) through (q) are removed.

§ 52.1992 [Amended]

48. Section 52.1922 is amended by removing the last sentence of the paragraph.

§ 52.1932 [Removed and reserved]

49. Section 52.1932 is removed and reserved.

§ 52.1973 [Removed and reserved]

50. Section 52.1973 is removed and reserved.

§ 52.1981 [Removed and reserved]

51. Section 52.1981 is removed and reserved.

§ 52.2023 [Amended]

52. In § 52.2023 paragraphs (b) through (d), (f) and (g) are removed and paragraph (e) is redesignated paragraph (b) and paragraphs (h) and (i) are redesignated (c) and (d), respectively.

§ 52.2030 [Removed and reserved]

53. Section 52.2030(b) is removed and reserved.

§ 52.2031 [Removed and reserved]

54. Section 52.2031 is removed and reserved.

55. Section 52.2034 is revised to read as follows:

§ 52.2034 Attainment dates for national standards.

With regard to Northumberland County, Snyder County, and Allegheny County, Pennsylvania has not submitted a plan, as of December 31, 1979, providing for the attainment and maintenance of the secondary sulfur dioxide (SO_2) standards.

§ 52.2038 [Removed and reserved]

56. Section 52.2038 is removed and reserved.

§ 52.2039 [Removed and reserved]

57. Section 52.2039 is removed and reserved.

§ 52.2041 [Removed and reserved]

58. Section 52.2041 is removed and reserved.

§ 52.2042 [Removed and reserved]

59. Section 52.2042 is removed and reserved.

§ 52.2043 [Removed and reserved]

60. Section 52.2043 is removed and reserved.

§ 52.2049 [Removed and reserved]

61. Section 52.2049 is removed and reserved.

§ 52.2050 [Removed and reserved]

62. Section 52.2050 is removed and reserved.

§ 52.2051 [Removed and reserved]

63. Section 52.2051 is removed and reserved.

§ 52.2053 [Removed and reserved]

64. Section 52.2053 is removed and reserved.

§ 52.2273 [Amended]

65. Section 52.2273 is amended by removing the last sentence of the first paragraph and all of paragraph (a).

§ 52.2294 [Removed and reserved]

66. Section 52.2294 is removed and reserved.

§§ 52.2296–52.2298 [Removed and reserved]

67. Sections 52.2296 through 52.98 are removed and reserved.

§ 52.2305 [Removed and reserved]

68. Section 52.2305 is removed and reserved.

§ 52.2322 [Removed and reserved]

69. Section 52.2322 is removed and reserved.

70. Section 52.2331 is revised as follows:

§ 52.2331 Attainment dates for national standards.

The attainment date for the secondary NAAQS for sulfur dioxide for Salt Lake County and portions of Tooele County is December 31, 1994.

§ 52.2423 [Removed and reserved]

71. Section 52.2423(b) and (c) are removed and reserved.

§ 52.2430 [Removed and reserved]

72. Section 52.2430 is removed and reserved.

§ 52.2431 [Removed and reserved]

73. Section 52.2431 is removed and reserved.

§ 52.2435 [Removed and reserved]

74. Section 52.2435 is removed and reserved.

§ 52.2436 [Amended]

75. In § 52.2436, paragraph (a) is removed and reserved.

§ 52.2438 [Removed and reserved]

76. Section 52.2438 is removed and reserved.

§ 52.2440 [Removed and reserved]

77. Section 52.2440 is removed and reserved.

§ 52.2483 [Removed and reserved]

78. Section 52.2483 is removed and reserved.

79. Section 52.2523 is revised to read as follows:

§ 52.2523 Attainment dates for national standards.

The New Manchester and Grant Magisterial Districts in Hancock County are expected to attain and maintain the secondary sulfur dioxide (SO_2) standards as soon as the Sammis Power Plant meets the SO_2 limitations in the Ohio State Implementation Plan.

