

Issued in Washington, DC, on this 12th day of April 1994.

Martin Slate,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 94-9123 Filed 4-14-94; 8:45 am]

BILLING CODE 7708-01-M

29 CFR Part 2644

Notice and Collection of Withdrawal Liability; Adoption of New Interest Rate

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This is an amendment to the Pension Benefit Guaranty Corporation's regulation on Notice and Collection of Withdrawal Liability. That regulation incorporates certain interest rates published by another Federal agency. This amendment adds to the appendix of that regulation a new interest rate to be effective from April 1, 1994, to June 30, 1994. The effect of the amendment is to advise the public of the new rate.

EFFECTIVE DATE: April 1, 1994.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005-4026; telephone 202-326-4024 (202-326-4179 for TTY and TDD). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Under section 4219(c) of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), the Pension Benefit Guaranty Corporation ("the PBGC") promulgated a final regulation on Notice and Collection of Withdrawal Liability. That regulation, codified at 29 CFR part 2644, deals with the rate of interest to be charged by multiemployer pension plans on withdrawal liability payments that are overdue or in default,

or to be credited by plans on overpayments of withdrawal liability. The regulation allows plans to set rates, subject to certain restrictions. Where a plan does not set the interest rate, § 2644.3(b) of the regulation provides that the rate to be charged or credited for any calendar quarter is the average quoted prime rate on short-term commercial loans for the fifteenth day (or the next business day if the fifteenth day is not a business day) of the month preceding the beginning of the quarter, as reported by the Board of Governors of the Federal Reserve System in Statistical Release H.15 ("Selected Interest Rates").

Because the regulation incorporates interest rates published in Statistical Release H.15, that release is the authoritative source for the rates that are to be applied under the regulation. As a convenience to persons using the regulation, however, the PBGC collects the applicable rates and republishes them in an appendix to part 2644. This amendment adds to this appendix the interest rate of 6 percent, which will be effective from April 1, 1994, through June 30, 1994. This rate represents no change from the rate in effect for the first quarter of 1994. This rate is based on the prime rate in effect on March 15, 1994.

The appendix to 29 CFR part 2644 does not prescribe interest rates under the regulation; the rates prescribed in the regulation are those published in Statistical Release H.15. The appendix merely collects and republishes the rates in a convenient place. Thus, the interest rates in the appendix are informational only. Accordingly, the PBGC finds that notice of and public comment on this amendment would be unnecessary and contrary to the public interest. For the above reasons, the PBGC also believes that good cause exists for making this amendment effective immediately.

The PBGC has determined that this action is not a "significant regulatory action" under the criteria set forth in Executive Order 12866, because it will not have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects in 29 CFR Part 2644

Employee benefit plans, Pensions.

In consideration of the foregoing, part 2644 of subchapter F of chapter XXVI of title 29, Code of Federal Regulations, is amended as follows:

PART 2644—NOTICE AND COLLECTION OF WITHDRAWAL LIABILITY

1. The authority citation for part 2644 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1399(c)(6).

2. Appendix A to part 2644 is amended by adding to the end of the table a new entry to read as follows:

Appendix A to Part 2644—Table of Interest Rates

* * * * *

From	To	Date of quotation	Rate (percent)
04/01/94	06/30/94	03/15/94	6

Issued in Washington, DC, on this 12th day of April 1994.

Martin Slate,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 94-9124 Filed 4-14-94; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 901, 914, 917, 920, 924, 935, 938, 946, and 948

State Program Amendments; Alabama et al.

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule; technical amendment.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is making technical amendments to 30 CFR chapter VII, subchapter T, because the addresses that currently appear require revision. These changes will affect addresses listed for the following states: Alabama, Indiana, Kentucky, Maryland, Mississippi, Ohio, Pennsylvania, Virginia, and West Virginia.

EFFECTIVE DATE: April 15, 1994.

FOR FURTHER INFORMATION CONTACT: Gloria Prettiman, Branch of Environmental and Economic Analysis, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW., Washington, DC 20240; Telephone: 202-343-5144.

SUPPLEMENTARY INFORMATION:

I. Background.

II. Procedural Matters.

I. Background

Since July 1, 1993, the date of the most recent revision to title 30 of the Code of Federal Regulations (30 CFR part 700 to End), the addresses of certain State and Federal offices involved in the State regulatory program have changed. Those addresses, as they appear in title 30 of the CFR, are being revised to indicate where copies of the State programs are available for inspection and copying in accordance with the provisions of 30 CFR 732.11(a).

Addresses in the following sections are being revised: Part 901—Alabama, Part 914—Indiana, Part 917—Kentucky, Part 920—Maryland, Part 924—Mississippi, Part 935—Ohio, Part 938—Pennsylvania, Part 946—Virginia, and Part 948—West Virginia.

In addition to the address changes, OSM has found a technical error in

§ 901.10. The introductory paragraph for § 901.10, as it appeared in the July 1, 1993 revision of title 30, contains the following phrase "approved effective (date of publication)." It is obvious that the actual date of publication, which was May 20, 1982, should have been inserted. Therefore, OSM is inserting that date in this technical amendment.

II. Procedural Matters

Administrative Procedure Act

The minor revisions contained in this rulemaking are technical in nature. Accordingly, pursuant to 5 U.S.C. 553(b)(B), it has been determined that the notice and public comment procedures of the Administrative Procedure Act are unnecessary. For the same reason, it has been determined that in accordance with 5 U.S.C. 553(d), there is good cause to make the rule effective on the date of publication in the Federal Register.

Executive Order 12866

This technical amendment does not require review by the Office of Management and Budget under Executive Order 12866.

National Environmental Policy Act

This rule has been reviewed by OSM and it has been determined to be categorically excluded from the National Environmental Policy Act (NEPA) process in accordance with the Departmental Manual (516 DM 2 appendix 1.10) and the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR 1507.3).

Federal Paperwork Reduction Act

This rule does not contain collection of information which requires approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 and has determined that this rule meets the applicable standards of subsections (a) and (b) of that section. This technical amendment (1) does not preempt any State or local laws or regulations; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging its provisions.

Regulatory Flexibility Act

The Department of the Interior certifies that this technical amendment 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.*). The rule merely revises addresses contained in the regulations.

