for conformance with the provisions of the 1990 Amendments enacted on November 15, 1990. The EPA has determined that this action conforms with those requirements irrespective of the fact that the submittal preceded the date of enactment.

Under section 307(b)(1) of the Clean Air Act (CAA), 42 U.S.C. 7607(b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 19, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2) of the CAA, 42 U.S.C. 7607 (b)(2)).

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

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

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et. seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under 110 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. U.S. E.P.A., 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. section 7410(a)(2).

Submission to Congress and the General Accounting Office

Under 5 U.S.C. section 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of this rule in today's Federal Register. This rule is not a ''major rule'' as defined by 5 U.S.C. section 804(2).

Unfunded Mandates

Under Sections 202, 203 and 205 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

Through submission of this state implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under section 110 of the Clean Air Act. These rules may bind State, local and tribal governments to perform certain duties. To the extent that the rules being approved by this action will impose any mandate upon the State, local or tribal governments either as the owner or operator of a source or as a regulator, or would impose any mandate upon the private sector. EPA's action will impose no new requirements; such sources are already subject to these regulations under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. EPA has also determined that this final action does not include a mandate that may result in estimated costs of $100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

List of Subjects in 40 CFR Part 52

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

Dated: June 6, 1996.

Michael V. Peyton,

Acting Regional Administrator.

Part 52 of chapter I, title 40, Code of Federal Regulations, is amended as follows:

PART 52—[AMENDED]

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

Authority: 42.U.S.C. 7401–7671q.

Subpart II—North Carolina

2. Section 52.*1770*, is amended by adding paragraph (c)(91) to read as follows:

§ 52.1770 Identification of plan.

* * * * *

(91) The North Carolina Department of Environment, Health and Natural Resources submitted revisions to the North Carolina State Implementation Plan on September 21, 1989. These revisions incorporate SO2 limits and permit conditions for Cape Industries.

(i) Incorporation by reference.

(A) Permit for Cape Industries (air permit no. 130R17) which was issued by the Environmental Management Commission on December 29, 1994.

(ii) Additional material—none.

[FR Doc. 96–24045 Filed 9–19–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[NC–78–1–7236a; NC–80–1–2–9631a; FRL–5606–3]

Approval and Promulgation of Implementation Plans State: Approval of Revisions to the State of North Carolina's State Implementation Plan (SIP)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the North Carolina State Implementation Plan (SIP) to allow the State air pollution control agency and the Forsyth County, North Carolina air pollution control agency to utilize exclusionary rules for the purpose of limiting potential to emit (PTE) criteria pollutants for certain source categories to less than the title V permitting major source thresholds. EPA is also approving under section 112(l) of the Clean Air Act several source-categories of the submitted regulations for limiting

PTE of hazardous air pollutants (HAP) to less than title V permitting major source thresholds. These exclusionary rules allow facilities to compute potential emissions based on actual emissions or raw material usage for the following source categories: gasoline service stations and dispensing facilities; coating, solvent degreasing, and graphic arts operations; dry cleaning facilities, grain elevators, cotton gins, and emergency generators. On August 4, 1995, the State of North Carolina through the Department of Environment, Health, and Natural Resources (DEHNR) submitted a SIP revision fulfilling the requirements necessary to utilize exclusionary rules to limit PTE of air pollutants in a federally enforceable manner. On December 28, 1995, the Forsyth County Department of Environmental Affairs (FCDEA) through the DEHNR submitted a SIP revision fulfilling the requirements necessary to allow Forsyth County to utilize exclusionary rules to limit PTE of air pollutants in a federally enforceable manner. Forsyth County's SIP regulations are a verbatim adoption of the State of North Carolina exclusionary regulations.

DATES: This action is effective November 19, 1996 unless notice is received by October 21, 1996 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 addressed to Scott Miller at the EPA Regional office listed below.

Copies of the material submitted by North Carolina may be examined during normal business hours at the following locations:

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460

Environmental Protection Agency, Region 4 Air Planning Branch, 100 Alabama Street, SW, Atlanta, Georgia 30303

North Carolina Department of Health, Environment, and Natural Resources, Air Quality Section, P.O. Box 29535, Raleigh, North Carolina 27626

Forsyth County Environmental Affairs Department, Air Quality Section, 537 North Spruce Street, Winston-Salem, North Carolina 27101

FOR FURTHER INFORMATION CONTACT: Scott Miller, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30365. The telephone number is 404/347–3555 extension 4153. Reference file numbers NC78 and NC80.

