

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

**List of Subjects**

*40 CFR Part 52*

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

*40 CFR Part 61*

Air pollution control, Arsenic, Asbestos, Benzene, Beryllium, Hazardous substances, Mercury, and Vinyl chloride.

Dated: July 14, 1995.

**Jack W. McGraw,**

*Acting Regional Administrator.*

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 JJ—North Dakota**

2. Section 52.1820 is amended by adding paragraph (c)(26) to read as follows:

**§ 52.1820 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(26) The Governor of North Dakota submitted revisions to the North Dakota

State Implementation Plan and Air Pollution Control Rules with letters dated June 26, 1990, June 30, 1992, and April 29, 1994. The revisions address air pollution control rules regarding general provisions; emissions of particulate matter and organic compounds; new source performance standards (NSPS); national emission standards for hazardous air pollutants (NESHAPs); federally enforceable State operating permits (FESOPs); prevention of significant deterioration of air quality; and control of emissions from oil and gas well production facilities.

(i) Incorporation by reference.

(A) Revisions to the Air Pollution Control Rules as follows: Emissions of Particulate Matter Restricted 33–15–05–02, 33–15–05–03, and 33–15–05–04; Control of Organic Compound Emissions 33–15–07; Prevention of Significant Deterioration of Air Quality 33–15–15–01; and Control of Emissions from Oil and Gas Well Production Facilities 33–15–20–01, 33–15–20–02, and 33–15–20–03, effective June 1, 1992.

(B) Revisions to the Air Pollution Control Rules as follows: General Provisions 33–15–01–04 and 33–15–01–13; Standards of Performance for New Stationary Sources 33–15–12; and Emission Standards for Hazardous Air Pollutants 33–15–13, effective June 1, 1992 and March 1, 1994.

(C) Revisions to the Air Pollution Control Rules as follows: Designated Air Contaminant Sources, Permit to Construct, Minor Source Permit to

Operate, Title V Permit to Operate, 33–15–14–01 through 33–15–14–05, effective March 1, 1994.

3. Section 52.1834 is added to subpart JJ to read as follows:

**§ 52.1834 Minor source permit to operate program.**

Emission limitations and related provisions, which, in accordance with Rule 33–15–14–03, are established as federally enforceable conditions in North Dakota minor source operating permits, shall be enforceable by EPA. EPA reserves the right to deem permit conditions not federally enforceable. Such a determination will be made according to appropriate procedures and will be based upon the permit, permit approval procedures, or permit requirements which do not conform with the operating permit program requirements of EPA's underlying regulations.

**PART 61—[AMENDED]**

1. The authority citation for part 61 continues to read as follows:

**Authority:** 42 U.S.C. 7401, 7412, 7414, 7416, 7601.

**Subpart A—General Provisions**

2. Section 61.04(c) is amended by revising the table to read as follows:

**§ 61.04 Address.**

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(c) \* \* \*

**REGION VIII.—DELEGATION STATUS OF NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS<sup>1</sup>**

Subpart	CO	MT <sup>2</sup>	ND <sup>2</sup>	SD <sup>2</sup>	UT <sup>2</sup>	WY
A General Provisions .....	*	*	*	*	*	
B Radon Emissions from Underground Uranium Mines .....					*	
C Beryllium .....	*	*	*		*	
D Beryllium Rocket Motor Firing .....	*	*	*		*	
E Mercury .....	*	*	*	*	*	
F Vinyl Chloride .....	*	*	*		*	
H Emissions of Radionuclides other than Radon from Department of Energy Facilities .....						
I Radionuclide Emissions from Facilities Licensed by the Nuclear Regulatory Commission and Federal Facilities not covered by Subpart H.						
J Equipment Leaks (Fugitive Emission Sources) of Benzene .....	*	*	*		*	
K Radionuclide Emissions from Elemental Phosphorus Plants .....			*		*	
L Benzene Emissions from Coke By-Product Recovery Plants .....	*	*	*	*	*	
M Asbestos .....		*	*		*	*3
N Inorganic Arsenic Emissions from Glass Manufacturing Plants .....		*	*		*	
O Inorganic Arsenic Emissions from Primary Copper Smelters .....		*	*		*	
P Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities .....		*	*		*	
Q Radon Emissions from Department of Energy Facilities .....					*	
R Radon Emission from Phosphogypsum Stacks .....					*	
T Radon Emissions from the Disposal of Uranium Mill Tailings .....					*	
V Equipment Leaks (Fugitive Emission Sources) .....		*	*		*	
W Radon Emissions from Operating Mill Tailings .....					*	
Y Benzene Emissions from Benzene Storage Vessels .....		*	*		*	
BB Benzene Emission from Benzene Transfer Operations .....		*	*		*	