List of Subjects in 30 CFR Parts 901, 914, 917, 920, 924, 935, 938, 946, and 948

Intergovernmental relations, Surface mining, Underground mining.

Dated: April 4, 1994.

Robert J. Biggi,

Acting Assistant Director, Eastern Support Center.

Accordingly, 30 CFR parts 901, 914, 917, 920, 924, 935, 938, 946 and 948 are amended for the reasons set forth in the preamble.

PART 901—ALABAMA

1. The authority citation for part 901 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 901.10 is revised to read as follows:

§ 901.10 State regulatory program approval.

The Alabama State program, as resubmitted on January 11, 1982, and clarified in a meeting with OSM on April 9, 1982, (See Administrative Record No. AL-347) and in a letter to the Director, OSM, of May 14, 1982, is conditionally approved, effective May 20, 1982. Beginning on that date, the Alabama Surface Mining Commission shall be deemed the regulatory authority in Alabama for all surface coal mining and reclamation operations and all exploration operations on non-Federal and non-Indian lands. Only surface coal mining and reclamation operations on non-Federal and non-Indian lands shall be subject to the provisions of the Alabama permanent regulatory program. Copies of the approved program, together with copies of the letter of the Alabama Surface Mining Commission agreeing to the conditions of 30 CFR 901.11, are available for inspection at:

(a) Alabama Surface Mining Reclamation Commission, Security Federal Savings and Loan Building, 811 Second Avenue, Jasper, Alabama 35501.

(b) Office of Surface Mining Reclamation and Enforcement, Birmingham Field Office, 135 Gemini Circle, Birmingham, Alabama 34209.

3. Section 901.20 is revised to read as follows:

§ 901.20 Approval of Alabama abandoned mine land reclamation plan.

The Alabama Abandoned Mine Land Reclamation Plan as submitted on May 8, 1981, is approved. Copies of the Plan are available at the following locations:

(a) Office of Surface Mining Reclamation and Enforcement, Birmingham Field Office, 135 Gemini Circle, Birmingham, Alabama 34209.

(b) Alabama Department of Industrial Relations, 649 Monroe Street, Montgomery, Alabama 36130.

4. In § 901.25, paragraphs (a) and (b) are revised to read as follows:

§ 901.25 Amendment to approved Alabama abandoned mine land reclamation plan.

(a) The Alabama amendment, consisting of minor adjustments in the Alabama policies and procedures regarding land acquisition, management and disposal of property, and reclamation on private land (liens, appraisals and rights of entry), as submitted on June 15, 1987, and modified on January 7, 1988, is approved effective on August 8, 1988. Copies of the approved program are available at the following locations:

(1) Office of Surface Mining Reclamation and Enforcement, Eastern Support Center, Ten Parkway Center, Pittsburgh, Pennsylvania 15220.

(2) Alabama Department of Industrial Relations, 649 Monroe Street, Montgomery, Alabama 36130.

(3) Office of Surface Mining Reclamation and Enforcement, Birmingham Field Office, 135 Gemini Circle, Birmingham, Alabama 34209.

(b) The Alabama amendment allowing the State to assume responsibility for an emergency response reclamation program, as submitted on April 25, 1990, and modified on August 2, 1990, is approved effective August 31, 1990. Copies of the approved amendment are available at the following locations:

(1) Office of Surface Mining Reclamation and Enforcement, Eastern Support Center, Ten Parkway Center, Pittsburgh, Pennsylvania 15220.

(2) Alabama Department of Industrial Relations, 649 Monroe Street, Montgomery, Alabama 36130.

(3) Office of Surface Mining Reclamation and Enforcement, Birmingham Field Office, 135 Gemini Circle, Birmingham, Alabama 34209.

* * * * *

PART 914—INDIANA

5. The authority citation for part 914 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

6. In § 914.10 paragraph (c) is revised to read as follows:

§ 914.10 State regulatory program approval.

* * * * *

(c) Copies of the approved program are available for review at:

(1) Office of Surface Mining Reclamation and Enforcement, Indianapolis Field Office, Minton-Capehart Federal Building, room 301, 575 North Pennsylvania Street, Indianapolis, Indiana 46204.

(2) Indiana Department of Natural Resources, Room 295, 402 West Washington Street, Indianapolis, Indiana 46204.

7. § 914.20 is revised to read as follows:

§ 914.20 Approval of Indiana abandoned mine plan.

The Indiana Abandoned Mine Plan, as submitted and revised, is approved. Copies of the approved program are available at:

(a) Office of Surface Mining Reclamation and Enforcement, Indianapolis Field Office, Minton-Capehart Federal Building, room 301, 575 North Pennsylvania Street, Indianapolis, Indiana 46204.

(b) Indiana Department of Natural Resources, Division of Reclamation, P.O. Box 147, Jasonville, Indiana 47438.

PART 917—KENTUCKY

8. The authority section for part 917 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

9. In § 917.10, paragraph (b) is removed, paragraph (c) is designated as (b), and paragraph (a) and the newly designated paragraph (b) are revised to read as follows:

§ 917.10 State regulatory program approval.

* * * * *

(a) Office of Surface Mining Reclamation and Enforcement, Lexington Field Office, 2675 Regency Road, Lexington, Kentucky 40503-2922.

(b) Department for Surface Mining Reclamation and Enforcement, Number 2, Hudson Hollow Complex, Frankfort, Kentucky 40601.

10. Section 917.20 is revised to read as follows:

§ 917.20 Approval of the Kentucky abandoned mine reclamation plan.

The Kentucky Abandoned Mine Reclamation Plan as submitted on June 4, 1981, is approved. Copies of the approved program are available at the following locations:

(a) Office of Surface Mining Reclamation and Enforcement, Lexington Field Office, 2675 Regency Road, Lexington, Kentucky 40503-2922.

(b) Kentucky Department of Natural Resources and Environmental Protection, Division of Abandoned Lands, 618 Peton Trail, Frankfort, Kentucky 40601.

11. In § 917.21, paragraphs (a) and (b) are revised to read as follows:

§ 917.21 Amendment to approved Kentucky abandoned mine land reclamation plan.

(a) The Kentucky Amendment, as submitted on December 8, 1982, is approved. Copies of the approved amendment are available at:

(1) Kentucky Department of Natural Resources and Environmental Protection, Division of Abandoned Lands, 618 Peton Trail, Frankfort, Kentucky 40601.

