

**Regulatory Flexibility Act**

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 economic 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 affected small entities. 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).

This action has been classified as a Table 3 action for signature by the Regional Administrator under 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 regulatory action from review under Executive Order 12866.

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compound.

Dated: March 6, 1996.

Felicia Marcus,

*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 F—California**

2. Section 52.220 is amended by adding paragraphs (c) (199)(i)(D)(2), (202)(i)(C)(4), and (216)(i)(A)(3) to read as follows:

**§ 52.220 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(199) \* \* \*

(i) \* \* \*

(D) \* \* \*

(2) Rule 4354, adopted on September 14, 1994.

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(202) \* \* \*

(i) \* \* \*

(C) \* \* \*

(4) Rule 68, adopted on September 20, 1994.

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(216) \* \* \*

(i) \* \* \*

(A) \* \* \*

(3) Rule 1159, adopted on February 22, 1995.

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[FR Doc. 96-8746 Filed 4-8-96; 8:45 am]

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**40 CFR Part 60**

[FRL-5455-8]

**Standards of Performance for New Stationary Sources, Supplemental Delegation of Authority to the Commonwealth of Kentucky**

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

**ACTION:** Delegation of authority.

**SUMMARY:** On August 22, 1994, and January 25, 1995, the Commonwealth of Kentucky Department for Environmental Protection requested that EPA delegate authority for implementation and enforcement of additional and revised categories of New Source Performance Standards (NSPS). Since EPA's review of Kentucky's pertinent laws, rules, and regulations showed them to be adequate for the implementation and enforcement of these federal standards, the Agency has made the delegations as requested.

**EFFECTIVE DATE:** The effective date of the delegation of authority was November 29, 1995.

**ADDRESSES:** Copies of the request for delegation of authority and EPA's letter of delegation are available for public inspection during normal business hours at the following locations:  
Environmental Protection Agency,  
Region 4, Air Programs Branch, 345

Courtland Street, Atlanta, Georgia 30365.

Natural Resources and Environmental Protection Cabinet, Department for Environmental Protection, Division for Air Quality, 803 Schenkel Lane, Frankfort, Kentucky 40601.

Effective immediately, all requests, applications, reports and other correspondence required pursuant to the newly delegated standards should not be submitted to the Region 4 office, but should instead be submitted to the following address:

Natural Resources and Environmental Protection Cabinet, Department for Environmental Protection, Division for Air Quality, 803 Schenkel Lane, Frankfort, Kentucky 40601.

**FOR FURTHER INFORMATION CONTACT:**

Scott Southwick, Regulatory Planning and Development Section, Air Programs Branch, United States Environmental Protection Agency, Region 4, 345 Courtland Street NE, Atlanta, Georgia, 30365, (404) 347-2864.

**SUPPLEMENTARY INFORMATION:** Section 301, in conjunction with Sections 110 and 111(c)(1) of the Clean Air Act as amended November 15, 1990, authorizes EPA to delegate authority to implement and enforce the standards set out in 40 CFR Part 60, NSPS.

On April 12, 1977, EPA initially delegated the authority for implementation and enforcement of the NSPS programs to the Commonwealth of Kentucky. On August 22, 1994 and January 25, 1995, Kentucky requested a delegation of authority for implementation and enforcement of the following NSPS categories found in 40 CFR part 60.

1. Subpart J—Standards of performance for petroleum refineries except Sections 60.105(a)(13)(iii) and 60.106(i)(12) which the Administrator shall retain and shall not be transferred to the Commonwealth.
2. Subpart K—Standards of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced after June 11, 1973, and prior to May 19, 1978.
3. Subpart Ka—Standards of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced after May 19, 1978, and prior to July 23, 1984.
4. Subpart O—Standards of Performance for Sewage Treatment Plants except Section 60.153(e) which the Administrator shall retain and shall not be transferred to the Commonwealth.

