Regulatory Impact Analysis has been or will be prepared.

Administrative Procedure Act

The Under Secretary of Commerce for Travel and Tourism, pursuant to subsections 553 (b)(A) and (d)(2) of the Administrative Procedure Act, finds that because charging and collecting the USTTA Facilitation Fee from commercial airlines and passenger cruise ship lines has been determined to be: (1) In the case of commercial airlines, contrary to a treaty entered into by the United States, and (2) in the case of passenger cruise ship lines, where the fee is not also collected from airlines, manifestly unfair and not serving legislative intent, the requirement to pay the fee should be removed as soon as possible. Thus, further delay in promulgating this rule is not in the public interest, and no notice and comment or delay in the effective date is required.

Regulatory Flexibility Act

The Regulatory Flexibility Act does not apply to this rule because the rule was not required to be promulgated as a proposed rule by section 553 of the Administrative Procedure Act or by any other law. Accordingly, neither an initial nor a final Regulatory Flexibility Analysis has been or will be prepared.

Paperwork Reduction Act

This rule does not contain any collection of information requirements subject to the requirements of the Paperwork Reduction Act (Pub. L. No. 96–511).

Executive Order 12612

This rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 12612.

List of Subjects in 15 CFR Part 1201

Administrative practice and procedure, Air carriers, Passenger vessels, Travel.

For the reasons set forth in the Preamble, title 15 of the Code of Federal Regulations is amended by removing part 1201.

PART 1201—[REMOVED]

1. Part 1201 consisting of § 1201.1 is hereby removed.

Dated: January 29, 1992.

John G. Keller, Jr.,

Under Secretary for Travel and Tourism.

[FR Doc. 92–2626 Filed 2–3–92; 8:45 am]

BILLING CODE 3510–11–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 888

[Docket No. N–92–3245; FR–3011–N–05]

Section 8 Housing Assistance Payments Program; Fair Market Rent Schedules for Use in the Rental Certificate Program, Loan Management and Property Disposition Programs, Moderate Rehabilitation Program and Rental Voucher Program

AGENCY: Office of the Secretary, HUD.

ACTION: Interim fair market rents for Monroe County, PA.

SUMMARY: This Notice announces interim fair market rents (FMRs) for Monroe County, PA, which was designated a separate fair market rent area by the HUD Appropriations Act for fiscal year 1992. The FMRs contained in the Notice apply to the Section 8 Rental Certificate program (part 882, subparts A and B), including space rentals by owners of manufactured homes under the Section 8 Rental Certificate program (part 882, subpart F); the Section 8 Moderate Rehabilitation program (part 882, subparts D and E); and Section 8 housing assisted under part 886, subparts A and C (Section 8 loan management and property disposition programs). FMRs are also used to determine payment standard schedules in the Rental Voucher program.

DATES: *Effective date:* The FMRs published in this notice are effective on February 4, 1992. *Comments due date:* March 5, 1992.

ADDRESSES: Interested persons are invited to submit comments to the Rules Docket Clerk, room 10276, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410. Comments should refer to the above docket number and title. A copy of each comment submitted will be available for public inspection and copying from 7:30 a.m. to 5:30 p.m. weekdays in the Office of the Rules Docket Clerk at the above address.

FOR FURTHER INFORMATION CONTACT: Cecelia D. Livingston, Rental Assistance Division, Office of Elderly and Assisted Housing, telephone (202) 708–0477. For technical information on the development of schedules for specific areas or the method used for the rent calculations, contact Michael R. Allard, Economic and Market Analysis Division, Office of Economic Affairs, telephone (202) 708–0577. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: Section 8 of the United States Housing Act of 1937 (the Act) (42 U.S.C. 1437f) authorizes a housing assistance program to aid lower income families in renting decent, safe, and sanitary housing. Assistance payments are limited by Fair Market Rents (FMRs) (or payment standards based on FMRs in the Housing Voucher Program) established by HUD for different areas. In general, the FMR for an area is the amount that would be needed to rent privately owned, decent, safe, and sanitary rental housing of a modest (non-luxury) nature with suitable amenities.

Section 8(c) of the Act requires the Secretary of HUD to publish FMRs periodically, but not less frequently than annually. The Department published a Notice of proposed 1992 FMRs on April 11, 1991 (56 FR 14732) and, after a period of public comment, final FMRs on September 26, 1991 (56 FR 49024).

