

(v) Copy of the written maintenance plan for each air pollution control device.

(vi) Copy of the fugitive dust control plan.

(vii) Records of each maintenance inspection and repair, replacement, or other corrective action.

(2) All records for the most recent 2 years of operation must be maintained on site. Records for the previous 3 years may be maintained off site.

#### § 63.1661 Delegation of authorities.

In delegating implementation and enforcement authority to a State under subpart E of this part, the Administrator retains no authorities.

#### §§ 63.1662—63.1679 [Reserved].

[FR Doc. 99-12584 Filed 5-19-99; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[NC-9915; FRL-6335-8]

#### Approval and Promulgation of Air Quality Implementation Plans; North Carolina; Revised Format for Materials Being Incorporated by Reference

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; notice of administrative change.

**SUMMARY:** EPA is revising the format of 40 CFR part 52 for materials submitted by the State of North Carolina that are incorporated by reference (IBR) into the State Implementation Plan (SIP). The regulations affected by this format change have all been previously submitted by the State agency and approved by EPA.

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

**EFFECTIVE DATE:** This action is effective May 20, 1999.

**ADDRESSES:** SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations:

Environmental Protection Agency, Region 4, 61 Forsyth Street, SW, Atlanta, GA 30303; Office of Air and Radiation, Docket and Information Center (Air Docket), EPA, 401 M Street, SW, Room M1500, Washington, DC 20460; and Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Randy Terry at the above Region 4 address or at 404-562-9032.

#### SUPPLEMENTARY INFORMATION:

The supplementary information is organized in the following order:

What is a SIP?  
How EPA enforces SIPs.  
How the State and EPA update the SIP.  
How EPA compiles the SIPs.  
How EPA organizes the SIP Compilation.  
Where you can find a copy of the SIP Compilation.

The format of the new Identification of Plan Section.

When a SIP revision become federally enforceable.

The historical record of SIP revision approvals.

What EPA is doing in this action.  
How this document complies with the Federal Administrative Requirements for rulemaking.

#### What Is a SIP?

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

#### How EPA Enforces SIPs

Each state must formally adopt the control measures and strategies in the SIP after the public has had an opportunity to comment on them and then submit the SIP to EPA.

Once these control measures and strategies are approved by EPA, after notice and comment, they are incorporated into the federally approved SIP and are identified in part 52 (Approval and Promulgation of Implementation Plans), Title 40 of the Code of Federal Regulations (40 CFR part 52). The full text of the state regulation approved by EPA is not reproduced in its entirety in 40 CFR part 52, but is "incorporated by reference." This means that EPA has approved a given state regulation with a specific effective date. The public is referred to the location of the full text version should they want to know which measures are contained in a given SIP.

The information provided allows EPA and the public to monitor the extent to which a state implements the SIP to attain and maintain the NAAQS and to take enforcement action if necessary.

#### How the State and EPA Update the SIP

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

EPA began the process of developing:

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

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

#### How EPA Compiles the SIPs

The federally-approved regulations and source specific permits (entirely or portions of), submitted by each state agency have been compiled by EPA into a "SIP Compilation." The SIP Compilation contains the updated regulations and source specific permits approved by EPA through previous rule making actions in the **Federal Register**. The compilations are contained in 3-ring binders and will be updated, primarily on an annual basis.

#### How EPA Organizes the SIP Compilation

Each SIP Compilation contains two parts. Part 1 contains the regulations and Part 2 contains the source specific requirements that have been approved as part of the SIP. Each part has a table of contents identifying each regulation or each source specific permit. The table of contents in the compilation corresponds to the table of contents published in 40 CFR part 52 for each state. The Regional EPA Offices have the primary responsibility for ensuring accuracy and updating the compilations.

### Where You Can Find a Copy of the SIP Compilation

The Region 4 EPA Office developed and will maintain the compilation for the State of North Carolina. A copy of the full text of each state's current compilation will also be maintained at the Office of Federal Register and EPA's Air Docket and Information Center.

### The Format of the New Identification of Plan Section

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

The revised Identification of plan section contains five subsections:

- (a) Purpose and scope
- (b) Incorporation by reference
- (c) EPA approved regulations
- (d) EPA approved source specific permits
- (e) EPA approved nonregulatory provisions such as transportation control measures, statutory provisions, control strategies, monitoring networks, etc.