(2) Office of Surface Mining Reclamation and Enforcement, Lexington Field Office, 2675 Regency Road, Lexington, Kentucky 40503-2922.

(b) The Kentucky Abandoned Mine Reclamation Amendment, as submitted on March 25, 1985, is approved. Copies of the approved plan are available at the following locations:

(1) Kentucky Department of Natural Resources and Environmental Protection, Division of Abandoned Lands, 618 Peton Trail, Frankfort, Kentucky 40601.

(2) Office of Surface Mining Reclamation and Enforcement, Lexington Field Office, 2675 Regency Road, Lexington, Kentucky 40503-2922.

* * * * *

PART 920—MARYLAND

12. The authority citation for part 920 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

13. In § 920.10, paragraphs (a) and (b) are revised and paragraph (c) is removed to read as follows:

§ 920.10 State program approval.

* * * * *

(a) Maryland Department of Natural Resources, Water Resources Administration, Bureau of Mines, 160 South Water Street, Frostburg, Maryland 21532.

(b) Office of Surface Mining Reclamation and Enforcement, Harrisburg Field Office, Harrisburg Transportation Center, Third Floor, Suite 3C, Fourth and Market Streets, Harrisburg, Pennsylvania 17101.

14. Section 920.20 is revised to read as follows:

§ 920.20 Approval of Maryland abandoned mine plan.

The Maryland Abandoned Mine Plan, as submitted on March 8, 1982, is approved. Copies of the approved program are available at the following locations:

(a) Office of Surface Mining Reclamation and Enforcement,

Harrisburg Field Office, Harrisburg Transportation Center, Third Floor, Suite 3C, Fourth and Market Streets, Harrisburg, Pennsylvania 17101.

(b) Maryland Department of Natural Resources, Water Resources Administration, Bureau of Mines, 160 South Water Street, Frostburg, Maryland 21532

PART 924—MISSISSIPPI

15. The authority citation for part 924 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

In § 924.10, paragraphs (a)(1) and (a)(2) are revised and paragraph (a)(3) is removed to read as follows:

§ 924.10 State program approval.

(a) * * *

(1) Mississippi Department of Environmental Quality, Office of Geology, Southport Center, 2380 Highway 80 West, Jackson, Mississippi 39289-1307. Telephone (601) 961-5530.

(2) Office of Surface Mining Reclamation and Enforcement, Birmingham Field Office, 135 Gemini Circle, Birmingham, Alabama 34209. Telephone (205) 290-7282.

* * * * *

PART 935—OHIO

16. The authority citation for part 935 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

17. Section 935.10, paragraph (a) is revised and paragraph (b) is removed and reserved to read as follows:

§ 935.10 State regulatory program approval.

* * * * *

(a) Ohio Department of Natural Resources, Division of Reclamation, Building H-2, 1855 Fountain Square Court, Columbus, Ohio 43224.

18. Section 935.20 is revised to read as follows:

§ 935.20 Approval of Ohio Abandoned Mine Land Reclamation Plan.

The Ohio Abandoned Mine Land Reclamation Plan, as submitted on October 20, 1980, and as revised on November 21, 1980, November 2, 1981, and January 22, 1982, is approved effective August 10, 1982. Copies of the approved plan are available at the following locations:

(a) Ohio Department of Natural Resources, Division of Reclamation, Building H-2, 1855 Fountain Square Court, Columbus, Ohio 43224.

(b) Office of Surface Mining Reclamation and Enforcement, Eastland Professional Plaza, 4480

Refugee Road, suite 201, Columbus, Ohio 43232.

PART 938—PENNSYLVANIA

19. The authority citation for part 938 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

20. Section 938.10, is revised to read as follows:

§ 938.10 State regulatory program approval.

The Pennsylvania state program as submitted on February 29, 1980, as amended on June 9, 1980, as resubmitted on January 25, 1982, and amended on April 9, 1982, and May 5, 1982, is conditionally approved, effective on July 31, 1982. Beginning on that date, the Department of Environmental Resources shall be deemed the regulatory authority in Pennsylvania for all surface coal mining and reclamation operations and for all exploration operations on non-Federal and non-Indian lands. Only surface coal mining and reclamation operations on non-Federal and non-Indian lands shall be subject to the provisions of the Pennsylvania permanent regulatory program. Copies of the approved program, together with copies of the letter of the Department of Environmental Resources agreeing to the conditions in 30 CFR 938.11 are available at the following locations:

(a) Pennsylvania Department of Environmental Resources, Market Street State Office Building, 400 Market Street, P.O. Box 2063, Harrisburg, Pennsylvania 17101-2063; Telephone: (717) 787-4686.

(b) Office of Surface Mining Reclamation and Enforcement, Third Floor, suite 3C, Harrisburg Transportation Center, 4th and Market Streets, Harrisburg, Pennsylvania 17101; Telephone: (717) 782-4036.

21. Section 938.20 is revised to read as follows:

§ 938.20 Approval of Pennsylvania Abandoned Mine Land Reclamation Plan.

The Pennsylvania Abandoned Mine Land Reclamation Plan as submitted on November 3, 1980, is approved. Copies of the approved Plan are available at the following locations:

(a) Pennsylvania Department of Environmental Resources, Bureau of Abandoned Mine Reclamation, Market Street State Office Building, 400 Market Street, P.O. Box 2063, Harrisburg, Pennsylvania 17105-2063.

(b) Office of Surface Mining Reclamation and Enforcement, Harrisburg Field Office, Harrisburg

Transportation Center, Third Floor, suite 3C, Fourth and Market Streets, Harrisburg, Pennsylvania 17101.

PART 946—VIRGINIA

22. The authority citation for part 946 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

23. In § 946.10, paragraphs (a) and (b) are being revised and paragraphs (c) and (d) are removed to read as follows:

§ 946.10 State regulatory program approval.

* * * * *

(a) Virginia Division of Mined Land Reclamation, P.O. Drawer 900, Big Stone Gap, Virginia 24219.

(b) Office of Surface Mining Reclamation and Enforcement, Big Stone Gap Field Office, P.O. Drawer 1216, Powell Valley Square Shopping Center, room 220, Route 23, Big Stone Gap, Virginia 24219.

24. In § 946.20, paragraphs (a) and (b) are revised and paragraph (c) is removed to read as follows:

§ 946.20 Abandoned mine land reclamation plan approval.