The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1992 (Pub. L. 102–139, approved October 28, 1991) amended section 8(c)(1) by adding the following new sentences:

> The Secretary shall also establish separate fair market rentals for Monroe County in the Commonwealth of Pennsylvania. In establishing fair market rentals for the remaining portion of the market area in which Monroe County is located, the Secretary shall establish the fair market rentals as if such portion included Monroe County.

Due to this statutory provision, the Department is publishing FMRs for Monroe County, PA for immediate effect. The public is invited to comment on the FMR levels announced in this Notice. Comments must include sufficient information (including local data and a full description of the methodology used) to justify any proposed changes, which may be proposed in all or any of the unit sizes. If the recommendations and supporting data justify any change in the FMR levels, the Department will publish a Notice of those changes.

In order to obtain an accurate, up-to-date FMR for Monroe County, the Department conducted a Random Digit Dialing (RDD) telephone survey of local rental housing. This survey was completed in January, 1992, and the results were then updated to the "as of date" of the fiscal year 1992 FMRs, April 1, 1991. The RDD survey method is a technique that HUD uses to obtain statistically reliable FMR estimates for selected areas. These surveys employ computers to select a random sample,

dial and keep track of the telephone numbers, and tabulate responses.

Proposed fiscal year 1993 FMRs for Monroe County, to be effective October 1, 1992, will be included in the Notice of proposed FMRs for all areas in a publication scheduled for spring 1992. Following a period of public comment, the final FMRs for fiscal year 1993 will be published before October 1, 1992.

Other Matters

A Finding of No Significant Impact with respect to the environment as required by the National Environmental Policy Act (42 U.S.C. 4321–4374) is unnecessary, since the Section 8 Rental Certificate program is categorically excluded from the Department's National Environmental Policy Act procedures under 24 CFR 50.20(d).

Under 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this notice does not have a significant economic impact on a substantial number of small entities, because FMRs do not change the rent from that which would be charged if the unit were not in the Section 8 program.

This document does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulation issued on February 17, 1981. Analysis of the document indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Catalog of Federal Domestic Assistance program number is 14.156, Lower-Income Housing Assistance Program (section 8).

Accordingly, the Fair Market Rent Schedules, which will not be codified in 24 CFR Part 888, for Monroe County, PA are as follows: For an efficiency unit, $386; for a one-bedroom unit, $468; for a two-bedroom unit, $551; for a three-bedroom unit, $689; for a four-bedroom unit, $771. The FMRs for manufactured home spaces are $113 for a single-wide space, and $113 for a double-wide space.

Dated: January 27, 1992.

Jack Kemp,

Secretary.

[FR Doc. 92–2690 Filed 2–3–92; 8:45 am]

BILLING CODE 4210–32–M

NATIONAL LABOR RELATIONS BOARD

29 CFR Part 102

Procedural Rules

AGENCY: National Labor Relations Board.

ACTION: Final Rules.

SUMMARY: The National Labor Relations Board is incorporating in 29 CFR part 102 an appendix setting forth the official starting and closing times of its various offices. The intended effect of this addition to the rules is to provide formal notice to the public of these hours.

EFFECTIVE DATE: February 4, 1992.

FOR FURTHER INFORMATION CONTACT: John C. Truesdale, Executive Secretary, 1717 Pennsylvania Avenue, NW., room 701, Washington, DC 20570, Telephone: (202) 254–9430.

SUPPLEMENTARY INFORMATION: The National Labor Relations Board is adding an appendix A to part 102 of its rules setting forth the official starting and closing times of its various headquarters and field offices. This addition to the rules will provide formal notice of these hours to the public in order to facilitate contacts between the public and the Board. In particular, this will facilitate compliance with the Board's new rule 102.111, published at 56 FR 49141 and effective October 28, 1991, linking the time for filing documents to the "official closing time of the receiving office."

Paragraphs (a) and (b) of § 102.111, which presently link the time for filing documents to the "official closing time of the receiving office" are modified to include cross references to the new appendix A that sets forth those closing times. A new appendix A is then added at the end of part 102. This appendix lists the official business hours, in local time, the NLRB Headquarters office, the several offices of the Division of Judges, and the various regional, sub-regional, and resident offices maintained by the Board throughout the country.

Pursuant to section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the NLRB certifies that this rule will not have a significant impact on a substantial number of small businesses.