### When a SIP Revision Becomes Federally Enforceable

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

### The Historical Record of SIP Revision Approvals

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

### What EPA Is Doing in This Action

Today's rule constitutes a "housekeeping" exercise to ensure that all revisions to the state programs that have occurred are accurately reflected in 40 CFR part 52. SIP revisions are controlled by EPA regulations at 40 CFR part 51. When EPA receives a formal SIP revision request, the Agency must publish the proposed revision in the **Federal Register** and provide for public comment before approval.

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

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

### How This Document Complies With the Federal Administrative Requirements for Rule Making

#### A. Executive Order 12866

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

#### B. Executive Order 12875

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

Today's rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities.

Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

#### C. Executive Order 13084

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

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

#### D. Executive Order 13045

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

This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

#### E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any

rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co., v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

#### F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no

additional costs to State, local, or tribal governments, or to the private sector, result from this action.

#### G. Submission to Congress and the Comptroller General

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

#### H. Petitions for Judicial Review

EPA has also determined that the provisions of section 307(b)(1) of the Clean Air Act pertaining to petitions for judicial review are not applicable to this action. Prior EPA rulemaking actions for each individual component of the Georgia compilation has previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, EPA sees no need in this action to reopen the 60-day period for filing such petitions for judicial review.

#### List of Subjects in 40 CFR Part 52

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

Dated: April 20, 1999.

#### A. Stanley Meiburg,

*Acting Regional Administrator, Region 4.*

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

#### PART 52—[AMENDED]

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

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

#### Subpart II—North Carolina

2. Section 52.1770 is redesignated as § 52.1783 and the heading and paragraph (a) are revised to read as follows:

#### § 52.1783 Original Identification of plan section.

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

\* \* \* \* \*

3. A new § 52.1770 is added to read as follows:

#### § 52.1770 Identification of plan.

(a) Purpose and scope. This section sets forth the applicable State implementation plan for North Carolina under section 110 of the Clean Air Act, 42 U.S.C. 7401, and 40 CFR part 51 to meet national ambient air quality standards.

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

(2) EPA Region 4 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State implementation plan as of December 1, 1998.

(3) Copies of the materials incorporated by reference may be inspected at the Region 4 EPA Office at 61 Forsyth Street, SW., Atlanta, GA 30303; the Office of Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.; or at the EPA, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M Street, SW., Washington, DC. 20460.

(c) EPA approved regulations.