* * * * *

(a) Virginia Division of Mined Land Reclamation, P.O. Drawer 900, Big Stone Gap, Virginia 24219.

(b) Office of Surface Mining Reclamation and Enforcement, Big Stone Gap Field Office, P.O. Drawer 1216, Powell Valley Square Shopping Center, room 220, Route 23, Big Stone Gap, Virginia 24219.

25. Section 946.25 is revised to read as follows:

§ 946.25 Amendments to approve Virginia abandoned mine land reclamation plan.

Virginia AMLR Amendment, as submitted on February 3, 1987, and modified on July 27, 1987, is approved effective November 13, 1987. Copies of the approved amendment are available at:

(a) Virginia Division of Mined Land Reclamation, P.O. Drawer 900, Big Stone Gap, Virginia 24219.

(b) Office of Surface Mining Reclamation and Enforcement, Big Stone Gap Field Office, P.O. Drawer 1216, Powell Valley Square Shopping Center, room 220, Route 23, Big Stone Gap, Virginia 24219.

PART 948—WEST VIRGINIA

26. The authority citation for Part 948 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

27. In § 948.10, paragraph (b) is removed and paragraph (c) is

redesignated as paragraph (b) and revised to read as follows:

§ 948.10 State regulatory program approval.

(b) West Virginia Division of Environmental Protection, 10 McJunkin Road, Nitro, West Virginia 25143.

28. In § 948.20, paragraph (a) is revised and paragraph (c) is removed to read as follows:

§ 948.20 Approval of the State abandoned mine reclamation plan.

(a) West Virginia Division of Environmental Protection, 10 McJunkin Road, Nitro, West Virginia 25143.

[FR Doc. 94-8983 Filed 4-14-94; 8:45 am]

BILLING CODE 4310-05-M

30 CFR Parts 904, 906, 915, 918, 925, 926, 931, 943, and 944

State Program Amendments; Arkansas et al.

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.
ACTION: Final rule; technical amendment.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is making technical amendments to 30 CFR Chapter VII, Subchapter T, because the addresses that currently appear require revision. These changes will affect addresses listed for the following states: Arkansas, Colorado, Iowa, Louisiana, Missouri, Montana, New Mexico, Texas, and Utah.

EFFECTIVE DATE: April 15, 1994.

FOR FURTHER INFORMATION CONTACT: Gloria Prettiman, Branch of Environmental and Economic Analysis, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Washington, DC 20240; Telephone: 202-343-5144.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Procedural Matters

I. Background

Since July 1, 1993, the date of the most recent revision to title 30 of the Code of Federal Regulations (30 CFR part 700 to End), the addresses of certain State and Federal offices involved in the State regulatory program have changed. Those addresses, as they appear in title 30 of the CFR, are being revised to indicate where copies of the State programs are available for inspection and copying in accordance with the provisions of 30 CFR 732.11(a).

Addresses in the following sections are being revised: Part 904—Arkansas, Part 906—Colorado, Part 915—Iowa, Part 918—Louisiana, Part 925—Missouri, Part 926—Montana, Part 931—New Mexico, Part 943—Texas, and Part 944—Utah.

In addition to the address changes, OSM has found a technical error in § 926.10. So, for the reasons of clarification, OSM will also revise the introductory paragraph of § 926.10. The introductory paragraph, as it appears in the 1993 revision of Title 30, contains the following phrase, "is approved effective upon publication of this notice." In order to eliminate any ambiguity, OSM is replacing the statement in parentheses with the actual date of publication, which was February 11, 1982.

II. Procedural Matters

Administrative Procedure Act

The minor revisions contained in this rulemaking are technical in nature. Accordingly, pursuant to 5 U.S.C. 553(b)(B), it has been determined that the notice and public comment procedures of the Administrative Procedure Act are unnecessary. For the same reason, it has been determined that in accordance with 5 U.S.C. 553(d), there is good cause to make the rule effective on the date of publication in the **Federal Register**.

Executive Order 12866

This technical amendment does not require review by the Office of Management and Budget under Executive Order 12866.

National Environmental Policy Act

This rule has been reviewed by OSM and it has been determined to be categorically excluded from the National Environmental Policy Act (NEPA) process in accordance with the Departmental Manual (516 DM 2 appendix 1.10) and the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR 1507.3).

Federal Paperwork Reduction Act

This rule does not contain collection of information which requires approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 and has determined that this rule meets the applicable standards of subsections (a) and (b) of that section. This technical amendment (1) does not preempt any

State or local laws or regulations; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging its provisions.

Regulatory Flexibility Act

The Department of the Interior certifies that this technical amendment 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.*). The rule merely revises addresses contained in the regulations.

List of Subjects in 30 CFR Parts 904, 906, 915, 918, 925, 926, 931, 943, and 944

Intergovernmental relations, Surface mining, Underground mining.

Dated: April 7, 1994.

Raymond Lowrie,
Assistant Director, Western Support Center.

Accordingly, 30 CFR parts 904, 906, 915, 918, 925, 926, 931, 943, and 944 are amended for the reasons set forth in the preamble.

PART 904—ARKANSAS

1. The authority citation for part 904 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. In § 904.10 paragraph (a) is revised to read as follows:

§ 904.10 State Regulatory Program Approval.

(a) Arkansas Department of Pollution Control and Ecology, Mining Division, 8001 National Drive, Little Rock, AR 72219, Telephone (501) 562-6533.

3. Section 904.20 is revised to read as follows:

§ 904.20 Approval of Arkansas abandoned mine land reclamation plan.

The Arkansas Reclamation Plan, as submitted on July 7, 1982, is approved. Copies of the approved program are available at:

- (a) Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 E. Skelly Drive, suite 550, Tulsa, OK 74135-6548.
- (b) Arkansas Department of Pollution Control and Ecology, Mining Division, 8001 National Drive, Little Rock, AR 72219.

PART 906—COLORADO

4. The authority citation for part 906 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

5. Section 906.10, paragraphs (a) and (b) are revised, and (c) is removed, to read as follows:

§ 906.10 State regulatory program approval.

* * * * *

(a) Colorado Department of Natural Resources, Division of Minerals and Geology, Centennial Building, room 215, 1313 Sherman Street, Denver, CO 80203.