SUPPLEMENTARY INFORMATION: On August 4, 1995, and December 28, 1995, the State of North Carolina and the FCDEA, respectively, through the DEHNR submitted SIP revisions designed to allow the two agencies to utilize exclusionary rules for the purpose of limiting PTE for gasoline service stations and dispensing facilities; coating, solvent degreasing, and graphic arts operations; dry cleaning facilities, grain elevators, cotton gins, and emergency generators. Exclusionary rules are designed to create federally enforceable limits on a facility's PTE in a manner that does not require a facility-specific evaluation of emissions and limiting conditions. As such, exclusionary rules are appropriate for the purpose of limiting PTE when a facility has one type of emission source. EPA is approving all source-category rules submitted for purposes of limiting PTE for criteria pollutants. EPA is approving under section 112(l) of the CAA, North Carolina regulations 15A NCAC 2Q.0801, 2Q.0803 through 2Q.0804 and Forsyth County regulations 3Q.0801, 3Q.0803 through 3Q.0804 for purposes of limiting PTE of HAP. For a description of this and other ways to limit PTE for a facility see the EPA guidance document entitled ''Options for Limiting the Potential to Emit (PTE) of a Stationary Source Under Section 112 and Title V of the Clean Air Act (Act)'' dated January 25, 1995, from John Seitz to the EPA Regional Air Division Directors.

North Carolina and FCDEA exclusionary rules were designed to meet criteria listed in the EPA guidance memorandum entitled ''Guidance for State Rules for Optional Federally Enforceable Emissions Limits Based on Volatile Organic Compound Use'' dated October 15, 1993, from D. Kent Barry to the EPA Regional Air Division Directors, an EPA guidance document entitled ''Approaches to Creating federally-Enforceable Emissions Limits'' dated November 3, 1993, and the January 25, 1995, guidance memorandum referenced above. These guidance documents set out specific guidelines for exclusionary rule development regarding applicability, compliance determination and certification, monitoring, reporting, recordkeeping, public involvement, practical enforceability, and the requirement that a facility cannot rely on emission limits or caps contained in a exclusionary rule to justify violation of any rate-based emission limits or other applicable requirements.

An exclusionary rule applies to facilities which agree to limit their annual emissions to less than major source thresholds for criteria and/or hazardous air pollutant (HAP) emissions. An exclusionary rule must also provide that a facility owner or operator specifically apply for coverage under the exclusionary rule. Regulation 15A North Carolina Administrative Code (NCAC) 2Q.0801(a) and Forsyth County Regulation 3Q.0801(a) provide that certain source categories may define and limit their potential emissions to less than 100 tons per year of each regulated pollutant, 10 tons per year of each hazardous air pollutant, and 25 tons per year of all hazardous air pollutants combined. The source categories covered by the exclusionary rules are gasoline service stations and dispensing facilities; coating, solvent degreasing, and graphic arts operations; dry cleaning facilities, grain elevators, cotton gins, and emergency generators. North Carolina Regulation 15A NCAC 2Q.0801(c) and Forsyth County Regulation 3Q.0801(c) provide that even though a facility is exempted from obtaining a title V permit by complying with these exclusionary rules, it may still be required to be permitted under the State or local's minor source construction and operating permit regulations found at North Carolina Regulation 15A NCAC 2Q.0300 and Forsyth County Regulation 3Q.0300. As such, these regulations meet the guidelines specified in the October 15, 1993, and the January 25, 1995, guidance documents that require that an exclusionary rule to clearly identify the category of sources that qualify for the rule's coverage.

The October 15, 1993, and the January 25, 1995, guidance documents suggest that facilities be required to show compliance with the exclusionary rule on a yearly basis by requiring monthly recordkeeping of the relevant variable causing emissions and showing compliance using the monthly record of the relevant variable affecting emissions. The January 25, 1995, guidance document stipulates that where monitoring cannot be used to determine emissions directly, limits on appropriate operating parameters must be established for the units or source, and monitoring must verify compliance with those limits. In the case of the State of North Carolina and Forsyth County regulations, a facility is required to keep records of the use of or processing of a product or substance that produces the emissions. For instance, North Carolina Regulation 15A NCAC 2Q.0802 and

Forsyth County Regulation 3Q.0802 require gasoline service stations and gasoline dispensing facilities to keep monthly records of gasoline throughput. The gasoline service station and gasoline dispensing facility must then show compliance with the 15,000,000 gallon exclusionary yearly rule limit on a monthly rolling average of gasoline throughput. EPA believes that the exclusionary rules submitted by the DEHNR and FCDEA meet guidelines outlined in the October 15, 1993, and January 25, 1995, guidance documents for purposes of detailing specific compliance monitoring to show compliance with the relevant limit resulting from a exclusionary rule.