## EPA APPROVED NORTH CAROLINA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Comments
<b>Subchapter 2D Air Pollution Control Requirements</b>				
<b>Section .0100 Definitions and References</b>				
Sect .0101 .....	Definitions .....	7/01/96	08/01/97, 62 FR 41277.	
Sect .0103 .....	Copies of Referenced Federal Regulations.	12/01/92	08/15/94, 59 FR 41709.	
Sect .0104 .....	Incorporation by Reference Updates ...	05/01/95	02/01/96, 61 FR 3589.	
<b>Section .0200 Air Pollution Sources</b>				
Sect. .0201 .....	Classification of Air Pollution Sources	4/12/84	10/11/85, 50 FR 41501.	
Sect. .0202 .....	Registration of Air Pollution Sources ...	6/01/85	11/19/86, 51 FR 41786.	
<b>Section .0300 Air Pollution Emergencies</b>				
Sect. .0301 .....	Purpose .....	2/01/76	6/03/86, 51 FR 19834.	
Sect. .0302 .....	Episode Criteria .....	7/01/88	1/16/90, 55 FR 1420.	
Sect. .0303 .....	Emission Reduction Plans .....	4/12/84	10/11/85, 50 FR 41501.	
Sect. .0304 .....	Preplanned Abatement Program .....	04/14/88	12/12/88, 53 FR 49881.	
Sect. .0305 .....	Emission Reduction Plan; Alert Level ..	4/12/84	10/11/85, 50 FR 41501.	
Sect. .0306 .....	Emission Reduction Level; Warning Level.	4/12/84	10/11/85, 50 FR 41501.	
Sect. .0307 .....	Emission Reduction Level; Emergency Level.	4/12/84	10/11/85, 50 FR 41501.	
<b>Section .0400 Ambient Air Quality Standards</b>				
Sect. .0401 .....	Purpose .....	12/01/92	8/15/94, 59 FR 41709.	
Sect. .0402 .....	Sulfur Oxides .....	4/12/84	10/11/85, 50 FR 41501.	
Sect. .0403 .....	Total Suspended Particulates .....	7/01/88	1/16/90, 55 FR 1420.	
Sect. .0404 .....	Carbon Monoxide .....	10/01/89	3/12/90, 55 FR 9127.	
Sect. .0405 .....	Ozone .....	4/12/84	10/11/85, 50 FR 41501.	
Sect. .0407 .....	Nitrogen Dioxide .....	10/01/89	3/12/90, 55 FR 9127.	
Sect. .0408 .....	Lead .....	4/12/84	10/11/85, 50 FR 41501.	
Sect. .0409 .....	Particulate Matter .....	7/01/88	1/16/90, 55 FR 1420.	
<b>Section .0500 Emission Control Standards</b>				
Sect. .0501 .....	Compliance With Emission Control Standards.	07/01/96	08/01/97, 62 FR 41277.	
Sect. .0502 .....	Purpose .....	3/01/81	6/26/82 47 FR 31924.	
Sect. .0503 .....	Particulates From Fuel Burning Indirect Heat Exchangers.	7/01/94	02/01/96 61 FR 3584.	
Sect. .0504 .....	Particulates From Wood Burning Indirect Heat Exchangers.	3/14/85	11/19/86 51 FR 41786.	
Sect. .0505 .....	Control of Particulates From Incinerators.	7/01/87	2/29/88 53 FR 5974.	
Sect. .0506 .....	Control of Particulates From Hot Mix Asphalt Plants.	11/01/84	12/19/86 51 FR 45468.	
Sect. .0507 .....	Particulates From Chemical Fertilizer Manufacturing Plants.	11/01/84	12/19/86 51 FR 45468.	
Sect. .0508 .....	Control of Emissions from Pulp and Paper Mills.	8/01/87	12/15/87 52 FR 33933.	
Sect. .0509 .....	Particulates From Mica or Feldspar Processing Plants.	4/01/86	4/17/87 52 FR 15513.	
Sect. .0510 .....	Particulates: Sand, Gravel, Crushed Stone Operations.	11/01/84	12/19/86 51 FR 45468.	
Sect. .0511 .....	Particulates, SO(2), From lightweight Aggregate Processes.	10/01/89	3/12/90 55 FR 9127.	
Sect. .0512 .....	Particulates From Wood Products Finishing Plants.	11/01/84	12/19/86 51 FR 45468.	
Sect. .0513 .....	Control of Particulates From Portland Cement Plants.	11/01/84	12/19/86 51 FR 45468.	
Sect. .0514 .....	Control of Particulates From Ferrous Jobbing Foundries.	4/01/86	04/17/87 52 FR 15513.	
Sect. .0515 .....	Particulates From Miscellaneous Industrial Processes.	11/01/84	12/19/86 51 FR 45468.	
Sect. .0516 .....	Sulfur Dioxide Emissions Combustion Sources.	07/01/96	08/01/97 62 FR 41277.	
Sect. .0517 .....	SO2 Emissions From Plants Producing Sulfuric Acid.	11/01/84	12/19/86 51 FR 45468.	

## EPA APPROVED NORTH CAROLINA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Comments
Sect. .0518 .....	Miscellaneous Volatile Organic Compound Emissions.	07/01/96	08/01/97 62 FR 41277.	
Sect. .0519 .....	Control of Nitrogen Dioxide Emissions	07/01/96	08/01/97 62 FR 41277.	
Sect. .0520 .....	Control and Prohibition of Open Burning.	07/01/96	08/01/97, 62 FR 41277.	
Sect. .0521 .....	Control of Visible Emissions .....	07/01/96	08/01/97, 62 FR 41277.	
Sect. .0522 .....	Control and Prohibition of Odorous Emissions.	2/01/76	6/03/86, 51 FR 19834.	
Sect. .0523 .....	Control of Conical Incinerators .....	1/01/85	9/09/87, 52 FR 33933.	
Sect. .0527 .....	Emissions From Spodumene Ore Roasting.	11/01/84	12/19/86, 51 FR 45468.	
Sect. .0530 .....	Prevention of Significant Deterioration	07/01/94	02/01/96, 61 FR 3584.	
Sect. .0531 .....	Sources in Nonattainment Area .....	07/01/96	08/01/97, 62 FR 41277.	
Sect. .0532 .....	Sources Contributing to an Ambient Violation.	07/01/94	02/01/96, 61 FR 3584.	
Sect. .0533 .....	Stack Height .....	07/01/94	02/01/96, 61 FR 3584.	
Sect. .0535 .....	Malfunction, Start-ups and Shutdowns	07/01/96	08/01/97, 62 FR 41277.	
Sect. .0536 .....	Particulate Emissions From Electric Utility Boilers.	08/01/91	02/14/96, 62 FR 5690.	

