

2. Section 934.15 is amended by revising the heading and by adding paragraph (t) to read as follows:

§ 934.15 Approval of amendments to the North Dakota regulatory program.

* * * * *

(t) With the exception of NDAC 69-05.2-16-09(20) (to the extent that it addresses sedimentation ponds that do not meet the criteria of 30 CFR 77.216 but do meet SCS Class B or C criteria), revisions to the following rules, as submitted to OSM on November 10, 1994, are approved effective April 13, 1995.

North Dakota Administrative Code (NDAC) 69-05.2-04-07(3)(a), lands unsuitable for mining; NDAC 69-05.2-05-09, permit applications (permit monitoring plans); NDAC 69-05.2-06-01(2), permit applications (identification of interests); NDAC 69-05.2-06-02(6), permit applications (compliance information); NDAC 69-05.1-10-03(5), criteria for permit approval; NDAC 69-05.2-11-01(1)(d), permit revisions; NDAC 69-05.2-11-03(5)(c), permit renewals; NDAC 69-05.2-11-06(1)(c), transfer, sale, or assignment of permit rights; NDAC 69-05.2-12-09(2), performance bond (period of liability); NDAC 69-05.2-15-02(2a), performance standards (suitable plant growth material); NDAC 69-05.2-16-09(7) and (20), performance standards (sediment ponds); NDAC 69-05.2-21-01(2) performance standards (backfilling and grading, timing requirements); and NDAC 69-05.2-28-03(6), inspection and enforcement (cessation orders).

§ 934.16 [Amended]

3. Section 934.16 is amended by removing and reserving paragraph (u).

[FR Doc. 95-9176 Filed 4-12-95; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA37-1-6370a; FRL-5188-2]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Withdrawal of Final Rule Pertaining to the Promulgation of SO₂: Conewango Township, Warren County Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: On February 15, 1995, EPA published a final rule approving a revision to the State implementation plan for the Commonwealth of Pennsylvania. The revision provides for, and demonstrates, the attainment of the national ambient air quality standards

(NAAQS) for sulfur oxides in the Conewango Township, Warren County nonattainment area. This action was published without prior proposal because EPA anticipated no adverse comment. Because EPA received adverse comments on this action, EPA is withdrawing the February 15, 1995 final rulemaking action pertaining to the State implementation plan for Pennsylvania.

EFFECTIVE DATE: April 13, 1995.

FOR FURTHER INFORMATION CONTACT: David J. Campbell, Air Programs (3AT22), U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, phone: 215 597-9781.

SUPPLEMENTARY INFORMATION: On February 15, 1995, EPA published a final rule to approve a revision to the Commonwealth of Pennsylvania State implementation plan (SIP) (60 FR 8566). The revision provides for, and demonstrates, the attainment of the national ambient air quality standards (NAAQS) for sulfur oxides in the Conewango Township, Warren County nonattainment area. The implementation plan was submitted by Pennsylvania to satisfy the requirements of the Clean Air Act (CAA) pertaining to nonattainment areas. EPA approved this direct final rulemaking without prior proposal because the Agency viewed it as noncontroversial and anticipated no adverse comments. The final rule was published in the Federal Register with a provision for a 30-day comment period. At the same time, EPA published a proposed rule which announced that this final rule would convert to a proposed rule in the event that adverse comments were submitted to EPA within 30 days of publication of the rule in the Federal Register (60 FR 8612). By publishing a notice announcing withdrawal of the final rulemaking action, this action would be withdrawn. EPA received adverse comment within the prescribed comment period.

Therefore, EPA is withdrawing the February 15, 1995 final rulemaking action pertaining to the Pennsylvania SIP for sulfur oxides. All public comments received will be addressed in a subsequent rulemaking action based on the proposed rule.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Reporting and recordkeeping requirements, Sulfur Oxides.

Dated: March 30, 1995.

Stanley Laskowski,

Acting Regional Administrator, Region III.

[FR Doc. 95-9045 Filed 4-12-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[OAQPS CA38-5-6959; FRL-5184-3]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing the approval of revisions to the California State Implementation Plan (SIP) proposed in the Federal Register on June 2, 1994. The revisions concern rules from the South Coast Air Quality Management District (SCAQMD). This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The revised rules control VOC emissions from Pleasure Craft Coating Operations and set general recordkeeping requirements for VOC emissions. Thus, EPA is finalizing the approval of these revisions into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

EFFECTIVE DATE: This action is effective on May 15, 1995.