The October 15, 1993, guidance document requires that all submittals from a source required pursuant to an exclusionary rule be certified for truth, accuracy, and completeness. Each facility which chooses to be covered by an exclusionary rule submitted by the DEHNR and FCDEA must make submissions which are certified by the appropriate official as defined under North Carolina Regulation 15A NCAC 2Q.0304(j) and Forsyth County Regulation 3Q.0304(j). Regulation 15A NCAC 2Q.0304(j) and Forsyth County Regulation 3Q.0304(j) require certifications to be signed by the following: For corporations, by a principal executive officer of at least the level of vice president, or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the emissions described originates; for partnership or limited partnership, by a general partner; for a sole proprietorship, by the proprietor; and for municipal, state, Federal, or other public entity, by a principal executive officer, ranking elected official, or other duly authorized employee. These requirements for the certifying official are similar to those requirements found in 40 CFR 70.2 for a responsible official which would certify truth, accuracy, and completeness of a part 70 permit application. Therefore, EPA believes that the exclusionary rules submitted by the DEHNR and FCDEA meet requirements outlined in the October 15, 1993, guidance document for purposes of certification with respect to truth, completeness, and accuracy.

The October 15, 1993, guidance document recommends that reporting requirements should vary based on how close the facility emissions are to the relevant major source threshold. For facilities that are close to the major source threshold, the guidance recommends that a state or local air pollution control agency require more frequent reporting of the variable affecting emissions (i.e. gasoline throughput). For instance, North Carolina Regulation 15A NCAC 2Q.0802 and Forsyth County Regulation 3Q.0802 require that gasoline service stations and gasoline dispensing facilities with annual gasoline throughput that exceeds 10,000,000 gallons per year report gasoline throughput once yearly. For those gasoline service stations and gasoline dispensing facilities with annual gasoline throughput that exceeds 13,000,000 gallons per year, a facility must report gasoline throughput once every six months. EPA believes that the exclusionary rules submitted by the DEHNR and FCDEA meet requirements outlined in the October 15, 1993, guidance document for purposes of reporting the relevant variable affecting emissions from the process. The October 15, 1993, guidance document also requires that a facility report any exceedance of an exclusionary rule within one week after its occurrence. The DEHNR and FCDEA regulations satisfy this requirement by a verbatim incorporation of this requirement under each exclusionary rule source-category. Therefore, EPA believes that the DEHNR and FCDEA regulations meet the requirements set out in the above-listed guidance documents for reporting.

The October 15, 1993, and the January 25, 1995, guidance documents specify that recordkeeping is required by a facility to show that the facility is eligible for the exclusionary rule and that the facility is in compliance with the relevant exclusionary rule. The October 15, 1993, guidance document requires that recordkeeping shall be maintained on site and available to the permitting authority upon demand. The October 15, 1993, guidance document also requires that a facility be required to retain records for a period sufficient to support enforcement efforts. The DEHNR and FCDEA regulations require that copies of all records required to be kept for exclusionary rule purposes be kept on site and be available to each agency on demand. The exclusionary rules submitted by DEHNR and FCDEA require that records be kept for a period of three years from the date the records are originated. EPA believes that a three year time period is an adequate time period for a facility subject to an exclusionary rule to maintain records in order to support enforcement efforts.

The November 3, 1993, guidance document and the January 25, 1995, guidance document set out requirements for public involvement in the development and application of exclusionary rules. The November 3, 1993, guidance document states that if exclusionary rules are sufficiently reliable and replicable, EPA and the public need not be involved with their application to individual sources, as long as the protocols themselves have been subject to notice and opportunity to comment and have been approved by EPA into the SIP. The January 25, 1995, guidance document provides that source-category standards approved into the SIP or under section 112(l) of the Clean Air Act can be used as federally enforceable limits on PTE. Once a specific source qualifies under the applicability requirements of the source-category rule, additional public participation is not required to make the limits federally enforceable as a matter of legal sufficiency since the rule itself underwent public participation and EPA review. Both the DEHNR and FCDEA exclusionary rules underwent public participation at the State and local level when these rules were made State and locally-effective. EPA believes that with this Federal Register document and other public process received at the State and local level that the DEHNR and FCDEA exclusionary rules satisfy requirements for public participation outlined in the November 3, 1993, and the January 25, 1995, guidance documents.