**Section .0600 Air Contaminants; Monitoring, Reporting**

Sect. .0601 .....	Purpose and Scope .....	07/01/96	08/01/97, 62 FR 41277.	
Sect. .0602 .....	Definitions .....	04/12/84	10/11/85, 50 FR 41501.	
Sect. .0604 .....	Sources Covered by Implementation Plan Requirements.	07/01/96	08/01/97, 62 FR 41277.	
Sect. .0605 .....	Wood and Wood-Fossil Fuel Combination Units.	04/12/84	10/11/85, 50 FR 41501.	
Sect. .0606 .....	Other Coal or Residual Oil Burners .....	05/02/88	12/12/88, 53 FR 49881.	
Sect. .0607 .....	Exceptions to Monitoring and Reporting Requirements.	04/12/84	10/11/85, 50 FR 41501.	
Sect. .0608 .....	Program Schedule .....	07/01/96	08/01/97, 62 FR 41277.	
Sect. .0609 .....	Monitoring Condition in Permit .....	04/12/84	10/11/85, 50 FR 41501.	
Sect. .0610 .....	Delegation .....	06/03/88	11/13/89, 54 FR 47211.	

**Section .0800 Complex Sources**

Sect. .0801 .....	Purpose and Scope .....	07/01/94	02/01/96, 61 FR 3584.	
Sect. .0802 .....	Definitions .....	07/01/94	02/01/96, 61 FR 3584.	
Sect. .0803 .....	Highway Projects .....	07/01/94	02/01/96, 61 FR 3584.	
Sect. .0804 .....	Airport Facilities .....	07/01/96	08/01/97, 62 FR 41277.	
Sect. .0805 .....	Parking Facilities .....	07/01/94	02/01/96, 61 FR 3584.	
Sect. .0806 .....	Ambient Monitoring and Modeling Analysis.	07/01/94,	02/01/96 61 FR 3584.	

**Section .0900 Volatile Organic Compounds**

Sect. .0901 .....	Definitions .....	07/01/96	08/01/97, 62 FR 41277.	
Sect. .0902 .....	Applicability .....	07/01/96	08/01/97, 62 FR 41277.	
Sect. .0903 .....	Recordkeeping, Reporting; Monitoring	11/08/84	12/19/86, 51 FR 45468.	
Sect. .0905 .....	Petition for Alternative Controls .....	11/08/84	12/19/86, 51 FR 45468.	
Sect. .0906 .....	Circumvention .....	11/08/84	12/19/86, 51 FR 45468.	
Sect. .0907 .....	Compliance Schedules for Sources in Nonattainment Areas.	05/01/95	02/01/96, 62 FR 3589.	
Sect. .0908 .....	Equipment Modification Compliance Schedules.	11/08/84	12/19/86, 51 FR 45468.	
Sect. .0909 .....	Compliance Schedules for Sources in New Nonattainment Areas.	07/01/95	02/01/96, 62 FR 3589.	
Sect. .0910 .....	Alternate Compliance Schedules .....	05/01/95	02/01/96, 62 FR 3589.	
Sect. .0911 .....	Exceptions for Compliance Schedules	05/01/95	02/01/96, 62 FR 3589.	
Sect. .0912 .....	General Provisions on Test Methods and Procedures.	11/08/84	12/19/86, 51 FR 45468.	
Sect. .0913 .....	Determination of Volatile Content of Surface Coatings.	07/01/88	1/16/90, 55 FR 1420.	
Sect. .0914 .....	Determination of VOC Emission Control System Efficiency.	11/08/84	12/19/86, 51 FR 45468.	
Sect. .0915 .....	Determination of Solvent Metal Cleaning VOC Emissions.	11/08/84	12/19/86, 51 FR 45468.	
Sect. .0916 .....	Determination of VOC Emissions from Bulk Gasoline Terminals.	07/01/88	1/16/90, 55 FR 1420.	
Sect. .0917 .....	Automobile and Light-Duty Truck Manufacturing.	07/01/96	08/01/97, 62 FR 41277.	

