

monitoring provisions (Virginia regulation 120-04-04), the Notification, Records and Reporting provisions (120-04-05), and Appendix J (Emission Monitoring Provisions For existing Sources) would be taken on Virginia's Section 111(d) plan for sulfuric acid mist in part 62 until EPA incorporated these Commonwealth provisions in part 52. In this action, EPA is revising subpart VV of part 62 to reflect the action taken at § 52.2420(c)(89) to incorporate by reference the current provisions of Virginia regulations 120-04-04 and 120-04-05.

During the 30-day public comment period following the October 19, 1987 proposed rulemaking notice, no comments were received.

Final Action

EPA is approving the revised provisions of Rule 4-21, Section 120-04-2104 as a revision to Virginia's Section 111(d) plan for sulfuric acid mist. Therefore, the revised State regulations will be codified at 40 CFR 62.11601(g). At the same time, EPA is removing 40 CFR 62.11601(c) and 62.11602(a) to reflect the current status of the federally-enforceable Virginia SIP.

The Agency has reviewed this request for revision of the Federally-approved Section 111(d) plan for conformance with the provisions of the 1990 amendments enacted on November 15, 1990. The Agency has determined that this action conforms with those requirements irrespective of the fact that the submittal preceded the date of enactment.

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

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 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 approval action proposed/promulgated does not include a Federal mandate that may result in estimated costs of \$100 million or more to either 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 section 307(b)(1) of the Clean Air Act, petitions for judicial review of these actions pertaining to approval of revisions of Virginia's air pollution control regulations for mobile sources and sulfuric acid mist, as well as the deletion of the pre-1985 hydrocarbon emissions regulations, must be filed in the United States Court of Appeals for the appropriate circuit by November 27, 1995. Filing a petition for reconsideration by the Administrator of these final rules does not affect the finality of these rules 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. These actions may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

40 CFR Part 62

Environmental protection, Administrative practice and procedure, Reporting and recordkeeping requirements, Sulfuric acid plants.

Dated: July 7, 1995.
Stanley L. Laskowski,
Acting Regional Administrator, Region III.

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 VV—Virginia

2. Section 52.2420 is amended by adding paragraph (c)(104) to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) * * *

(104) Revisions to the Virginia Regulations for the Control and Abatement of Air Pollution submitted on February 14, 1985 by the Virginia Department of Air Pollution Control:

(i) Incorporation by reference.

(A) Letter of February 14, 1985 from the Virginia Department of Air Pollution Control transmitting a revision to the Virginia State Implementation Plan.

(B) The following provisions of the Virginia regulations, effective February 1, 1985:

(1) Revisions to Part IV, Rule 4-41 (Mobile Sources), Sections 120-04-4103A. and 120-04-4103B.

(2) Deletion of SIP Regulation 4.52.

(ii) Additional material.

(A) Remainder of February 14, 1985 State submittal pertaining to the revised provisions of Section 120-04-4103 and the deletion of SIP regulation 4.52.

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PART 62—[AMENDED]

1. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.C. 7413 and 7601.

Subpart VV—Virginia

1. Section 62.11601 is amended by removing and reserving paragraph (c) and by adding paragraph (g) to read as follows:

Sulfuric Acid Mist Emissions From Existing Sulfuric Acid Plants

§ 62.11601 Identification of plan.

* * * * *

(g) Section 4.51(c)(2) is replaced with Rule 4-21 (Emission Standards from Sulfuric Acid Production Units), section 120-04-2104 (Standard for Sulfuric Acid Mist), effective February 1, 1985. This revision was submitted on February 14, 1985 by the Commonwealth of Virginia.

§ 62.11602 [Removed]

2. Section 62.11602 is removed.

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