ADDRESSES: Copies of the rule revisions and EPA's evaluation report for each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revisions are available for inspection at the following locations: Rulemaking Section (A-5-3), Air and

Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Environmental Protection Agency, Air Docket (6102), 401 "M" Street, SW., Washington, DC 20460.

South Coast Air Quality Management District, 21865 East Copley Drive, Diamond Bar, CA 91765-4182.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 L Street, Sacramento, CA 95814.

FOR FURTHER INFORMATION CONTACT: Daniel A. Meer, Chief, Rulemaking Section, Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1185.

SUPPLEMENTARY INFORMATION

Background

On June 2, 1994 in 59 FR 28503 EPA proposed to approve the following rules into the California SIP: SCAQMD's Rule 1106.1, Pleasure Craft Coating Operations, and Rule 109, Recordkeeping for Volatile Organic Compound Emissions. Rule 1106.1 was adopted by SCAQMD on May 1, 1992, and Rule 109 was adopted on March 6, 1992. Both rules were submitted by the California Air Resources Board (CARB) to EPA on September 14, 1992. These rules were submitted in response to EPA's 1988 SIP-Call and the CAA section 182(a)(2)(A) requirement that nonattainment areas fix their reasonably available control technology (RACT) rules for ozone in accordance with EPA guidance that interpreted the requirements of the pre-amendment Act. A detailed discussion of the background for each of the above rules and nonattainment areas is provided in the NPR(s) cited above.

EPA has evaluated the above rules for consistency with the requirements of the CAA and EPA regulations and EPA interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in the NPR(s) cited above. EPA has found that the rules meet the applicable EPA requirements. A detailed discussion of the rule provisions and evaluations has been provided in [59 FR 28503 and in technical support documents (TSDs) available at EPA's Region IX office (TSDs dated February 16, 1993, Pleasure Craft Coating Operations and February 24, 1993, Recordkeeping for Volatile Organic Compound Emissions).

Response to Public Comments

A 30-day public comment period was provided in 59 FR 28503. EPA received no comments.

EPA Action

EPA is finalizing action to approve the above rules for inclusion into the California SIP. EPA is approving the submittal under section 110(k)(3) as meeting the requirements of section 110(a) and Part D of the CAA. This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of VOCs in

accordance with the requirements of the CAA.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Dated: March 28, 1995.

Felicia Marcus,
Regional Administrator.

Part 52, chapter I, title 40 of the 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. 7401-7671q.

Subpart F—California

2. Section 52.220 is amended by adding paragraph (c)(189)(i)(A)(6) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(189) * * *

(i) * * *

(A) * * *

(6) Rule 109 adopted on March 6, 1992, and Rule 1106.1 adopted on May 1, 1992.

* * * * *

[FR Doc. 95-9042 Filed 4-12-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 76

[AD-FRL-5186-5]

RIN 2060-AD45

Acid Rain Program: Nitrogen Oxides Emission Reduction Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule; response to court remand.

SUMMARY: The EPA is today issuing this final rule in response to a remand by a U.S. Court of Appeals. The rule reinstates emission limitations for nitrogen oxides (NO_x) from coal-fired utility units under section 407 of the Clean Air Act ("the Act"). The emission limitations for NO_x, along with emission limitations for sulfur dioxide from utility plants, will reduce acidic deposition and its serious adverse effects on natural resources, ecosystems, materials, visibility, and public health.

On March 22, 1994, EPA promulgated a rule establishing NO_x emission limitations. The rule established emission limits generally achievable using "low NO_x burner technology" and established a procedure for obtaining an alternative emission limitation (AEL) if a unit could not achieve the prescribed limit using such technology. On November 29, 1994, the U.S. Court of Appeals for the District of Columbia Circuit ruled that the definition of "low NO_x burner technology" in the March 22, 1994 rule exceeded EPA's statutory authority. The Court vacated the rule and remanded it to the Agency for further proceedings. On March 28, 1995, EPA and environmental and utility-industry parties signed an agreement addressing the March 22, 1994 regulations, including issues raised by the Court's remand.

Based on the Court's decision and a review of the record, the Agency is now revising the March 22, 1994 regulations. The low-NO_x-burner-technology definition is revised to comply with the Court's decision. Other provisions concerning the compliance date for Phase I NO_x emission limitations, AELs, and plans for averaging NO_x emissions of two or more units are also revised. In general, the revisions reduce compliance requirements, extend the compliance date, and increase compliance flexibility. The rule revisions are issued as a direct final rule because they are consistent with the Court's decision and no adverse comment is expected. The revisions are also consistent with the March 28, 1995 agreement.