

## Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 USC 106(g), 40113, 44701.

#### § 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

96-03-08 SAAB Aircraft AB: Amendment 39-9505. Docket 95-NM-79-AD.

*Applicability:* Model SAAB SF340A series airplanes, having serial numbers 004 through 159 inclusive; and Model SAAB 340B series airplanes, having serial numbers 160 through 369 inclusive; on which the propeller brake system is connected; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (d) of this AD to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

*Compliance:* Required as indicated, unless accomplished previously.

To prevent a valve limit switch from failing to send input to the "PROP BRAKE" warning system, which could result in the crew being unaware that the propeller brake is not properly engaged and the propeller may turn without warning, accomplish the following:

(a) Within 100 flight hours after the effective date of this AD, perform an operational test of the valve limit switch of the propeller brake in accordance with Saab Service Bulletin SAAB 340-61-032, Revision 1, dated June 30, 1995. Repeat the test thereafter at intervals not to exceed 100 flight hours.

(b) Replacement of a propeller brake control unit having part number (P/N) HP1410100-3, -5, or -7 with a new propeller brake control unit having P/N HP1410100-10, and performance of an operational test, in accordance with Saab Service Bulletin SAAB 340-61-033, dated March 6, 1995,

constitutes terminating action for the repetitive inspections required by paragraph (a) of this AD.

(c) As of the effective date of this AD, no person shall install on any airplane a propeller brake control unit having P/N HP1410100-3; or any unit having P/N HP1410100-5 or -7 unless that unit has been modified in accordance with Saab Service Bulletin SAAB 340-61-033, dated March 6, 1995.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(f) The tests shall be done in accordance with Saab Service Bulletin SAAB 340-61-033, dated March 6, 1995. The replacement shall be done in accordance with Saab Service Bulletin SAAB 340-61-032, Revision 1, dated June 30, 1995. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from SAAB Aircraft AB, SAAB Aircraft Product Support, S-581.88, Linköping, Sweden. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on March 13, 1996.

Issued in Renton, Washington, on January 23, 1996.

Darrell M. Pederson,

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 96-1520 Filed 2-9-96; 8:45am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[AL-041-1-9604a; FRL-5345-5]

### Approval and Promulgation of Implementation Plans Alabama: Revisions to the Alabama Department of Environmental Management Administrative Code for the Air Pollution Control Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

**SUMMARY:** On August 14, 1995, the State of Alabama through the Department of Environmental Management (ADEM) submitted a State Implementation Plan (SIP) submittal to revise the ADEM Administrative Code for the Air Pollution Control Program. These revisions involve changes to Chapter 335-3-14—Air Permits. Chapter 335-3-14—Air Permits was amended to incorporate federal requirements for particulate matter 10 µg or smaller (PM-10).

**DATES:** This action is effective April 12, 1996 unless adverse or critical comments are received by March 13, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

**ADDRESSES:** Comments may be mailed to Kimberly Bingham at the EPA Region 4 address listed below. Copies of the material submitted by ADEM 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 Programs Branch, 345 Courtland Street, Atlanta, Georgia 30365.

Alabama Department of Environmental Management, 1751 Congressman W. L. Dickinson Drive, Montgomery, Alabama 36109.

#### FOR FURTHER INFORMATION CONTACT:

Kimberly Bingham, Regulatory Planning and Development Section, Air Programs Branch, Air Pesticides and Toxics Management Division, Region 4, Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30365. The telephone number is (404) 347-3555 ext. 4195.

**SUPPLEMENTARY INFORMATION:** On August 14, 1995, the State of Alabama through the ADEM submitted revisions to the Alabama SIP. These revisions were

made to the ADEM Administrative Code for the Air Pollution Control Program and include regulations to be incorporated into the SIP. EPA is approving the following revisions to the Alabama SIP. These revisions are more fully discussed in the official SIP submittal that is available at the Region IV office listed under the **ADDRESSES** section of this document.

Chapter 335-3-14—Air Permits was amended to incorporate federal requirements for particulate matter 10 µg or smaller (PM-10). The EPA changed the requirement for the Prevention of Significant Deterioration (PSD) increment from Total Suspended Particulate (TSP) to PM-10 because the Agency found that particulate matter 10 µg or smaller is able to cause adverse health effects in humans. Sections 335-3-14-.04 and 335-3-14-.05 were revised to reflect the change from TSP to the new PM-10 PSD increment.

#### Final Action

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and 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 April 12, 1996 unless, by March 13, 1996, 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 the proposed rule published with this action. 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 April 12, 1996.

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 April 12, 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.

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).

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.

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 CAA. These rules may bind State, local and tribal governments to perform certain actions and also require the private sector to perform certain duties. EPA has examined whether the rules being approved by this action would impose no new requirements, since 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, and therefore there will be no significant impact on a substantial number of small entities.

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

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter.

Dated: December 4, 1995.

Patrick M. Tobin,  
Acting Regional Administrator.

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 B—Alabama

2. Section 52.50 is amended by adding paragraph (c)(68) to read as follows:

##### § 52.50 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(68) The State of Alabama submitted a SIP submittal to revise the ADEM Administrative Code for the Air Pollution Control Program on August 14, 1995. These revisions involve changes to Chapter 335-3-14—Air Permits.

(i) Incorporation by reference.

(1) Amendments to the following sections of the Alabama regulations—335-3-14-.04, and 335-3-14-.05 which were adopted on March 21, 1995.

(ii) Other material. None.

[FR Doc. 96-2964 Filed 2-9-96; 8:45 am]

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