List of Subjects in 29 CFR Part 102

Administrative practice and procedure, Labor management relations.

PART 102—[AMENDED]

Accordingly, 29 CFR part 102 is amended as follows:

1. The authority citation for 29 CFR part 102 continues to read as follows:

Authority: Sec. 6, National Labor Relations Act, as amended (29 U.S.C. 151, 156). Sec. 102.117(c) also issued under sec. 552(a)(4)(A) of the Freedom of Information Act, as amended (5 U.S.C. 552(a)(4)(A)). Sections 102.143 through 102.155 also issued under sec. 504(c)(1) of the Equal Access to Justice Act, as amended (5 U.S.C. 504(c)(1)).

2. Section 102.111 is revised to read as follows:

§ 102.111 Time computation.

(a) In computing any period of time prescribed or allowed by these rules, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or a legal holiday, in which event the period runs until the official closing time of the receiving office on the next Agency business day (see appendix A to this part 102 setting forth the official business hours of the Agency's several offices). When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and holidays shall be excluded in the computation.

(b) When the Act or any of these rules require the filing of a motion, brief, exception, or other paper in any proceeding, such document must be received by the Board or the officer or agent designated to receive such matter before the official closing time of the receiving office on the last day of the time limit, if any, for such filing or extension of time that may have been granted (see appendix A to the part 102 setting forth the official business hours of the Agency's several offices). A request for an extension of time to file a document shall be filed no later than the official closing time of the receiving office on the date on which the document is due. Requests for extensions of time filed within three days of the due date must be grounded upon circumstances not reasonably foreseeable in advance. In construing this section of the rules, the Board will accept as timely filed any document which is hand delivered to the Board on or before the official closing time of the receiving office on the due date or postmarked on the day before (or earlier than) the due date; documents which are postmarked on or after the due date are untimely. "Postmarking" shall include timely depositing the document with a delivery service that will provide a record showing that the document was tendered to the delivery service in sufficient time for delivery by the due

date, but in no event later than the day before the due date. *Provided, however,* The following documents must be received on or before the official closing time of the receiving office on the last day for filing:

(1) Charges filed pursuant to section 10(b) of the Act (see also § 102.14).

(2) Applications for awards and fees and other expenses under the Equal Access to Justice Act.

(3) Petitions to revoke subpoenas.

(4) Requests for extensions of time to file any document for which such an extension may be granted.

3. An appendix A is added at the end of this part 102 to read as follows:

Appendix A.—NLRB Official Office Hours

NLRB Headquarters, Business Hours (Local Time):	
Washington, DC	8:30 a.m.–5 p.m.
Division of Judges, Business Hours (Local Time):	
Washington, DC	8:30 a.m.–5 p.m.
San Francisco	8:30 a.m.–5 p.m.
New York	8:30 a.m.–5 p.m.
Atlanta	8 a.m.–4:30 p.m.
Regional Office Business Hours (Local Time):	
1—Boston	8:30 a.m.–5 p.m.
2—New York	8:45 a.m.–5:15 p.m.
3—Buffalo	8:30 a.m.–5 p.m.
Albany	8:30 a.m.–5 p.m.
4—Philadelphia	8:30 a.m.–5 p.m.
5—Baltimore	8:15 a.m.–4:45 p.m.
Washington, DC	8:15 a.m.–4:45 p.m.
6—Pittsburgh	8:30 a.m.–5 p.m.
7—Detroit	8:15 a.m.–4:45 p.m.
Grand Rapids	8:15 a.m.–4:45 p.m.
8—Cleveland	8:15 a.m.–4:45 p.m.
9—Cincinnati	8:30 a.m.–5 p.m.
10—Atlanta	8 a.m.–4:30 p.m.
Birmingham	8 a.m.–4:30 p.m.
11—Winston-Salem	8 a.m.–4:30 p.m.
12—Tampa	8 a.m.–4:30 p.m.
Jacksonville	8 a.m.–4:30 p.m.
Miami	8 a.m.–4:30 p.m.
13—Chicago	8:30 a.m.–5 p.m.
14—St. Louis	8 a.m.–4:30 p.m.
15—New Orleans	8 a.m.–4:30 p.m.
16—Fort Worth	8:15 a.m.–4:45 p.m.
Houston	8 a.m.–4:30 p.m.
San Antonio	8 a.m.–4:30 p.m.
17—Kansas City	8:15 a.m.–4:45 p.m.
Tulsa	8:15 a.m.–4:45 p.m.
18—Minneapolis	8 a.m.–4:30 p.m.
Des Moines	8 a.m.–4:30 p.m.
19—Seattle	8:15 a.m.–4:45 p.m.
Anchorage	8:15 a.m.–4:45 p.m.
Portland	8 a.m.–4:30 p.m.
20—San Francisco	8:30 a.m.–5 p.m.
Honolulu	8 a.m.–4:30 p.m.
21—Los Angeles	8:30 a.m.–5 p.m.
San Diego	8:30 a.m.–5 p.m.
22—Newark	8:45 a.m.–5:15 p.m.
24—Puerto Rico	8:30 a.m.–5 p.m.
25—Indianapolis	8:30 a.m.–5 p.m.
26—Memphis	8 a.m.–4:30 p.m.