(b) Albuquerque Field Office, Office of Surface Mining Reclamation and Enforcement, 505 Marquette, NW., suite 1200, Albuquerque, NM 87102.

6. Section 906.20 is revised to read as follows:

§ 906.20 Approval of Colorado Abandoned Mine Land Reclamation Plan Amendment.

The Colorado Abandoned Mine Plan, as approved on June 11, 1982, is amended on January 9, 1986. Copies of the approved program, as amended, are available at:

(a) Colorado Department of Natural Resources, Division of Minerals and Geology, Centennial Building, room 215, 1313 Sherman Street, Denver, CO 80203.

(b) Albuquerque Field Office, Office of Surface Mining Reclamation and Enforcement, 505 Marquette NW., suite 1200, Albuquerque, NM 87102.

PART 915—IOWA

7. The authority citation for part 915 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

8. In § 915.10, paragraphs (a) and (b) are revised and paragraph (c) is removed to read as follows:

§ 915.10 State regulatory program approval.

* * * * *

(a) Iowa Department of Agriculture and Land Stewardship, Division of Soil Conservation, Wallace State Office Building, E. 9th and Grand Sts., Des Moines, IA 50319.

(b) Kansas City Field Office, Office of Surface Mining Reclamation and Enforcement, 934 Wyandotte Street, room 500, Kansas City, MO 64105.

9. Section 915.20, is revised to read as follows:

§ 915.20 Approval of Iowa abandoned mine plan.

The Iowa Abandoned Mine Plan, as submitted and revised, is approved. Copies of the approved program are available at:

(a) Kansas City Field Office, Office of Surface Mining Reclamation and Enforcement, 934 Wyandotte Street, room 500, Kansas City, MO 64105.

(b) Iowa Department of Agriculture and Land Stewardship, Division of Soil Conservation, Wallace State Office Building, E. 9th and Grand Sts. Des Moines, IA 50319.

PART 918—LOUISIANA

10. The authority citation for part 918 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

11. In § 918.10, paragraphs (a) and (b) are revised to read as follows:

§ 918.10 State regulatory program approval.

* * * * *

(a) Louisiana Department of Natural Resources, Office of Conservation, Injection and Mining Division, 625 N. 4th Street, P.O. Box 94275—Capitol Station, Baton Rouge, LA 70804—9275, Telephone (504) 342-5540.

(b) Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 E. Skelly Drive, suite 550, Tulsa, OK 74135-6548, Telephone: (918) 581-6430.

12. Section 918.20 is revised to read as follows:

§ 918.20 Approval of Louisiana Abandoned Mine Land Reclamation Plan.

The Louisiana plan, as submitted and revised, is approved. Copies of the approved program are available at the following locations:

(a) Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 E. Skelly Drive, suite 550, Tulsa, OK 74135-6548.

(b) Louisiana Department of Natural Resources, Office of Conservation, Injection and Mining Division, 625 N. 4th Street, P.O. Box 94275, Baton Rouge, LA 70804-9275.

PART 925—MISSOURI

13. The authority citation for part 925 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

14. In § 925.10, paragraph (a) is revised to read as follows:

§ 925.10 State program approval.

(a) The Missouri State program submitted on February 1, 1980, and as amended and clarified on May 14, 1980, was conditionally approved effective November 21, 1980. Copies of the approved amendment are available for review at:

(1) Missouri Department of Natural Resources, Land Reclamation Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102.

(2) Kansas City Field Office, Office of Surface Mining Reclamation and

Enforcement, 934 Wyandotte Street, room 500, Kansas City, MO 64105.

* * * * *

15. In § 925.25, paragraph (b) is revised to read as follows:

§ 925.25 Approval of AML plan amendment.

* * * * *

(b) The amendment to the plan submitted on August 22, 1988, is approved effective March 15, 1989. Copies of the approved amendments are available at the following locations:

(1) Kansas City Field Office, Office of Surface Mining Reclamation and Enforcement, 934 Wyandotte Street, room 500, Kansas City, MO 64105.

(2) Missouri Department of Natural Resources, Land Reclamation Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102.

PART—926 MONTANA

16. The authority citation for part 926 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

17. Section 926.10 is revised to read as follows:

§ 926.10 State regulatory program approval.

The Montana permanent program submitted on August 3, 1979, as amended November 13, 1979; January 4, January 9, January 10, January 12, January 13, January 30, February 1, and February 20, 1980; November 3, 1980; and August 26, 1981, is approved effective February 10, 1982. Copies of the approved program, as amended, are available at:

(a) Montana Department of State Lands, Capitol Station, 1625 Eleventh Avenue, Helena, Montana 59620, Telephone: (406) 444-2074.

(b) Casper Field Office, Office of Surface Mining Reclamation and Enforcement, 100 East B Street, room 2128, Casper, WY 82601-1918, Telephone: (307) 261-5776.

18. Section 926.20 is revised to read as follows:

§ 926.20 Approval of Montana abandoned mine land reclamation plan.

The Montana Abandoned Mine Land Reclamation Plan, as submitted on October 24, 1980, is approved. Amendments to this Plan, as submitted on April 20, 1983, are also approved. Copies of the approved program, as amended, are available at:

(a) Casper Field Office, Office of Surface Mining Reclamation and Enforcement, 100 East B Street, room 2128, Casper, WY 82601-1918.

(b) Montana Department of State Lands, Capitol Station, 1625 Eleventh Avenue, Helena, MT 59620.

PART 931—NEW MEXICO

19. The authority citation for part 931 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

20. In § 931.10, paragraphs (a) and (b) are revised to read as follows:

* * * * *

§ 931.10 State regulatory program approval.

(a) Mining and Minerals Division, Energy, Minerals and Natural Resources Department, 2040 South Pacheco Street, Santa Fe, NM 87505.

(b) Albuquerque Field Office, Office of Surface Mining Reclamation and Enforcement, 505 Marquette NW., suite 1200, Albuquerque, NM 87102.

21. Section 931.20 is revised to read as follows:

§ 931.20 Approval of the New Mexico Abandoned Mine Reclamation Plan.

The New Mexico Abandoned Mine Reclamation Plan as submitted on September 29, 1980, and amended February 4, 1981, is approved. Copies of the approved program are available at the following locations:

(a) Albuquerque Field Office, Office of Surface Mining Reclamation and Enforcement, 505 Marquette NW., suite 1200, Albuquerque, NM 87102.