§ 52.2623 [Removed and reserved]

80. Section 52.2623 is removed and reserved.

[FR Doc. 96–8744 Filed 4–10–96; 8:45 am]
BILLING CODE 6560–50–P

40 CFR Part 70

[AD–FRL–5454–2]

Clean Air Act (CAA) Final Interim Approval of Operating Permits Program and Delegation of 112(l) Authority; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final interim approval.

SUMMARY: The EPA is granting final interim approval of an operating permit program submitted by the state of Missouri for the purpose of complying with federal requirements for an approvable state program to issue operating permits to all major stationary sources and to certain other sources. The EPA is also giving interim approval, under section 112(l) of the Act, to the state program for accepting delegation of the section 112 standards to enforce air toxics regulations.

EFFECTIVE DATE: This rule will become effective on May 13, 1996.

ADDRESSES: Copies of the state submittal and other supporting information used in developing the final interim approval are available for inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region VII, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

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

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

A. Introduction

Title V of the 1990 Clean Air Act Amendments (sections 501–507 of the Clean Air Act (''the Act'')), and implementing regulations at 40 Code of Federal Regulations (CFR) Part 70, require that states develop and submit operating permits programs to EPA by November 15, 1993, and that the EPA act to approve or disapprove each program within one year after receiving the submittal. The EPA's program review occurs pursuant to section 502 of the Act and the Part 70 regulations, which together outline criteria for approval or disapproval. Additionally, section 502(g) of the Act and the Part 70 regulations outline criteria for granting interim approval where a program substantially, but not fully, meets the requirements of the Act and Part 70. The EPA may grant interim approval to such a program for a period of up to two years.

On January 13, 1995, the state of Missouri submitted an operating permits program to the EPA. Supplemental submissions were made by the state on August 14, 1995; September 19, 1995; and October 16, 1995. The state of Missouri has demonstrated that its program meets the minimum elements required for interim approval as specified in 40 CFR 70.4(d). The rationale for the EPA's determination that interim approval is appropriate is contained in the December 15, 1995, Federal Register document (60 FR 64404) which proposed interim approval of the program. In order to receive full approval, the state must adopt and submit to the EPA within 18 months of the effective date of this document certain rule revisions which were identified in the proposed interim approval and which are discussed later in this document.

B. Response to Comments

On January 16, 1996, the EPA received a request to extend the comment period for its proposed interim approval of Missouri's program, due to the unavailability of the docket during federal furloughs which overlapped the comment period. The EPA granted a 30-day extension of the comment period in a February 5, 1996, Federal Register document. On February 13, 1996, the EPA received two comments regarding its proposed action from one commentor. The first comment requested clarification of the status of the permit application forms which Missouri submitted with its operating permit program. Specifically, the commentor feels that the state should be able to modify the forms as necessary to collect the information required for developing operating permits. The EPA agrees with the commentor that it is important for the state to have the ability to modify the permit application forms in order to collect the appropriate information. The EPA wishes to clarify that although 40 CFR 70.4(b)(4) requires the submission of such forms with the initial operating permit package, as a part of the program documentation, the EPA is not taking formal action on the forms themselves. The state can modify the forms to the extent that the modification is appropriate and sufficient to collect the required information.

The second comment pertains to Missouri's exemption from application requirements for ''insignificant activities.'' The commentor has requested that the EPA provide the state of Missouri with the same flexibility in establishing thresholds for insignificant activities which the EPA has extended to other states which were given interim approval. In response, the EPA notes that the levels which Missouri has established for insignificant activities in its January 13, 1995, submission are fully approvable by the EPA and are a specific element, among other elements, which must be present in order for the EPA to take an approval action. The state of Missouri may modify this or any other element of its operating permit program to the extent that those modifications are consistent with the Clean Air Act, 40 CFR Part 70 regulations, and applicable EPA guidance. However, the EPA supports Missouri's choice to establish insignificant activity levels which are fully approvable.

C. Federal Oversight and Sanctions

This interim approval will extend for 18 months following the effective date of final interim approval and cannot be renewed. During the interim approval period, the state of Missouri is protected from sanctions for failure to have an approved program, and the EPA is not obligated to promulgate, administer, and