Appendix A.—NLRB Official Office Hours—Continued

Little Rock	8 a.m.–4:30 p.m.
Nashville	8 a.m.–4:30 p.m.
27—Denver	8:30 a.m.–5 p.m.
28—Phoenix	8:15 a.m.–4:45 p.m.
Albuquerque	8:15 a.m.–4:45 p.m.
El Paso	8:15 a.m.–4:45 p.m.
Las Vegas	8:30 a.m.–5 p.m.
29—Brooklyn	9 a.m.–5:30 p.m.
30—Milwaukee	8 a.m.–4:30 p.m.
31—Los Angeles	8:30 a.m.–5 p.m.
32—Oakland	8:30 a.m.–5 p.m.
33—Peoria	8:30 a.m.–5 p.m.
34—Hartford	8:30 a.m.–5 p.m.

Dated, Washington, DC, January 29, 1992.

By direction of the Board.

John C. Truesdale,

Executive Secretary, National Labor Relations Board.

[FR Doc. 92–2582 Filed 2–3–92; 8:45 am]

BILLING CODE 7545–01–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1627

Effect of the Older Workers Benefit Protection Act on the Commission's Final Rule on Non-EEOC Supervised Waivers Under the Age Discrimination in Employment Act

AGENCY: Equal Employment Opportunity Commission.

ACTION: Removal of final rule on Age Discrimination in Employment Act (ADEA) waivers.

SUMMARY: Because the Older Workers Benefit Protection Act provided that the rule on non-EEOC supervised waivers under the ADEA issued by the Equal Employment Opportunity Commission no longer has any force or effect, the Commission is removing this rule from the Code of Federal Regulations (29 CFR 1627.16(c)).

EFFECTIVE DATE: February 4, 1992.

FOR FURTHER INFORMATION CONTACT: John K. Light, Office of Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street, NW., Washington, DC 20507, (202) 663–4690.

SUPPLEMENTARY INFORMATION: Section 202(b) of the Older Workers Benefit Protection Act (OWBPA) (Public Law 101–433) provides:

(b) Rule on Waivers.—Effective on the date of enactment of this Act, the rule on waivers issued by the Equal Employment Opportunity Commission and contained in § 1627.16(c) of title 29, Code of Federal Regulations, shall have no force and effect.

The OWBPA was signed into law on October 16, 1990 and section 202(b) of that Act became effective on that date. Therefore, § 1627.16(c) of title 29, Code of Federal Regulations, no longer has force and effect, and the provision will be deleted.

List of Subjects in 29 CFR Part 1627

Aged, Equal employment opportunity, Reporting and recordkeeping requirements.

Accordingly, the Commission amends 29 CFR part 1627 as follows:

PART 1627—[AMENDED]

1. The authority citation for part 1627 continues to read as follows:

Authority: Sec. 7, 81 Stat. 604; 29 U.S.C. 626; sec. 11, 52 Stat. 1066, 29 U S.C. 211; sec. 12, 29 U.S.C. 631, Pub. L. 99–592, 100 Stat. 3342; sec. 2, Reorg. Plan No. 1 of 1978, 43 FR 19087.

§ 1627.16 [Amended]

2. Section 1627.16 is amended by removing paragraph (c).

Signed this 22nd Day of January 1992 at Washington, DC.

For the Commission.

Evan J. Kemp, Jr.,

Chairman, Equal Employment Opportunity Commission.