(b) Mining and Minerals Division, Energy, Minerals and Natural Resources Department, 2040 South Pacheco Street, Santa Fe, NM 87505.

PART 943—TEXAS

22. The authority citation for part 943 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

23. Section 943.10 is revised to read as follows:

§ 943.10 State program approval.

(a) The Texas State program as submitted July 20, 1979, and amended November 13, 1979, and December 20, 1979, is approved, effective February 16, 1980. The Texas State program amendments of March 27, 1980, are approved effective June 18, 1980. Copies of the approved program as amended are available at:

(1) Surface Mining and Reclamation Division, Railroad Commission of Texas, Capitol Station, P.O. Box 12967, Austin, TX 78711.

(2) Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 East Skelly Drive, suite 550, Tulsa, OK 74135-6548.

24. Section 943.20 is revised to read as follows:

§ 943.20 Approval of Texas abandoned mine plan.

The Texas Abandoned Mine Plan, as submitted on April 24, 1980, and amended on May 30, 1980, June 2, 1980, and June 4, 1980, is approved effective June 23, 1980. Copies of the approved program are available at:

(a) Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 East Skelly Drive, suite 550, Tulsa, OK 74135-6548.

(b) Surface Mining and Reclamation Division, Railroad Commission of Texas, Capitol Station, P.O. Box 12967, Austin, TX 78711.

PART 944—UTAH

25. The authority citation for part 944 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

26. Section 944.10, is revised to read as follows:

§ 944.10 State regulatory program approval.

The Utah State program as submitted on March 3, 1980, and as amended and clarified on June 16 and July 24, 1980, and resubmitted on December 23, 1980, was conditionally approved effective January 21, 1981. Copies of the approved program, together with copies of the letter of the Division of Oil, Gas and Mining agreeing to the conditions in section 944.11, are available at:

(a) Division of Oil, Gas and Mining, Department of Natural Resources, 3 Triad Center, suite 350, 355 West North Temple, Salt Lake City, UT 84180-1203.

(b) Albuquerque Field Office, Office of Surface Mining Reclamation and Enforcement, 505 Marquette NW., suite 1200, Albuquerque, NM 87102.

27. Section 944.20 is revised to read as follows:

§ 944.20 Approval of Utah abandoned mine plan.

The Utah Abandoned Mine Plan, as submitted on February 9, 1983, and as subsequently revised is approved. Copies of the approved program are available at:

(a) Albuquerque Field Office, Office of Surface Mining Reclamation and Enforcement, 505 Marquette NW., suite 1200, Albuquerque, NM 87102.

(b) Division of Oil, Gas and Mining, Department of Natural Resources, 3 Triad Center, suite 350, 355 West

North Temple Salt Lake City, UT 84180-1203.

[FR Doc. 94-8984 Filed 4-14-94; 8:45 am]
BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region II Docket No. 124, NJ9-1-6185; FRL-4858-7]

Approval and Promulgation of Implementation Plans; Revision to the New Jersey State Implementation Plan for Ozone

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a request by New Jersey to revise its State Implementation Plan (SIP) as it relates to the control of volatile organic compounds. Under the Clean Air Act as amended in 1990, EPA is approving Subchapter 16 "Control and Prohibition of Air Pollution by Volatile Organic Compounds," Subchapter 8 "Permits and Certificates, Hearings, and Confidentiality," Subchapter 17 "Control and Prohibition of Air Pollution by Toxic Substances," Subchapter 23 "Prevention of Air Pollution by Architectural Coatings and Consumer Products," Subchapter 25 "Control and Prohibition of Air Pollution from Vehicular Fuels," and Subchapter 3 "Air Test Method 3: Sampling and Analytic Procedures for the Determination of Volatile Organic Compounds from Source Operations."

New Jersey was required to make corrections to these regulations pursuant to an EPA call for a revised SIP on May 26, 1988, and pursuant to section 182(a)(2)(A) of the Clean Air Act. EPA finds that New Jersey's SIP revision satisfies four outstanding commitments made in its 1983 ozone SIP. These include the adoption of provisions regulating automobile refinishing, further industrial controls, and applying reasonably available control technology to small surface coating and industrial sources. New Jersey's SIP revision also regulates all of the Group III Control Techniques Guidelines source categories required by the Clean Air Act.

EFFECTIVE DATE: This final rule will be effective May 16, 1994.

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

Environmental Protection Agency,
Region II Office, Air Programs Branch,
26 Federal Plaza, room 1034A, New
York, New York 10278.

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

New Jersey Department of
Environmental Protection and Energy,
Office of Energy, Bureau of Air
Pollution Control, 401 East State
Street, CN027, Trenton, New Jersey
08625.

FOR FURTHER INFORMATION CONTACT:

William S. Baker, Chief, Air Programs
Branch, Environmental Protection
Agency, 26 Federal Plaza, room 1034,
New York, New York 10278 (212) 264-
2517.

SUPPLEMENTARY INFORMATION: On July 16, 1993, the Environmental Protection Agency (EPA) published in the *Federal Register* (58 FR 38326) a notice of proposed rulemaking (NPR) concerning revisions to the New Jersey State Implementation Plan (SIP) for ozone. The New Jersey Department of Environmental Protection and Energy (NJDEPE), in order to fulfill the requirements of the May 26, 1988 SIP call, and the requirements of the Clean Air Act as amended in 1990 (the Act), made SIP revision submittals to EPA on March 31, 1987, December 7, 1989, and March 13, 1992. All three submittals contained adopted revisions to subchapter 16, "Control and Prohibition of Air Pollution by Volatile Organic Compounds," of chapter 27, title 7 of the New Jersey Administrative Code. The March 13, 1992, submittal also included revisions to Subchapter 8, "Permits and Certificates, Hearings, and Confidentiality"; Subchapter 17, "Control and Prohibition of Air Pollution by Toxic Substances"; Subchapter 23, "Prevention of Air Pollution by Architectural Coatings and Consumer Products"; Subchapter 25, "Control and Prohibition of Air Pollution from Vehicular Fuels"; and Subchapter 3, "Air Test Method 3: Sampling and Analytic Procedures for the Determination of Volatile Organic Compounds from Source Operations." Revisions to these regulations were necessary to maintain consistency with the changes made to Subchapter 16, and primarily involve the incorporation of revised terms and definitions.

