

International Branch, ANM-116, FAA, Transport Airplane Directorate.

Note 6: The loads assessment, and if necessary, supplementary inspections required by paragraph (c)(3) of this AD, will be developed and proposed by the manufacturer based on the manufacturer's analysis of the report required by paragraph (c)(2) of this AD.

Detailed Inspections

(d) Do the following detailed inspections at the time specified in paragraph (b)(1) or (c)(1) of this AD, as applicable.

(1) Do the inspections as specified in and per Chapter 05-51-17 (Inspections After Flight in Excessive Turbulence or In Excess of VMO/MMO) of Airbus A300, A300-600 or A310 Airplane Maintenance Manual (AMM), as applicable. Extend the areas for these inspections as specified in paragraphs (d)(1)(i) and (d)(1)(ii) of this AD.

(i) Extend the wing inspection area to include rib 22 through rib 29.

(ii) Extend the fuselage inspection area from the inside to include frame 84 through 87 above stringer 23, and all areas of frame 91.

(2) Do detailed inspections to find damage of the areas specified in paragraphs (d)(2)(i), (d)(2)(ii), and (d)(2)(iii) of this AD, according to a method approved by the Manager, International Branch, ANM-116.

(i) Inspect the fuselage external surface under the vertical stabilizer to fuselage fairing, including side load fittings and lower surface of rib 1 of the vertical stabilizer.

(ii) Inspect the rudder hinge arms and support fittings 1 through 7, and the actuator support fittings of the vertical stabilizer.

(iii) Inspect the rudder hinge fittings 1 through 7, and the actuator support fittings of the vertical stabilizer.

Note 7: For the purposes of this AD, a detailed inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required."

Corrective Actions

(e) If any damage is found during any inspection required by this AD: Before further flight, repair according to the method specified in the Airbus structural repair manual or according to a method approved by the Manager, International Branch, ANM-116, or by the Direction Générale de l'Aviation Civile or its delegated agent.

Alternative Methods of Compliance

(f) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM-116. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, which may add comments and

then send it to the Manager, International Branch, ANM-116.

Note 8: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

Special Flight Permits

(g) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Effective Date

(h) The effective date of this amendment remains April 8, 2002.

Issued in Renton, Washington, on July 29, 2002.

Vi Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02-20019 Filed 8-7-02; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NC-96; 97-200231(a); FRL-7254-2]

Approval and Promulgation of Implementation Plans: North Carolina: Permitting Rules and Other Miscellaneous Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of North Carolina, through the North Carolina Department of Environmental and Natural Resources (NCDENR), on April 16, 2001. These revisions include the adoption of rules 15A NCAC 2D .0611 through .0615, the amending of .0501, .0903 and multiple rules within Chapter .0600 Monitoring: Recordkeeping: Reporting, the adoption of rules 15A NCAC 2Q .0316 and .0317 and the amending of rules .0109, .0803 and .0805 through .0808. The purpose of these revisions is to make the revised regulations consistent with the requirements of the Clean Air Act as amended in 1990 (CAA).

DATES: This direct final rule is effective October 7, 2002, without further notice, unless EPA receives adverse comment by September 9, 2002. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform

the public that the rule will not take effect.

ADDRESSES: All comments should be addressed to: Randy Terry at the EPA, Region 4 Air Planning Branch, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960.

Copies of the State submittal(s) are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Region 4, Air Planning Branch, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. Randy Terry, 404/562-9032.

North Carolina Department of Environment and Natural Resources, 512 North Salisbury Street, Raleigh, North Carolina 27604.

Forsyth County Environmental Affairs Department, 537 North Spruce Street, Winston-Salem, North Carolina 27101.

FOR FURTHER INFORMATION CONTACT:

Randy B. Terry at 404/562-9032, or by electronic mail at terry.randy@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On April 16, the State of North Carolina, through the North Carolina Department of Environmental and Natural Resources (NCDENR), submitted revisions to the North Carolina SIP. These revisions include the adoption of rules 15A NCAC 2D .0611 through .0615, the amending of .0501, .0903 and multiple rules within Chapter .0600 Monitoring: Recordkeeping: Reporting, the adoption of rules 15A NCAC 2Q .0316 and .0317 and the amending of rules .0109, .0803 and .0805 through .0808. A detailed analysis of each of the major revisions submitted is listed below.