[FR Doc. 92–2583 Filed 2–3–92; 8:45 am]

BILLING CODE 6570–06–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[SC–024–5151; FRL–4094–2]

Approval and Promulgation of Implementation Plans

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On September 18, 1990, the State of South Carolina through the South Carolina Department of Health and Environmental Control submitted revisions to its State Implementation Plan (SIP). These revisions became state effective on August 24, 1990. The submittal included revisions to Regulation 62.1 (Definitions, Permit Requirements and Emission Inventory), Regulation 62.5; Standard No. 5 (Volatile Organic Compounds), Standard No. 5.1 (Lowest Achievable Emission Rate (LAER) Applicable to Volatile Organic Compounds) and Standard No. 7 (Prevention of Significant Deterioration). EPA is approving all of the revisions identified above except for Regulation

62.5, Standard No. 5.1 (LAER), Standard No. 7 (Prevention of Significant Deterioration) and Standard No. 5, Part F (Recordkeeping, Reporting, and Monitoring). Regulation 62.5, Standard No. 5.1 (LAER) will be acted upon in a separate notice. EPA is taking no action on the revision to Regulation 62.5, Standard No. 5, Part F (Recordkeeping, Reporting and Monitoring) because it contains deficiencies. Volatile organic compounds sources located in ozone nonattainment areas must keep daily records. This section does not include this provision, therefore, EPA cannot approve the revision as currently written.

Also, EPA will not act upon Regulation 62.5, Standard No. 7. According to the August 17, 1990, guidance memorandum from EPA Headquarters (Procedures and Guidance for the Incorporation of NO_2 PSD Increments Into State and Local PSD Programs), revisions should be evaluated for each state or local program incorporating the protection of NO_2 increments, to fulfill federal requirements, including program elements addressing the tracking of the increment consumption. The submitted provisions do not contain the required program elements.

EFFECTIVE DATE: This action will be effective on April 6, 1992, unless notice is received within 30 days that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register.**

ADDRESSES: Written comments should be addressed to Scott Miller of EPA Region IV (address below). Copies of the material submitted by South Carolina may be examined during normal business hours at the following locations.

Environmental Protection Agency, Region IV, Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365

South Carolina Department of Health and Environmental Control, Bureau of Air Quality Control, 2600 Bull Street, Columbia, South Carolina 29201

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460

FOR FURTHER INFORMATION CONTACT: Scott Miller of the Region IV Air Programs Branch of the address given above, telephone (404) 347-2864 or FTS 257-2864.

SUPPLEMENTARY INFORMATION: On June 5, 1985, the South Carolina Department of Health and Environmental Control submitted to EPA for approval revisions to the volatile organic compound (VOC) provisions of the South Carolina Air Pollution Control Regulations and Standards. These revisions were adopted by the South Carolina Board of Health and Environmental Control on December 20, 1984, and were forwarded to the State Legislature for approval. The revisions became state effective on May 24, 1985.

On May 3, 1988, EPA released data on the ozone attainment status of areas throughout the nation. On May 26, 1988, EPA notified the Honorable Carroll A. Campbell that the South Carolina SIP needed revising to achieve the ozone National Ambient Air Quality Standard (NAAQS), pursuant to Section 110(a)(2)(H) of the Clean Air Act, 42 U.S.C. 7410(a)(2)(H).

This SIP call, in part, required South Carolina to prepare an updated emission inventory and correct regulatory deficiencies and deviations between EPA's federal requirements and the State's SIP or pending SIP submittal. The correction of deviations is necessary for the State to continue progress in achieving attainment for ozone.

By letters of December 1, 1988, December 11, 1989, and March 18, 1990, EPA identified and requested that South Carolina correct the deficiencies in the 1985 revision. Since the revisions submitted on June 5, 1985, had not been approved and they contained the deficiencies identified in the above referenced letters, EPA published a direct final notice disapproving the June 5, 1985, revisions without prior proposal (54 FR 15181, April 17, 1989). In this notice, EPA advised the public that the effective date of the action was deferred for 60 days (until June 16, 1989) so that comments, if any, could be submitted. EPA announced that the final action would be withdrawn, if adverse or critical comments were received, and a new rulemaking would be proposed with a 30-day comment period. On September 4, 1982 (46 FR 44477), EPA published a general notice explaining this special procedure.