The January 25, 1995, guidance document sets out requirements for exclusionary rule conditions to be practically enforceable. These requirements stem from past precedence in what the EPA has required for a permit to be considered enforceable as a practical matter. See 54 FR 27274 (June 28, 1989) and a June 13, 1989, EPA policy memorandum entitled ''Limiting Potential to Emit in New Source Permitting.'' The criteria include clear statements as to the applicability, specificity as to the standard that must be met, explicit statements of the compliance time frames (e.g. hourly, daily, monthly, or 12-month averages, etc.), that the time frame and method of compliance employed must be sufficient to protect the standard involved, recordkeeping requirements must be specified, and equivalency provisions must meet specific requirements. In general, practical enforceability means that the provision must specify (1) a technically accurate limitation and the portions of the source subject to the limitation; (2) the time period for the limitation; (3) the method to determine compliance including appropriate monitoring, recordkeeping, and reporting. Each of these elements have been discussed prior to this paragraph in this Federal Register with the

exception of (2) above. The DEHNR and FCDEA regulations require facilities subject to the exclusionary rule to keep records on a monthly basis and to determine compliance with a yearly limit on a calendar monthly rolling average basis. This method for determining compliance with the exclusionary rule limitation was addressed specifically as one practically enforceable way to show compliance with a permit limit in the June 13, 1989, guidance document entitled ''Limiting Potential to Emit in New Source Permitting.'' As such, EPA believes the DEHNR and FCDEA exclusionary rule regulations meet the requirements necessary for exclusionary rules to be enforceable as a practical matter.

Finally, the October 15, 1993, guidance document stipulates that a facility cannot rely on emission limits or caps contained in a exclusionary rule to justify violation of any rate-based emission limits or other applicable requirements. This requirement is reflected by a verbatim incorporation of this provision found at North Carolina regulation 15A NCAC 2Q.0801(b) and Forsyth County regulation 3Q.0801(b). Therefore, EPA believes that the DEHNR and FCDEA exclusionary rules meet the requirements listed in the October 15, 1993, guidance document regarding the use of an exclusionary rule cap to justify violation of any rate-based emission limit or other applicable requirements.

Eligibility for federally enforceable exclusionary rule certifications extends not only to certifications made after the effective date of this rule, but also to certifications issued under the State or local current rule prior to the effective date of this rulemaking. If the State or local agency followed its own regulation meaning that, each source received exclusionary rule certifications that established a limiting condition on the facility's PTE, EPA will consider all such exclusionary rule certifications as federally enforceable upon the effective date of this action.

Final action

In this action, EPA is approving the State of North Carolina exclusionary rules found at 15A NCAC 2Q.0800 through 15A NCAC 2Q.0807 into the North Carolina SIP. EPA is also approving the Forsyth County exclusionary rules found at 3Q.0800 through 3Q.0807 into the Forsyth County portion of the North Carolina SIP. EPA is approving North Carolina regulations 15A NCAC 2Q.0801, 2Q.0803 through 2Q.0804 and Forsyth County regulations 3Q.0801, 3Q.0803 through 3Q.0804 for purposes of limiting PTE of HAP under section 112(l) of the CAA. EPA is publishing this document without prior proposal because the EPA views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective November 19, 1996, unless within 30 days of its publication, adverse or critical comments are received. If EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective November 19, 1996.

EPA has reviewed this request for revision of the federally-approved SIP for conformance with the provisions of the 1990 Amendments enacted on November 15, 1990. EPA has determined that this action conforms with those requirements.

Under section 307(b)(1) of the CAA, 42 U.S.C. 7607 (b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 19, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2) of the CAA, 42 U.S.C. 7607 (b)(2).)

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

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 SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, Part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2) and 7410(k)(3).