II. Analysis of North Carolina's Submittal

Subchapter 2D

2D .0501 Compliance With Emission Control Standards

This rule was amended to add detailed language to the cited ASTM methods and to eliminate the duplicative processing for the facilities with mixed control required to be permitted according to the requirements of title V of the CAA. Previously these facilities with mixed control were subject to the SIP process and the title V permitting process. Both processes involve the same amount of public participation. Both involve EPA review and approval. Under their previous process, there were two public comment periods and two EPA reviews for title V

facilities with mixed control that decided to choose emission trading to meet the NO_x SIP call requirements. These amendments simplify and streamline the emission trading process for title V facilities by requiring only one public hearing for both title V and SIP processes.

2D .0600 Monitoring: Recordkeeping: Reporting

This subchapter was amended for the following purposes:

(1) To resolve deficiencies that EPA has identified in the SIP.

(2) To write the requirements of 40 CFR part 51, appendix P in a more concise, precise, and readable form.

(3) To require that data collected for the purposes of showing compliance be quality assured data,

(4) To add rule to implement EPA's compliance assurance monitoring (CAM) requirements.

(5) To clearly delegate to the Director the authority to place monitoring, recordkeeping, and reporting requirements in permits of non-title V facilities.

2D .0903 Recordkeeping: Reporting: Monitoring

This rule was amended to delete specific recordkeeping and reporting requirements and add a reference to monitoring requirements in section 15A NCAC 2D .0600.

Subchapter 2Q

2Q .0109 Compliance Schedule for Previously Exempted Activities

This rule was amended to delete obsolete schedules for submitting permit applications for activities that have lost their permit exemptions.

2Q .0316 Administrative Permit Amendments

This rule was adopted to describe the administrative amendment process and define the types of changes that are administrative amendments.

2Q .0317 Avoidance Conditions

This rule was adopted to clarify that conditions can be placed in permits to avoid applicability of more restrictive rules. It gives the permittee a chance to choose a less expensive cost of operations by avoiding the applicability of certain rules.

2Q .0800 Exclusionary rules

This Subchapter was amended to require annual reports to be submitted by March 1, 2000, and to the regional supervisors of the appropriate Division regional office instead of the Director.

These changes make tracking the report submittals easier.

III. Final Action

EPA is approving the aforementioned changes to the SIP because the revisions are consistent with Clean Air Act and EPA regulatory requirements. The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective October 7, 2002, without further notice unless the Agency receives adverse comments by September 9, 2002.

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on October 7, 2002, and no further action will be taken on the proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

IV. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond

that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

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 October 7, 2002. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the 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).)

List of Subjects in 40 CFR Part 52

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

Dated: July 10, 2002.

A. Stanley Meiburg,
Acting Regional Administrator, Region 4.

PART 52—[AMENDED]

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

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

Subpart II—North Carolina

2. In the table in § 52.1770(c), the table is designated as Table 1 and amended as follows:

b. Under subchapter 2D by revising entries: .0501, .0601, .0602, .0604, .0605, .0607, .0610, and .0903;

c. Under subchapter 2D by adding in numerical order a new entry for .0611, .0612, .0613, .0614, and .0615.

d. Under subchapter 2Q by revising entries .0109, .0803, .0805, .0806, and .0807.

d. Under subchapter 2Q by adding in numerical order a new entry for .0316, .0317 and .0808.

§ 52.1770 Identification of plan.

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(c) * * *

TABLE 1.—EPA APPROVED NORTH CAROLINA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Comments
Subchapter 2D Air Pollution Control Requirements				
* * * * *				
Section .0500 Emission Control Standards				
Sect. .0501	Compliance With Emission Control Standards	04/01/01	August 8, 2002.	
* * * * *				
Section .0600 Air Contaminants; Monitoring, Reporting				
Sect. .0601	Monitoring: Recordkeeping: Reporting	04/01/99	August 8, 2002.	
Sect. .0602	Definitions	04/01/99	August 8, 2002.	
Sect. .0604	Exceptions to Monitoring and Reporting Requirements	04/01/99	August 8, 2002.	
Sect. .0605	General Recordkeeping and Reporting Requirements	04/01/99	August 8, 2002.	
* * * * *				
Sect. .0607	Large Wood and Wood-Fossil Fuel Combination Units	04/01/99	August 8, 2002.	
* * * * *				
Sect. .0610	Federal Monitoring Requirements	04/01/99	August 8, 2002.	
Sect. .0611	Monitoring Emissions From Other Sources	04/01/99	August 8, 2002.	
Sect. .0612	Alternative Monitoring and Reporting Procedures	04/01/99	August 8, 2002.	
Sect. .0613	Quality Assurance Program	04/01/99	August 8, 2002.	
Sect. .0614	Compliance Assurance Monitoring	04/01/99	August 8, 2002.	
Sect. .0615	Delegation	04/01/99	August 8, 2002.	
* * * * *				
Section .0900 Volatile Organic Compounds				
* * * * *				
Sect. .0903	Recordkeeping: Reporting: Monitoring	04/01/99	August 8, 2002.	
* * * * *				
Subchapter 2Q Air Quality Permits				
Section .0100 General Provisions				
* * * * *				
Sect. .0109	Compliance Schedule for Previously Exempted Activities	04/01/01	August 8, 2002.	
* * * * *				
Section .0300 Construction and Operating Permits				
* * * * *				
Sect. .0316	Administrative Permit Amendments	04/01/01	August 8, 2002.	
Sect. .0317	Avoidance Conditions	04/01/01	August 8, 2002.	