Adverse comments were received on the April 17, 1989, notice (54 FR 15181). Accordingly, EPA withdrew the direct final notice (54 FR 25582, June 16, 1989) and simultaneously proposed disapproval of the South Carolina regulation (54 FR 25592, June 16, 1989). Final rulemaking was on October 27, 1989 (54 FR 43817). As a result of the identified deficiencies, the State's rulemaking process was reinitiated, culminating in a public hearing on June 26, 1990. All of EPA's comments are incorporated in the regulations which South Carolina resubmitted on September 18, 1990. The affected revisions are summarized as follows:

Regulation No. 62.1 Section I (Definitions) was amended to eliminate the 1.0 mm Hg pressure cutoff for VOC's. The revised definition is consistent with federal requirements.

Regulation No. 62.1 Section II (Permit Requirements) was amended to clarify that all federal regulations take precedence over the State unless there is a more restrictive requirement.

Regulation No. 62.5, Standard No. 5 Section I, General Provision, Part A (Definitions) amended the definition of "Coil, Magnet Wire and Fabric Coating" to include all types of coating applied to fabric (including protective, decorative, and functional coatings).

The definition of "Functional Coating" was added which now reads "a coating that serves a purpose beyond decorative or protection of the substrate being coated." Also, the definition of "Paper coating" was revised to include functional coating. The definition of "Saturation Process" was added and the definition of "Vinyl Coating" was revised to include organisol and plastisol coatings which cannot be used to bubble emissions from vinyl printing and top coating.

Regulation No. 62.5, Standard No. 5 Section I, Part C—(Alternatives and exceptions to Control Requirements) was revised to require that all alternatives and exceptions be submitted to EPA for approval as a revision to the SIP.

Regulation 62.5, Standard No. 5 Section I, Part E—(Volatile Organic Compound Compliance Testing) was revised to state that "The Department or EPA will verify test results submitted by companies with independent tests. EPA or State conducted tests will take precedence."

Regulation 62.5, Standard No. 5, Section II—Provisions for Specific Sources, Parts A, B, C, D, E, F and G regulate the surface coating of paper, vinyl, fabrics, metal furniture and large appliances, magnet wire, miscellaneous metal parts and products and flat wood paneling, respectively. These parts were also revised to include compliance and averaging times. Compliance will not be demonstrated by a 24-hour weighted average of emissions for two or more coatings having the same emission limit for the same type of operation on the same line. Averaging times longer than 24 hours are not allowed. Part C, also includes saturation processes.

South Carolina's Regulations 62.1 and 62.5, Sections I and II are being approved; however, EPA expects the State to correct the following deficiencies pursuant to the SIP call letters for ozone form Mr. Greer C.

Tidwell, EPA Regional Administrator, to Governor Carroll A. Campbell on May 26, 1988, and clarified in a letter from Mr. Winston A. Smith, Air, Pesticides & Toxics Management Division Director, to Mr. Otto E. Pearson, former Director of the South Carolina Department of Health and Environmental Control:

Regulation 62.5, Standard No. 5, Section I, Part F—(Recordkeeping, Reporting, and Monitoring) lacked a requirement for daily recordkeeping. VOC sources located in ozone nonattainment areas must keep daily records. The recordkeeping requirements do not include the following requirements be met no a daily basis:

a. A requirement to maintain records of VOC content, coating usage, and lbs of VOC emitted;

b. A requirement to list diluents and clean-up solvents separately;

c. A requirement to document the test method used by the coatings;

d. A requirement to document the method used by the manufacturer to calculate the volume percent solids of the coatings.

Capture systems are required by the South Carolina VOC regulation. However, no method for determining capture efficiency is specified.

These two deficiencies must be corrected before EPA can fully approve the State's ozone SIP. The SIP call letters cited above originally required that final rules to correct these deficiencies be submitted to EPA by September 30, 1989. If the State fails to correct these deficiencies by 9 months from this notice date, unless a different date is required consistent with the Clean Air Act Amendments, EPA may disapprove the State's ozone SIP and may propose to promulgate federal rules which would correct these deficiencies.

Final Action

EPA has reviewed the changes to the South Carolina regulations and is today approving the revisions to Regulation 62.5, Standard No. 5 (VOC's), and Regulation 62.1 (Definitions, Permit Requirements and Emission Inventory). EPA is not acting on Regulations 62.5, Standard No. 5.1 (LAER), Regulation 62.5, Part F (Recordkeeping, Reporting and Monitoring), and Regulation 62.5, Standard No. 7. (Prevention of Significant Deterioration). Action will be taken on these regulations in a separate notice.