## EPA APPROVED NORTH CAROLINA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Comments
Sect. .0918 .....	Can Coating .....	07/01/96	08/01/97, 62 FR 41277.	
Sect. .0919 .....	Coil Coating .....	07/01/96	08/01/97, 62 FR 41277.	
Sect. .0920 .....	Paper Coating .....	07/01/96	08/01/97, 62 FR 41277.	
Sect. .0921 .....	Fabric and Vinyl Coating .....	07/01/96	08/01/97, 62 FR 41277.	
Sect. .0922 .....	Metal Furniture Coating .....	07/01/96	08/01/97, 62 FR 41277.	
Sect. .0923 .....	Surface Coating of Large Appliances ..	07/01/96	08/01/97, 62 FR 41277.	
Sect. .0924 .....	Magnet Wire Coating .....	07/01/96	08/01/97 62 FR 41277.	
Sect. .0925 .....	Petroleum Liquid Storage .....	12/01/89	06/23/94 59 FR 32365.	
Sect. .0926 .....	Bulk Gasoline Plants .....	07/01/96	08/01/97 62 FR 41277.	
Sect. .0927 .....	Bulk Gasoline Terminals .....	07/01/96	08/01/97 62 FR 41277.	
Sect. .0928 .....	Gasoline Service Stations Stage I .....	07/01/96	08/01/97 62 FR 41277.	
Sect. .0930 .....	Solvent Metal Cleaning .....	03/01/91	06/23/94 59 FR 32365.	
Sect. .0931 .....	Cutback Asphalt .....	12/01/89	06/23/94 59 FR 32365.	
Sect. .0932 .....	Gasoline Truck Tanks and Vapor Col- lection Systems.	07/01/95	02/01/96 62 FR 3589.	
Sect. .0933 .....	Petroleum Liquid Storage in External Floating Roof Tanks.	07/01/95	02/01/96 62 FR 3589.	
Sect. .0934 .....	Coating of Miscellaneous Metal Parts and Products.	07/01/96	08/01/97 62 FR 41277.	
Sect. .0935 .....	Factory Surface Coating of Flat Wood Paneling.	07/01/96	08/01/97 62 FR 41277.	
Sect. .0936 .....	Graphic Arts .....	12/01/89	06/23/94 59 FR 32365.	
Sect. .0937 .....	Manufacture of Pneumatic Rubber Tires.	07/01/96	08/01/97 62 FR 41277.	
Sect. .0938 .....	Perchloroethylene Dry Cleaning Sys- tem.	12/01/89	06/23/94 59 FR 32365.	
Sect. .0939 .....	Determination of Volatile Organic Compounds Emissions.	07/01/88	1/16/90 55 FR 1420.	
Sect. .0940 .....	Determination of Leak Tightness and Vapor Leaks.	07/01/88	1/16/90 55 FR 1420.	
Sect. .0941 .....	Alternative Method for Leak Tightness	03/01/91	06/23/94 59 FR 32365.	
Sect. .0942 .....	Determination of Solvent in Filter Waste.	07/23/80	08/27/81 46 FR 43137.	
Sect. .0943 .....	Synthetic Organic Chemical and Poly- mer Manufacturing.	03/01/91	06/23/94 59 FR 32365.	
Sect. .0944 .....	Manufacture of Polyethylene Poly- propylene, and Polystyrene.	03/14/85	11/19/86 51 FR 41786.	
Sect. .0945 .....	Petroleum Dry Cleaning .....	03/14/85	11/19/86 51 FR 41786	
Sect. .0947 .....	Manufacture of Synthesized Pharma- ceutical Products.	07/01/94	05/05/95 60 FR 22284.	
Sect. .0948 .....	VOC Emissions From Transfer Oper- ations.	07/01/94	05/05/95 60 FR 22284.	
Sect. .0949 .....	Storage of Miscellaneous Volatile Or- ganic Compounds.	07/01/94	05/05/95 60 FR 22284.	
Sect. .0950 .....	Interim Standards for Certain Source Categories.	05/01/95	02/01/96, 62 FR 3589.	
Sect. .0951 .....	Miscellaneous Volatile Organic Com- pound Emissions.	07/01/96	08/01/97, 62 FR 41277.	
Sect. .0952 .....	Petition for Alternative Controls .....	05/01/95	02/01/96, 62 FR 3589.	
Sect. .0953 .....	Vapor Return Piping for Stage II Vapor Recovery.	07/01/96	08/01/97, 62 FR 41277.	
Sect. .0954 .....	Stage II Vapor Recovery .....	07/01/96	08/01/97, 62 FR 41277.	
Sect. .0955 .....	Thread Bonding Manufacturing .....	04/01/95	02/01/96, 62 FR 3589.	
Sect. .0956 .....	Glass Christmas Ornament Manufac- turing.	04/01/05	02/01/96, 62 FR 3589.	
Sect. .0957 .....	Commercial Bakeries .....	04/01/95	02/01/96, 62 FR 3589.	