TABLE 1.—EPA APPROVED NORTH CAROLINA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Comments
Section .0800 Exclusionary Rules				
Sect. .0803	Coating, Solvent Cleaning, Graphic Arts Design	04/01/01	August 8, 2002.	
Sect. .0805	Grain Elevators	04/01/01	August 8, 2002.	
Sect. .0806	Cotton Gins	04/01/01	August 8, 2002.	
Sect. .0807	Emergency Generators	04/01/01	August 8, 2002.	
Sect. .0808	Peak Shaving Generators	04/01/01	August 8, 2002.	

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[AMS–FRL–7256–5]

RIN 2060–AJ73

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Non-Conformance Penalties for 2004 and later Model Year Emission Standards for Heavy-Duty Diesel Engines and Heavy-Duty Diesel Vehicles

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing nonconformance penalties (NCPs) for the 2004 and later model year non-methane hydrocarbons and nitrogen oxides (NMHC+NO_x) standard for heavy-duty diesel engines and vehicles.

In general, the availability of NCPs allows a manufacturer of heavy-duty engines (HDEs) whose engines fail to conform with the applicable 2004 model year emission standards, but do not exceed a designated upper limit, to be issued a certificate of conformity upon payment of a monetary penalty. This final rule establishes the upper limit associated with the 2004 emission standard for NMHC+NO_x as 4.5 grams per brake-horsepower-hour for light and medium heavy-duty engines and urban buses, and 6.0 grams per brake-horsepower-hour for heavy heavy-duty engines. Based on these upper limits, this rule also establishes the cost inputs used in the general NCP formula currently in the regulations.

DATES: This rule is effective on August 8, 2002.

ADDRESSES: Comments: All comments and materials relevant to today's action have been placed in Public Docket No. A–2001–25 at the following address: U.S. Environmental Protection Agency (EPA), Air Docket (6102), Room M–1500, 401 M Street, SW., Washington, DC 20460 (on the ground floor in Waterside Mall) from 8:00 a.m. to 5:30

p.m., Monday through Friday, except on government holidays. You can reach the Air Docket by telephone at (202) 260–7548 and by facsimile at (202) 260–4400. We may charge a reasonable fee for copying docket materials, as provided in 40 CFR part 2.

FOR FURTHER INFORMATION CONTACT:

Margaret Borushko, U.S. EPA, National Vehicle and Fuels Emission Laboratory, 2000 Traverwood, Ann Arbor, MI 48105; Telephone (734) 214–4334; Fax: (734) 214–4816; E-mail: borushko.margaret@epa.gov.

SUPPLEMENTARY INFORMATION:

Regulated Entities

This action may affect you if you produce or import new heavy-duty diesel engines which are intended for use in highway vehicles such as trucks and buses or other types of heavy-duty highway vehicles. The table below gives some examples of entities that may have to follow the regulations. But because these are only examples, you should carefully examine the regulations in 40 CFR part 86. If you have questions, call the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

Category	NAICS ^a Codes	SIC Codes ^b	Examples of potentially regulated entities
Industry	336112 336120	3711	Engine and truck manufacturers.

^aNorth American Industry Classification System (NAICS).

^bStandard Industrial Classification (SIC) system code.

Access to Rulemaking Documents Through the Internet

This final rule is available electronically on the day of publication from the Environmental Protection Agency Internet Web site listed below. Electronic copies of the preamble, regulatory language, Technical Support Document, and other documents associated with today's final rule are available from the EPA Office of Transportation and Air Quality (formerly the Office of Mobile Sources)

Web site listed below shortly after the rule is signed by the Administrator. This service is free of charge, except any cost that you incur for connecting to the Internet.

Environmental Protection Agency Web Site: <http://www.epa.gov/fedrgstr/> (Either select a desired date or use the Search feature.)

Office of Transportation and Air Quality (OTAQ) Web Site: <http://www.epa.gov/otaq/>

(Look in “Recent Additions” or under the “Heavy Trucks/Buses” topic.)

Please note that due to differences between the software used to develop the document and the software into which document may be downloaded, changes in format, page length, etc. may occur.

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