The Agency has reviewed this request for revision of the federally-approved State Implementation Plan (SIP) for conformance with the provisions of the 1990 Amendments enacted on November 15, 1990. The Agency has determined that this action conforms with those requirements irrespective of the fact that the submittal preceded the date of enactment.

This action is taken without prior proposal because the issues are straightforward and no adverse comment is anticipated. The public should be advised that this action will be effective 60 days from the date of this **Federal Register** notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under section 307 (b)(1) of the Act, petitions for judicial review of this action must be filed in the United States court of Appeals for the appropriate circuit by April 6, 1992. Filing a petition for reconstruction 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 307 (b)(2))

Under 5 U.S.C. § 605(b), I certify that this SIP action will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 6, 1989, (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of Section 3 of Executive Order 12291 for two years.

EPA has submitted a request for a permanent waiver for Table 2 and 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

In addition, although this submittal preceded the date of enactment of the Clean Air Act Amendments of 1990, it serves to fulfill part of the "RACT fix-up" requirement of section 182(a)(2)(A) of the amended Act for the Cherokee county nonattainment area. Areas designated nonattainment before enactment of the Amendments and which retained that designation and were classified as marginal or above as of enactment are required by May 15, 1991, to correct RACT as it was required under pre-amended section 172(b) as that requirement was interpreted in pre-amendment guidance.[1] The SIP call letters interpreted that guidance and indicated corrections necessary for specific nonattainment areas. The Cherokee nonattainment area is classified as marginal and is, therefore, subject to the RACT fix-up requirement. South Carolina's revised regulations, submitted in response to the SIP call letter, also respond to the RACT fix-up requirement.

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.

List of Subjects in 40 CFR Part 52

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

Dated: December 9, 1991.

Patrick M. Tobin,

Acting 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. 7401–7642.

Subpart PP—South Carolina

2. Section 52.2120 is amended by adding paragraph (c)(34) to read as follows:

§ 52.2120 Identification of plan.

* * * * *

(c) * * *

(34) Changes in South Carolina's SIP submitted to EPA on September 18, 1990, by the South Carolina Department of Health and Environmental Control.

(i) Incorporation by reference.

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[1] Among other things, the pre-amendment guidance consists of the Post-87 policy, 52 FR 45044 (Nov. 24, 1987); the Bluebook, "Issues Relating to VOC Regulation Cutpoints, Deficiencies and Deviations, Clarification to appendix D of November 24, 1987 **Federal Register** Notice" (of which notice of availability was published in the **Federal Register** on May 25, 1988); and the existing CTG's.

(A) The following revision to South Carolina's State Implementation Plan (SIP) which became effective on August 24, 1990:

(*1*) Regulation 61–62.1:
(*i*) Section II,A,1. Applicability
(*ii*) Standard No. 5.1:
Section I,A.
Section III,A,1.
Section III,D.
Section III,L.
Section IV,B.
(*2*) Regulation 61–62.5:
(*i*) Standard No. 7:
Section I,C,(4)
Section I,Part M
Section I,Part N
Section I,Part O
Section I, BB
Section II A.
Section II D,(1),(e)
Section II D,(3),(a)
Section IV,D,(1)
Section IV H,(4)
(*3*) Regulation 61–62.1
(*i*) Section I,74.
(*4*) Regulation 61–62.5, Standard No. 5
(*i*) Section I,A: 9,22,27–78
(*ii*) Section I,C,1,b,(vi)
(*iii*) Section I,E,4
(*iv*) Section I,E,12
(*v*) Part F. Recordkeeping, Reporting, Monitoring
(*vi*) Part G. Equivalency Calculations
(*vii*) Section II—Provisions for Specific Sources
Part A. Surface Coating of Cans
Part B,2. Control Technology
Part C
Part D
Part E Surface Coating of Magnet Wire
Part F,2. and 3.
Part G,3. Control Technology

(ii) Other material.

(A) None.

3. Section 52.2126 is added to read as follows:

§ 52.2126 VOC rule deficiency correction.