## Section .1000 Motor Vehicle Emissions Control Standards

Sect. .1001 .....	Purpose .....	12/01/82	06/02/95, 60 FR 28726.	
Sect. .1002 .....	Applicability .....	07/01/94	06/02/95, 60 FR 28726.	
Sect. .1003 .....	Definitions .....	12/01/82	06/02/95, 60 FR 28726.	
Sect. .1004 .....	Emission Standards .....	07/01/93	06/02/95, 60 FR 28726.	
Sect. .1005 .....	Measurement and Enforcement .....	04/01/91	06/02/95, 60 FR 28726.	

## Section .1300 Oxygenated Gasoline Standard

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Sect. .1302 .....	Applicability .....	09/01/92	06/30/94, 59 FR 32365.	
Sect. .1303 .....	Definitions .....	09/01/92	06/30/94, 59 FR 32365.	
Sect. .1304 .....	Oxygen Content Standard .....	09/01/92	06/30/94, 59 FR 32365.	

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State citation	Title/subject	State effective date	EPA approval date	Comments
Sect. .1305 .....	Measurement and Enforcement .....	09/01/92	06/30/94, 59 FR 32365.	
<b>Section .1900 Open Burning</b>				
Sect. .1901 .....	Purpose, Scope, and Impermissible Open Burning.	07/01/96	08/01/97, 62 FR 41277.	
Sect. .1902 .....	Definitions .....	07/01/96	08/01/97, 62 FR 41277.	
Sect. .1903 .....	Permissible Open Burning Without a Permit.	07/01/96	08/01/97, 62 FR 41277.	
Sect. .1904 .....	Air Curtain Burners .....	07/01/96	08/01/97, 62 FR 41277	
<b>Subchapter 2Q Air Quality Permits</b>				
<b>Section .0100 General Provisions</b>				
Sect. .0101 .....	Required Air Quality Permits .....	08/15/94	02/01/96, 61 FR 3584.	
Sect. .0102 .....	Activities Exempted From Permit Requirements.	08/15/94	02/01/96, 61 FR 3584.	
Sect. .0103 .....	Definitions .....	07/01/96	08/01/97, 62 FR 41277.	
Sect. .0105 .....	Copies of Referenced Documents .....	08/15/94	02/01/96, 61 FR 3584.	
Sect. .0106 .....	Incorporation by Reference .....	08/15/94	02/01/96, 61 FR 3584.	
Sect. .0107 .....	Confidential Information .....	08/15/94	02/01/96, 61 FR 3584.	
Sect. .0108 .....	Delegation of Authority .....	08/15/94	02/01/96, 61 FR 3584.	
Sect. .0109 .....	Compliance Schedule for Previously Exempted Activities.	07/01/96	08/01/97, 62 FR 41277.	
Sect. .0110 .....	Retention of Permit at Permitted Facility.	08/15/94	02/01/96, 61 FR 3584.	
Sect. .0111 .....	Applicability Determinations .....	08/15/94	02/01/96, 61 FR 3584	
<b>Section .0200 Permit Fees</b>				
Sect. .0207 .....	Annual Emissions Reporting .....	07/01/96	08/01/97, 62 FR 41277.	
<b>Section .0300 Construction and Operating Permits</b>				
Sect. .0301 .....	Applicability .....	07/01/94	07/28/95, 60 FR 38710.	
Sect. .0303 .....	Definitions .....	07/01/94	07/28/95, 60 FR 38710.	
Sect. .0304 .....	Applications .....	07/01/94	07/28/95, 60 FR 38710.	
Sect. .0305 .....	Application Submittal Content .....	07/01/94	07/28/95, 60 FR 38710.	
Sect. .0306 .....	Permits Requiring Public Participation	07/01/94	07/28/95, 60 FR 38710.	
Sect. .0307 .....	Public Participation Procedures .....	07/01/94	07/28/95, 60 FR 38710.	
Sect. .0308 .....	Final Action on Permit Applications .....	07/01/94	07/28/95, 60 FR 38710.	
Sect. .0309 .....	Termination, Modification and Revocation of Permits.	07/01/94	07/28/95, 60 FR 38710.	
Sect. .0310 .....	Permitting of Numerous Similar Facilities.	07/01/94	07/28/95, 60 FR 38710.	
Sect. .0311 .....	Permitting of Facilities at Multiple Temporary Sites.	07/01/96	08/01/97, 62 FR 41277.	
<b>Section .0600 Transportation Facility Procedures</b>				
Sect. .0601 .....	Purpose of Section and Requirement for Permit.	07/01/94	2/01/96, 61 FR 3586.	
Sect. .0602 .....	Definitions .....	07/01/94	2/01/96, 61 FR 3586.	
Sect. .0603 .....	Applications .....	07/28/97	12/31/98, 63 FR 72193.	
Sect. .0604 .....	Public Participation .....	07/01/94	2/01/96, 61 FR 3586.	
Sect. .0605 .....	Delegation of Authority .....	07/01/94	2/01/96, 61 FR 3586.	
Sect. .0606 .....	Termination, Modification and Revocation of Permits.	07/01/94	2/01/96, 61 FR 3586.	
<b>Section .0800 Exclusionary Rules</b>				
Sect. .0801 .....	Purpose and Scope .....	08/01/95	09/20/96, 61 FR 49418.	
Sect. .0802 .....	Gasoline Servicing Stations and Dispensing Facilities.	08/01/95	09/20/96, 61 FR 49418.	
Sect. .0803 .....	Coating, Solvent Cleaning, Graphic Arts Operations.	07/28/97	12/31/98, 63 FR 72193.	
Sect. .0804 .....	Dry Cleaning Facilities .....	08/01/95	09/20/96, 61 FR 49418.	
Sect. .0805 .....	Grain Elevators .....	08/01/95	09/20/96, 61 FR 49418.	
Sect. .0806 .....	Cotton Gins .....	08/01/95	09/20/96, 61 FR 49418.	
Sect. .0807 .....	Emergency Generators .....	08/01/95	09/20/96, 61 FR 49418.	