With one exception, these revised regulations correct all of the reasonably available control technology (RACT) deficiencies in New Jersey's SIP which had been identified by EPA and were required to be corrected under the provisions of section 182 of the Act. These are referred to as "RACT Fix-up"

deficiencies. The exception is the submittal of capture efficiency test methods, for which EPA has permitted states additional time so EPA can determine whether more cost effective alternate methods are available.

The regulations also contain new provisions regulating automobile refinishing, further industrial controls, and the application of RACT to small surface coating and industrial sources. The rules also regulate all of the Group III Control Techniques Guidelines (CTG) source categories. These measures were committed to by New Jersey in its 1983 ozone and carbon monoxide SIP.

The reader is referred to the NPR for further details on EPA's review and findings.

Response to Public Comment

One commenter, the National Refrigerants Incorporated, submitted a comment on EPA's proposed action.

Comment: This commenter is concerned that New Jersey's definition of volatile organic compounds (VOCs) does not exempt some of the chlorofluorocarbon, hydrochlorofluorocarbon, or hydrofluorocarbon compounds which EPA classifies as negligibly photochemically reactive, and some of which have the benefit of replacing CFCs which destroy the upper atmosphere ozone layer. In addition, the commenter states that these compounds are regulated by the Act and, therefore, New Jersey does not need to regulate them.

EPA Response: On August 2, 1993, NJDEPE proposed further revisions to Subchapter 16 to address additional requirements of the Act which is before EPA now and will be acted upon separately in the future. One of the revisions proposes changing its definition of VOC to be fully consistent with EPA's, thereby exempting these from regulation as VOC's. This would appear to address their concerns. However, the Act does not prohibit EPA from approving a State regulation that goes beyond the Act's requirements.

Final Action

The revisions and the rationale for EPA's action are explained in EPA's July 16, 1993 NPR and will not be restated here because EPA's final action does not differ from that proposed in the NPR.

In revising subchapter 16, New Jersey deleted the final compliance dates applicable to sources because the dates had passed, and sources are now expected to be in compliance. However, EPA requires the specification of an enforceable final compliance date should it be required to take federal

enforcement action. Therefore, in the event EPA needs to take enforcement action, it will base the compliance penalties on the final compliance dates which were originally contained in subchapter 16 when a given requirement was first adopted by New Jersey. If EPA approved a subsequent revision which modified the final compliance date, that revised date would apply.

EPA, in approving previous versions of subchapter 16, placed conditions on its approval of certain sections which permitted New Jersey to approve alternate requirements. EPA's previous approval specified that if New Jersey approved any mathematical combinations of emissions (old § 16.6(c)(4) and (5)) or approved any variances from the State requirements (old §§ 16.9 and 16.10), they became applicable only if approved by EPA as SIP revisions. The State has decided that mathematical combinations are no longer an acceptable method of compliance with Subchapter 16 requirements. In addition, subchapter 16 has been revised to state that any variances must be approved by EPA as a SIP revision. EPA views these provisions as giving the Commissioner the authority to permit alternative requirements once they have been submitted and approved by EPA as SIP revisions. EPA will not recognize any variance or alternate requirement until it is submitted to EPA by the State for approval as a source specific SIP revision. Approval of a variance request by EPA will be based on a case-by-case review and will involve the effect of the proposed variance on air quality and on the ability of a facility to comply with the existing regulation. Therefore, the comments currently in 40 CFR 52.1605 pertaining to these sections in Subchapter 16 are no longer necessary.

SIP Deficiencies

Today's action also addresses all of the deficiencies identified in a May 26, 1988 letter to Governor Kean and a January 30, 1991 letter to the NJDEPE Commissioner finding the SIP substantially inadequate to attain the ozone and carbon monoxide standards. The deficiencies corrected relate to the VOC definition, recordkeeping, bubbles, seasonal shutdowns, and compliance calculations. These corrections strengthen the SIP and remove these deficiencies as a cause for SIP inadequacy.

Conclusion

Although some of New Jersey's submittals preceded the date of enactment of the 1990 Amendments to

the Clean Air Act, EPA has evaluated all the revisions for consistency with the Act's provisions, EPA regulations and EPA policy. Therefore, EPA approves Subchapter 16 and the related changes made to Subchapters 8, 17, 23, and 25. These changes have resulted in clearer, more enforceable regulations that strengthen the SIP.

EPA also finds that these regulations address and correct all of the "RACT Fix-up" deficiencies previously identified in Subchapter 16 by EPA in its letters of May 26, 1988, and January 31, 1992, with the exception of capture efficiency test methods, for which EPA has permitted states additional time so that EPA can determine if more cost effective alternate methods are available. With the approval of these regulations, it is no longer necessary for EPA to adopt a federal implementation plan to address the "RACT Fix-up" deficiencies.

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

This rule has been classified as a Table 3 action by the Regional Administrator under the procedures published in the *Federal Register* on January 19, 1989 (54 FR 2214-2225), as revised by an October 4, 1993 memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. A future document will inform the general public of these tables. 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 a period of two years. The EPA has submitted a request for a permanent waiver for Table 2 and 3 SIP revisions. The OMB has agreed to continue the waiver until such time as it rules on EPA's request. This request continues in effect under Executive Order 12866 which

superseded Executive Order 12291 on September 30, 1993.

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 within 60 days from date of publication. 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 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Ozone, Volatile organic compounds.

Dated: March 23, 1994.

William J. Muszynski,
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. 7401-7671q.

Subpart FF—New Jersey

2. Section 52.1570 is amended by adding new paragraph (c)(51) to read as follows:

§ 52.1570 Identification of plan.

* * * * *

(c) * * *

(51) Revisions to the New Jersey State Implementation Plan (SIP) for ozone concerning the control of volatile organic compounds from stationary sources, dated March 31, 1987, December 7, 1989, and March 13, 1992 submitted by the New Jersey State Department of Environmental Protection and Energy (NJDEPE).

(i) Incorporation by reference.