5. Subpart P—Standards of Performance for Primary Copper Smelters.
6. Subpart Q—Standards of Performance for Primary Zinc Smelters.
7. Subpart R—Standards of Performance for Primary Lead Smelters.
8. Subpart S—Standards of Performance for Primary Aluminum Reduction Plants.
9. Subpart Y—Standards of Performance for Coal Preparation Plants.
10. Subpart Z—Standards of Performance for Ferroalloy Production Facilities.
11. Subpart GG—Standards of Performance for Stationary Gas Turbines.
12. Subpart HH—Standards of Performance for Lime Manufacturing Plants.
13. Subpart KK—Standards of Performance for Lead-Acid Battery Manufacturing Plants.
14. Subpart LL—Standards of Performance for Metallic Mineral Processing Plants.
15. Subpart MM—Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations.
16. Subpart NN—Standards of Performance for Phosphate Rock Plants.
17. Subpart PP—Standards of Performance for Ammonium Sulfate Manufacture.
18. Subpart RR—Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations.
19. Subpart SS—Standards of Performance for Industrial Surface Coating: Large Appliances.
20. Subpart TT—Standards of Performance for Metal Coil Surface Coating.
21. Subpart UU—Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture.
22. Subpart VV—Standards of Performance for equipment leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry.
23. Subpart WW—Standards of Performance for the Beverage Can Surface Coating Industry.
24. Subpart XX—Standards of Performance for Bulk Gasoline Terminals.
25. Subpart BBB—Standards of Performance for the Rubber Tire Manufacturing Industry except Section 60.543(c)(2)(ii)(B) which the Administrator shall retain and shall not be transferred to the Commonwealth.
26. Subpart DDD—Standards of Performance for Volatile Organic Compound (VOC) Emissions from the

Polymer Manufacturing Industry except Section 60.562–2(c) which the Administrator shall retain and shall not be transferred to the Commonwealth.

27. Subpart FFF—Standards of Performance for Flexible Vinyl and Urethane Coating and Printing.
28. Subpart GGG—Standards for Performance for Equipment Leaks of VOC in Petroleum Refineries.
29. Subpart HHH—Standards of Performance for Synthetic Fiber Production Facilities.
30. Subpart JJJ—Standards of Performance for Petroleum Dry Cleaners.
31. Subpart KKK—Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants.
32. Subpart LLL—Standard of Performance for Onshore Natural Gas Processing: SO<sub>2</sub> Emissions.
33. Subpart PPP—Standard of Performance for Wool Fiberglass Insulation Manufacturing Plants.
34. Subpart RRR—Standards of Performance for Volatile Organic Compound Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes except Section 60.703(e) which the Administrator shall retain and shall not be transferred to the Commonwealth.
35. Subpart UUU—Standards of Performance for Calciners and Dryers in Mineral Industries.

After a thorough review of the request, the Regional Administrator determined that such a delegation was appropriate for these source categories with the conditions set forth in the original delegation letter of April 12, 1977. Kentucky sources subject to the requirements of these subparts will now be under the jurisdiction of the Commonwealth of Kentucky. On November 29, 1995, EPA delegated the authority for these source categories in a letter from Winston A. Smith, Director, Air, Pesticides, and Toxics Management Division to John E. Hornback, Director, Kentucky Division for Air Quality.

#### Action

Since review of the pertinent Kentucky laws, rules, and regulations showed them to be adequate for the implementation and enforcement of these categories of NSPS, the EPA granted the Commonwealth's request for delegation. The EPA hereby notifies the public that it has delegated the authority for the source categories listed above (except those sections, as noted, that may not be delegated).

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

This notice is issued under the authority of Sections 101, 110, 111, and 301 of the Clean Air Act, as amended (42 U.S.C. 7401, 7410, 7411, 7412, and 7601).

Dated: March 25, 1996.

Phyllis P. Harris,

*Acting Regional Administrator.*

[FR Doc. 96–8815 Filed 4–8–96; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### 43 CFR Group 8400

[WO–340–1220–00–24 1A]

RIN: 1004–AC52

#### Visual Resource—Management (Reserved)

**AGENCY:** Bureau of Land Management, Department of the Interior.

**ACTION:** Final rule.

**SUMMARY:** This administrative final rule removes 43 CFR Group 8400 in its entirety regarding visual resource management (reserved). 43 CFR Group 8400 consists solely of the heading, Visual Resource—Management (Reserved), with no regulatory substance or guidance.

**EFFECTIVE DATE:** May 9, 1996.

**FOR FURTHER INFORMATION CONTACT:** Edna Taylor, 202–452–5068.

#### SUPPLEMENTARY INFORMATION:

The specific regulatory guidelines anticipated by the Bureau of Land Management (BLM) do not exist. The BLM does not intend to use this Group for regulatory guidance on management of visual resources. Therefore, Group 8400 is obsolete and without purpose. The BLM has determined that this rule does not require a notice and an opportunity for public comment pursuant to the Administrative Procedure Act (5 U.S.C. 553(b)(A)).

This rule is an administrative action and is not subject to the Office of Management and Budget review under Executive Order 12866. Therefore, the rule does not require an environmental impact analysis. The rule 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 does not contain information collection requirements that need approval by the