D. Unfunded Mandates Reform Act of 1995

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate, or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the direct final approval action promulgated today does not include a Federal mandate that may result in estimated costs of $100 million or more to State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements

under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by Reference, Intergovernmental relations, Lead, Nitrogen oxides, Ozone, Particulate matter, Sulfur oxides.

Dated: August 5, 1996.

A. Stanley Meiburg,

Acting Regional Administrator.

Part 52 of chapter I, title 40, Code of Federal Regulations, is amended as follows:

PART 52—[AMENDED]

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

Authority: 42. U.S.C. 7401–7671q.

2. Section 52.1770 is amended by adding paragraph (c)(89) to read as follows:

§ 52.1770 Identification of plan.

* * * * *

(c) * * *

(89) Exclusionary rules for the State of North Carolina Department of Environment, Health, and Natural Resources and the Forsyth County Department of Environmental Affairs submitted by the North Carolina Department of Environment, Health, and Natural Resources on August 8, 1995, and December 28, 1995, respectively, as part of the North Carolina SIP.

(i) Incorporation by reference.

(A) Regulations 15A NCAC 2Q.0801 through 15A NCAC 2Q.0807 of the North Carolina SIP as adopted by the North Carolina Environmental Management Commission on June 8, 1995, and which became effective on August 1, 1995.

(B) Regulations Subchapter 3Q.0801 through Subchapter 3Q.0807 of the Forsyth County portion of the North Carolina SIP as adopted and made effective by the Forsyth County Board of Commissioners on November 13, 1995.

(ii) Other material. None.

* * * * *

[FR Doc. 96–24043 Filed 9–19–96; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 42

[CGD 96–006]

RIN 2115–AF29

Extension of Great Lakes Load Line Certificate

AGENCY: Coast Guard, DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: On July 9, 1996, the Coast Guard published a direct final rule (61 FR 35963; CGD 96–006). This direct final rule notified the public of the Coast Guard's intent to revise the limit on the number of days that a Great Lakes Load Line Certificate extension may be granted from 90 days to 365 days. The Coast Guard has not received an adverse comment, or notice of intent to submit an adverse comment, objecting to this rule as written. Therefore, this rule will go into effect as scheduled.

DATES: The effective date of the direct rule is confirmed as October 7, 1996.

FOR FURTHER INFORMATION CONTACT: LCDR Mark R. DeVries, G–MOC, (202) 267–1464.

Dated: September 17, 1996.

J.C. Card,

Rear Admiral, U.S. Coast Guard, Chief, Marine Safety and Environmental Protection.

[FR Doc. 96–24181 Filed 9–19–96; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 960129019–6019–01; I.D. 081696B]

Fisheries of the Exclusive Economic Zone off Alaska; Reallocation of Pacific Cod

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Reallocation.

SUMMARY: NMFS is reallocating the projected unused amount of Pacific cod from vessels using trawl gear to vessels using hook-and-line or pot gear in the Bering Sea and Aleutian Islands management area (BSAI) and is reallocating Pacific cod from vessels using jig gear to vessels using hook-and-line or pot gear in the BSAI. These actions are necessary to allow the 1996 total allowable catch (TAC) of Pacific cod to be harvested. It is intended to promote the goals and objectives of the North Pacific Fishery Management Council.

EFFECTIVE DATE: September 17, 1996.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, 907–586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

Apportionment from Trawl gear to Hook-and-line or Pot Gear

On August 27, 1996, NMFS proposed to apportion the projected unused amount, 15,000 metric tons (mt) of Pacific cod from vessels using trawl gear to vessels using hook-and-line or pot gear and invited public comments (61 FR 44033, August 27, 1996). Twenty letters of comment were received by NMFS regarding the proposed apportionment, all of which supported the action.

The Administrator, Alaska Region, NMFS, has determined that vessels using trawl gear will not be able to harvest 15,000 mt of Pacific cod allocated to those vessels under § 679.20(a)(7)(i)(A).

Therefore, in accordance with § 679.20(a)(7)(ii), NMFS apportions the projected unused amount, 15,000 mt of Pacific cod from vessels using trawl gear to vessels using hook-and-line or pot gear.

Apportionment from Jig Gear to Vessels using Hook-and-line or Pot Gear

In accordance with § 679.20(c)(5), the Pacific cod total allowable catch for the BSAI was established by the Final 1996 Harvest Specifications of Groundfish (61 FR 4311, February 5, 1996), and increased by an apportionment from the