(A) Amendments to Chapter 27, Title 7 of the New Jersey Administrative Code Subchapter 16, "Control and Prohibition of Air Pollution by Volatile Organic Substances," effective September 22, 1986,

(B) Amendments to Chapter 27, Title 7 of the New Jersey Administrative Code Subchapter 16, "Control and Prohibition of Air Pollution by Volatile Organic Substances," effective June 19, 1989,

(C) Amendments to Chapter 27, Title 7 of the New Jersey Administrative Code: Subchapter 8, "Permits and Certificates, Hearings, and Confidentiality," effective March 2, 1992; Subchapter 16, "Control and Prohibition of Air Pollution by Volatile Organic Compounds," effective March 2, 1992; Subchapter 17, "Control and Prohibition of Air Pollution by Toxic Substances," effective March 2, 1992; Subchapter 23, "Prevention of Air Pollution by Architectural Coatings and Consumer Products," effective March 2, 1992; Subchapter 25, "Control and Prohibition of Air Pollution from Vehicular Fuels," effective March 2, 1992; and Subchapter 3, "Air Test Method 3: Sampling and Analytic Procedures for the Determination of Volatile Organic Compounds from Source Operations," effective March 2, 1992.

(ii) Additional material.

(A) March 31, 1987, letter from Jorge Berkowitz, NJDEP, to Conrad Simon, EPA requesting EPA approval of the amendments to Subchapter 16.

(B) December 7, 1989, letter from Anthony McMahon, NJDEP, to Conrad Simon, EPA requesting EPA approval of the amendments to Subchapter 16.

(C) March 13, 1992, letter from Nancy Wittenberg, NJDEPE, to Conrad Simon, EPA requesting EPA approval of the amendments to Subchapter 16.

3. Section 52.1605 is amended by revising the entries, for Title 7, Chapter 27: Subchapters 8, 16, 17, 23 and 25, and for Title 7, Chapter 27B: Subchapter 3 to the table in numerical order as follows:

§ 52.1605 EPA—approved New Jersey State regulations.

State regulation	State effective date	EPA approved date	Comments
Title 7, Chapter 27	.	.	.
Subchapter 8, "Permits and Certificates, Hearings, and Confidentiality," Sections 8.1, 8.2, and 8.11	Apr. 5, 1985	Nov. 25, 1986, 51 FR 42573.	.
	Mar. 2, 1992 ...	[date and citation of this notice]	.

State regulation	State effective date	EPA approved date	Comments
Subchapter 16, "Control and Prohibition of Air Pollution by Volatile Organic Compounds".	Mar. 2, 1992 ...	[date and citation of this notice]	Earlier versions of Subchapter 16 remain part of the SIP only to the extent of determining compliance dates which have since passed.
Subchapter 17, "Control and Prohibition of Air Pollution by Toxic Substances".	Mar. 2, 1992 ...	[date and citation of this notice]	Subchapter 17 is included in the SIP only as it relates to the control of perchloroethylene.
Subchapter 23, "Prevention of Air Pollution by Architectural Coatings and Consumer Products".	Mar. 2, 1992 ...	[date and citation of this notice]	
Subchapter 25, "Control and Prohibition of Air Pollution from Vehicular Fuels".	Mar. 2, 1992 ...	[date and citation of this notice]	
Title 7, Chapter 27B			
Subchapter 3, "Air Test Method 3: Sampling and Analytic Procedures for the Determination of Volatile Organic Compounds from Source Operations".	Mar. 2, 1992 ...	[date and citation of this notice]	

[FR Doc. 94-8966 Filed 4-14-94; 8:45 am]
BILLING CODE 6560-50-P

40 CFR Part 52

[SC-025-1-5643; FRL-4859-4]

Approval and Promulgation of Implementation Plans; South Carolina

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On September 18, 1990, and July 23, 1992, South Carolina submitted, through the South Carolina Department of Health and Environmental Control (SCDEHC), revisions to the South Carolina State Implementation Plan (SIP). This notice approves the revisions to South Carolina's air quality regulations pertaining to the definition of a Volatile Organic Compound (VOC), VOC Recordkeeping in ozone (O₃) nonattainment areas, and the control of industrial emissions of nitrogen dioxide (NO₂) under the Prevention of Significant Deterioration (PSD) program. **DATES:** This final rule will become effective June 14, 1994 unless notice is received by May 16, 1994 that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be sent to Bill Eckert at the EPA address in Atlanta, Georgia listed below. Copies of South Carolina's submittal are available for public review during

normal business hours at the addresses listed below.

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 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.

FOR FURTHER INFORMATION CONTACT: Bill Eckert of the EPA Region IV Air Programs Branch at (404) 347-2864 and at the Region IV address.

SUPPLEMENTARY INFORMATION: On September 18, 1990, South Carolina submitted revisions to its SIP. After EPA reviewed this submittal, EPA determined that there were deficiencies in the VOC and PSD portions of the submittal. On July 23, 1992, South Carolina submitted additional revisions to its SIP correcting the deficiencies identified in the September 18, 1990, submittal. A brief description of the revisions follows.

Regulation 61-62.1, Section I, Paragraph 74-Definition of VOC

The revisions to this rule submitted on July 23, 1992, made the definition of VOC consistent with EPA's change in the definition of VOC as published in a Federal Register document dated February 3, 1992 (57 FR 3943). In the February 3, 1992, document, five new

compounds were removed from the definition of VOC based on their negligible photochemical reactivity.

Regulation 61-62.5, Standard No. 5, Section I, Part F, Paragraph 3-VOC Recordkeeping in O₃ nonattainment areas

On September 18, 1990, South Carolina submitted revisions to its VOC regulations. In a Federal Register document published February 4, 1992, EPA determined that Regulation 61-62.5, Standard No. 5, Section I, Part F (VOC Recordkeeping, Reporting, and Monitoring), was insufficient because it did not contain provisions requiring VOC sources located in O₃ nonattainment areas to keep daily records. On July 23, 1993, South Carolina submitted revisions updating its VOC Recordkeeping provisions to be consistent with EPA requirements as interpreted in pre-enactment guidance¹ for VOC sources in O₃ nonattainment areas. Specifically, the VOC Recordkeeping provisions were updated to require that VOC sources keep daily records of operations.

Regulation 61-62.5, Standard No. 7

On September 18, 1990, South Carolina revised its PSD regulations to require the control of the industrial

¹ Among other things, the pre-amendment guidance consists of the Post-87 Policy, 52 FR 45044 (11/24/87); the Blue Book, Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, clarification of Appendix D of 52 FR 45044; and the existing Control Techniques Guidelines (CTGs).