Sections I and II of South Carolina's Regulations 62.1 and 62.5 is approved. The State submitted these regulations to EPA for approval on September 18, 1990. Sections I and II of Regulation 62.5 were intended to correct deficiencies cited in a letter calling for the State to revise its SIP for ozone from Mr. Greer C. Tidwell, the EPA Regional Administrator, to Governor Carroll A. Campbell on May 26, 1988, and clarified in a letter from Mr. Winston A. Smith, EPA Region IV, Air, Pesticides and Toxics Management Division, to Mr. Otto E. Pearson, former Director of the South Carolina Department of Health and Environmental Control:

(a) Regulation 62.5, Standard No. 5, Section I, Part F—Recordkeeping, Reporting, and Monitoring lacked a requirement for daily recordkeeping. VOC sources located in ozone nonattainment areas must keep daily records. Capture systems are required by the South Carolina VOC regulation. However, no method for determining capture efficiency is specified.

(b) The above deficiencies must be corrected according to the letters mentioned above, the proposed post-1987 ozone policy (52 FR 45044), and other EPA guidance relating to the deficiencies before the SIP for ozone can be fully approved.

[FR Doc. 92–2662 Filed 2–3–92; 8:45 am]
BILLING CODE 6560–50–M

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40 CFR Part 272

[FRL–4096–7]

Hazardous Waste Management Program Codification of Approved State Hazardous Waste Program for Ohio

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: Under the Resource Conservation and Recovery Act of 1976, as amended (RCRA), the United States Environmental Protection Agency (EPA) may grant Final Authorization to States to operate their hazardous waste management programs in lieu of the Federal program. EPA uses part 272 of title 40 of the Code of Federal Regulations (40 CFR part 272) to codify its authorization of State programs and to incorporate by reference those provisions of State statutes and regulations that EPA will enforce under RCRA section 3008. Thus, EPA intends to codify the Ohio authorized State program in 40 CFR part 272. The purpose of today's **Federal Register** is to codify EPA's approval of recent revisions to Ohio's program.

DATES: Codification of Ohio's revised authorization hazardous waste program shall be effective April 6, 1992, unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on Ohio's codification must be received by the close of business March 5, 1992. The incorporation of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 6, 1992.

ADDRESSES: Written comments should be sent to Ms. Virginia Kroncke, Ohio Regulatory Specialist, Office of RCRA, U.S. EPA Region V, 230 South Dearborn Street, 5HR–JCK–13, Chicago, Illinois 60604, Phone: (312) 353–4716 [FTS: 353–4716]. Copies of the Ohio regulations that are incorporated by reference in this paragraph are available from Banks-Baldwin Law Publishing Company, P.O. Box 1974, University Center, Cleveland, Ohio 44106–8697 Customer Service Department. Additionally, they may be inspected at the following address from 9 a.m. to 4 p.m.; U.S. EPA, Region V, 77 West Jackson Blvd., Chicago, Illinois 60604, contact: Ms. Virginia Kroncke, phone (312) 353–4716.

FOR FURTHER INFORMATION CONTACT: Virginia Kroncke, Ohio Regulatory Specialist, Office of RCRA, U.S. EPA Region V, 77 West Jackson Blvd, HRM–7J, Chicago, Illinois 60604, Phone: (312) 353–4716 [FTS: 353–4716].

SUPPLEMENTARY INFORMATION:

Background

On June 28, 1989, EPA published a notice in the **Federal Register** (FR) of its decisions to codify Ohio's then authorized hazardous waste program (see 54 FR 27173). Since then, EPA has granted authorization to Ohio for additional revisions to the State hazardous waste program (see 56 FR 14203, published on April 8, 1991 and 56 FR 28088, published on June 19, 1991). In this notice, EPA is codifying the currently authorized State hazardous waste program in Ohio.

EPA codifies its approval of State programs in 40 CFR part 272, and incorporates be reference therein the State statutes and regulations that EPA will enforce under section 3008 of RCRA. Although EPA has the authority to enforce authorized standards in Ohio's hazardous waste program without codification of those standards, this effort will provide clearer notice to the public of the scope of the authorized program in Ohio.

Revisions to Ohio's and other State hazardous waste programs are necessary when Federal statutory or regulatory authority is modified. The codification of Ohio's authorized program in subpart KK of part 272 is intended to enhance the public's ability to discern the current status of the authorized State program and clarify the extent of Federal enforcement authority. For a fuller explanation of EPA's codification of Ohio's authorized hazardous waste program, see 54 FR 27173 (June 28, 1989).

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this action will not have a significant economic