

Interstate commerce, Nonessential products, Reporting and recordkeeping requirements, Stratospheric ozone layer.

Dated: January 11, 1996.

Carol M. Browner,
Administrator.

Part 82, chapter I, title 40, of the code of Federal Regulations, is amended as follows:

PART 82—PROTECTION OF STRATOSPHERIC OZONE

1. The authority citation for part 82 continues to read as follows:

Authority: 42 U.S.C. 7414, 7601, 7671–7671q.

2. Section 82.13 is amended by January 31, 1996 staying paragraph (g)(2)(viii) from until April 30, 1996. [FR Doc. 96–1553 Filed 1–31–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[TN–154–7092a; FRL–5328–7]

Approval and Promulgation of Implementation Plans Tennessee: Approval of Revisions to Process Emission Standards for New and Existing Cotton Gins

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the Tennessee State Implementation Plan (SIP) submitted by the State of Tennessee through the Tennessee Department of Environment and Conservation on April 18, 1995. This submittal included revisions to the current regulations concerning process emission standards for new and existing cotton gins. These revisions also provide an optional method of using selected controls to demonstrate compliance with the emission standards.

DATES: This final rule is effective April 1, 1996 unless adverse or critical comments are received by March 1, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments on this action should be addressed to Karen Borel, at the EPA Regional Office listed below. Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460
Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street, NE, Atlanta, Georgia 30365

Tennessee Department of Environment and Conservation, Division of Air Pollution Control, 9th Floor L & C Annex, 401 Church Street, Nashville, Tennessee 37243–1531.

FOR FURTHER INFORMATION CONTACT:

Interested persons wanting to examine documents relative to this action should make an appointment with the Region 4 Air Programs Branch at least 24 hours before the visiting day. To schedule the appointment or to request additional information, contact Karen C. Borel, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 EPA, 345 Courtland Street, NE, Atlanta, Georgia 30365. The telephone number is 404/347–3555 extension 4197. Reference file TN154–01–7092.

SUPPLEMENTARY INFORMATION: On April 18, 1995, the State of Tennessee through the Tennessee Department of Environment and Conservation submitted a revision to their SIP incorporating changes to regulations for new and existing cotton gins. The SIP revision consists of changes to Paragraph 1200–3–7–.08(3). EPA is approving these revisions which are summarized as follows.

1. Subparagraph 1200–3–7–.08(3)(a) has been revised. This subparagraph has been amended to add definitions for the following items: “Cotton Gins;” “Cotton Gin Site or Gin Site;” “High Efficiency Cyclone;” “Low Pressure Exhausts;” “High Pressure Exhaust;” and “Dust House.” The former subparagraph prohibited “the emission of particulate matter in any on hour in excess of * * * amount shown in Table 4” and has been deleted. This requirement was incorporated into Subparagraph 1200–3–7–.08(3)(b).

2. Subparagraph 1200–3–7–.08(3)(b) has been revised. This paragraph has been amended by deleting the former language that allowed the total process weight from all similar units at a plant to be used to determine the maximum allowable emission of particulate matter from a stack. This has been replaced by the requirements that the owner or operator of the cotton gin meet the standards set forth in Table 4 of this paragraph. Table 4 establishes the allowable rate of particulate emissions

based on the process weight rate for new and existing cotton gins. These allowable emission rates have not been amended. This revised subparagraph alternatively allows the owner or operator of a cotton gin to utilize defined control devices, rather than demonstrating compliance with the emission standards. The control devices which are allowed include screens with a mesh size of 80 by 80 or finer, or perforated condenser drums with holes of .045 inches in diameter or less, or dust houses for emission control from low pressure exhausts. For emission control from high pressure exhausts, high efficiency cyclones may be used to demonstrate compliance. Subparagraph 1200–3–7–.08(3)(b) has also been amended to prohibit the burning of cotton gin waste at a gin site in a wigwam or any other type of enclosed burner.

3. Subparagraph 1200–3–7–.08(3)(c) has been revised. The former subparagraph required compliance by January 1, 1973, or July 1, 1975. This language was deleted. The new compliance date for this regulation has been included in subparagraph (b), above, and is now July 1, 1991. The revised paragraph (c) now states that the “allowable particulate emission standards for * * * cotton gins shall be determined by Table 4.” This language was contained in subparagraph (a) prior to this SIP revision.

4. Table 4, subparagraph 1200–3–7–.08(3), has been revised. The title of this table has been modified from “Allowable Particulate Emission Based on Process Weight Rate for Cotton Gins” to “Allowable Rate of Particulate Emissions Based on Process Weight Rate for New and Existing Cotton Gins.” The address for the Tennessee Division of Air Pollution Control has also been updated.

Final Action

EPA is approving the aforementioned * revisions contained in the State’s April 18, 1995, submittal. The EPA is publishing this rulemaking without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective April 1, 1996, unless, within 30 days of its publication, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a

subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the separate proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective April 1, 1996.

Under section 307(b)(1) of the Clean Air Act (CAA), 42 U.S.C. 7607(b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 1, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2) of the CAA, 42 U.S.C. 7607(b)(2).)

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995, memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a 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.

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. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the CAA do not create any new requirements, but

simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. § 7410(a)(2) and 7410(k)(3).

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.

Through submission of this state implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under section 110 of the CAA. These rules may bind State, local and tribal governments to perform certain actions and also require the private sector to perform certain duties. EPA has examined whether the rules being approved by this action will impose no new requirements, since such sources are already subject to these regulations under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. Therefore this final action does not include a mandate that may result in estimated costs of \$100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter, Reporting and recordkeeping requirements.

Dated: October 17, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

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. 7401-7671q.

Subpart RR—Tennessee

2. Section 52.2220, is amended by adding paragraph (c)(127) to read as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) * * *

(127) Revisions to the State of Tennessee Air Pollution Control Regulations submitted by the Tennessee Department of Environment and Conservation on April 18, 1995. These consist of revisions to the process emission standards for new and existing cotton gins. These revised regulations also provide an optional method of using selected controls to demonstrate compliance with the emission standards.

(i) Incorporation by reference.

(A) Tennessee Division of Air Pollution Control Regulations, Chapter 1200-3-7-.08(3) effective July 16, 1990.

(ii) Other material. None.

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40 CFR Parts 52 and 81

[OH66-1-6499A, OH76-1-6900A; FRL-5405-4]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Direct final rule.

SUMMARY: The USEPA is approving the State of Ohio's State Implementation Plan revision request to redesignate the Canton (Stark County), and Youngstown (Mahoning and Trumbull Counties) marginal ozone nonattainment areas to attainment, and establish ozone standard maintenance plans for these areas. Ground-level ozone, commonly known as smog, is an air pollutant which forms on hot summer days which harmfully affects lung tissue and breathing passages. The redesignation to attainment of the health-based ozone air quality standard is based on a request from the State of Ohio to redesignate this area and approve its maintenance plan, and on the supporting data the State submitted in support of the requests. Under the Clean Air Act, designations can be changed if sufficient data are available to warrant such change, and a maintenance plan is put in place which is designed to ensure the area maintains ozone air quality standard for the next ten years.