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 17 and 87

[WT Docket No. 96-211, FCC 99-40]

#### Use of 112-118 MHz for Differential Global Positioning System (GPS) Correction Data and the Use of Hand- Held Transmitters on Frequencies in the Aeronautical Enroute Service

**AGENCY:** Federal Communications  
Commission.

**ACTION:** Final rule.

**SUMMARY:** This *Report and Order (R&O)* amends the Commission's rules regarding the use of 112-118 MHz for differential Global Positioning System (GPS) correction data, the use of hand-held transmitters on frequencies in the Aeronautical Enroute Service, and to update Part 17 of our rules to incorporate by reference two recently revised FAA Advisory Circulars. These amendments were adopted in response to petitions for rule making filed by the Federal Aviation Administration and the Aeronautical Radio, Inc. The effect of these amendments would increase aircraft and airport safety and facilitate the efficient use of aeronautical radio spectrum.

**DATES:** These regulations are effective May 20, 1999. The incorporation by reference of certain publications listed in the regulations is approved by the Director of Federal Register May 20, 1999.

**FOR FURTHER INFORMATION CONTACT:** James Shaffer of the Commission's Wireless Telecommunications Bureau at (202) 418-0680 or via email at mayday@fcc.gov.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *R&O*, FCC 99-40, adopted February 25, 1999, and released March 3, 1999. The full text of this *Report and Order* is available for inspection and copying during normal business hours in the FCC Reference Center, Room 246, 1919 M Street N.W. Washington, D.C. The complete text may be purchased from the Commission's copy contractor, ITS, Inc., 1231 20th St. N.W., Washington, D.C. 20036, telephone (202) 857-3800.

