anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective March 27, 1995 unless, by February 27, 1995, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action.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. The 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 March 27, 1995.

The 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. 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 Act, 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 March 27, 1995. 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 Act, 42 U.S.C. 7607 (b)(2).)

The OMB has exempted these actions 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 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. 7410(a)(2).

# List of Subjects in 40 CFR Part 52

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

Dated: January 3, 1995.

# Patrick M. Tobin,

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—[Amended]

2. Section 52.1770 is amended by adding paragraph (c)(77) to read as follows:

#### § 52.1770 Identification of plan.

\* \* \* \* \* \*

(77) Revisions to the VOC RACT regulations, and other miscellaneous revisions to the North Carolina State Implementation Plan which were submitted on January 7, 1994.

(i) Incorporation by reference. (A) Amendments to North Carolina regulations 15A NCAC 2D .0518, 2D.0531, 2D.0532, 2D.0901, and 2D.0936, effective on December 1, 1993.

(B) Amendments to North Carolina regulations 15A NCAC 2D.0902,

2D.0907, 2D.0910, 2D.0911, 2D.0947, 2D.0948, 2D.0949, 2D.0950, 2D.0951, and 2D.0952 effective on July 1, 1994.

(ii) Other material. None.

[FR Doc. 95–1934 Filed 1–25–95; 8:45 am] BILLING CODE 6560–50–F

#### 40 CFR Part 799

[OPPTS-42178; FRL-4925-9]

RIN 2070-AB94

# Testing Consent Order for Glycidyl Methacrylate

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final Consent Agreement and Order; Final Rule.

**SUMMARY:** EPA has issued a Testing Consent Order (Order) that incorporates an Enforceable Consent Agreement (ECA) pursuant to the Toxic Substances Control Act (TSCA) with Air Products and Chemicals, Inc., The Dow Chemical Company, Mitsubishi Gas Chemical America, Inc., NOF America Corporation, and San Esters Corporation (the Companies). The Companies have agreed to perform certain health effects tests on glycidyl methacrylate (GMA; CAS No. 106-91-2). This document summarizes the ECA, adds GMA to the list of chemical substances and mixtures subject to testing consent orders, and announces that export notification requirements apply to GMA.

EFFECTIVE DATE: January 26, 1995.

FOR FURTHER INFORMATION CONTACT: Jim Willis, Acting Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Rm. E–543B, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD (202) 554–0551.

**SUPPLEMENTARY INFORMATION:** This document amends 40 CFR 799.5000 by adding GMA to the list of chemical substances and mixtures subject to testing consent orders and export notification requirements.

### I. Background

GMA, a glycidol derivative, is an epoxy resin additive used in paint coating formulations and adhesive applications. Its annual production volume is less than 5 million pounds. Approximately 42,000 workers may be exposed to GMA.

In its third report to the EPA Administrator, published in the **Federal Register** on October 30, 1978 (43 FR 50630), the Interagency Testing Committee (ITC) designated the category of glycidol and its derivatives