#### Summary of R&O

1. This *R&O* amends Part 87 of our rules to permit aeronautical ground stations to use frequencies in the 112-118 MHz band to transmit differential

Global Positioning System (GPS) information to aircraft equipped to use advanced landing systems in response to a petition for rule making filed by the Federal Aviation Administration (FAA). This *R&O* also allows the use of hand-held radios for direct communications between ground service personnel and flight crews on frequencies allocated to the Aeronautical Enroute Service in response to a petition for rule making filed by Aeronautical Radio, Inc. (ARINC). Finally, this *R&O* updates part 17 of our rules to incorporate by reference two recently revised FAA Advisory Circulars. The actions will increase the safety and efficiency of aircraft navigation and movement of aircraft in and around airports. Further, these amends should promote the use of new radio technologies beneficial to aircraft without allocating additional spectrum.

#### Administrative Matters

##### *Final Regulatory Flexibility Analysis*

2. As required by the Regulatory Flexibility Act, 5 U.S.C. 603 (RFA), Initial Regulatory Flexibility Analyses (IRFA) were incorporated in the *Notice of Proposed Rule Makings* WT Docket 96-1 and WT Docket 96-211.<sup>1</sup> The Commission sought written public comments on the proposals in the *Unicom NPRM* and *Aviation Safety NPRM*, including on the IRFA. The Commission's Final Regulatory Flexibility Analysis (FRFA) in this *Report and Order* conforms to the RFA, as amended by the Contract With America Advancement Act of 1996.<sup>2</sup>

#### I. Need for and Objective of the Proposed Rules

3. Our objective is to improve safety in air navigation by increasing pilots' access to advisory information, promoting the use of satellite technology for the precision landing of aircraft and allowing ground crews to communicate with aircraft on aeronautical enroute frequencies, and to

<sup>1</sup> Amendment of Part 87 of the Commission's Rules to Permit Automatic Operation of Aeronautical Advisory Stations (Unicom), WT Docket 96-1, *Notice of Proposed Rule Making*, 11 FCC Rcd 1084 (1996), 61 FR 8905, (March 6, 1996), (Unicom NPRM); Amendment of part 87 to Permit the Use of 112-118 MHz for Differential Global Positioning System (GPS) Correction Data and the Use of Hand-held Transmitters on Frequencies in the Aeronautical Enroute Service and Amendment of Part 17 Concerning Construction, Marking, and Lighting of Antenna Structures, WT Docket No. 96-211, *Notice of Proposed Rule Making*, 11 FCC Rcd 15391 (1996), 61 FR 60673, (November 29, 1996), (*Aviation Safety NPRM*).

<sup>2</sup> Public Law No. 104-121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is "The Small Business Regulatory Enforcement Fairness Act of 1996" (SBREFA), *codified at* 5 U.S.C. 601 *et seq.*

incorporate by reference two recently revised FAA Advisory Circulars. The *Report and Order* in this proceeding modified the Commission's rules to increase the safety and efficiency of aircraft navigation and movement of aircraft in and around airports.

4. The public interest is served by modifying our rules to permit the operation of aeronautical advisory stations (unicoms) in an unattended, automated mode, allow aeronautical ground stations to transmit differential GPS augmentation data to aircraft, allow the use of mobile radios for direct communications between ground service personnel and flight crews on Aeronautical Enroute Service frequencies and incorporate, by reference, two FAA Advisory Circulars.

#### II. Summary of Significant Issues Raised by the Public Comments in Response to the Initial Regulatory Flexibility Analysis

5. No comments were submitted in direct response to the IRFA. We have, however, reviewed general comments that may impact small businesses.

6. Much of the impact will be on small businesses that use, manufacture, design, import, or sell equipment, and will increase safety and efficiency at airports by allowing new uses and technologies for the purpose of communicating important information for flight and ground safety. Commenters submitted suggestions to improve the technical and operational criteria of the proposals. This *Report and Order* directly benefits small businesses by providing smaller airports that do not have sufficient resources to staff a unicom station with an automated and economically viable alternative to provide important advisory information, providing airports with satellite technology for the precision landing of aircraft to facilitate approaches and landings in poor weather conditions, and improving the safe ground operations at airports and improve the provision of services and supplies to aircraft on the ground. These actions should increase the safety and efficiency of aircraft navigation and movement of aircraft in and around airports.

#### III. Description and Estimate of the Number of Small Entities to Which the Rules Apply

7. The rules adopted in this *Report and Order* will affect small businesses that use, manufacture, design, import, sell, or use aviation equipment designed for an automated unicom, a GPS augmentation system operating in the 112-118 MHz band, and mobile radios