

2. On page 6901, in the second column, in § 1.17(h), in the sub-section listing §§ 5.12, 5.13, & 5.14, in the second line, "handling of foreign filing" should read "handling of a foreign filing."

3. On page 6901, in the second column, in § 1.17(l)(1), in the first line, "revival of an abandoned application" should read "revival of an unavoidably abandoned application".

4. On page 6901, in the second column, in § 1.17(m), "By a small entity (§ 1.19(f))" should read "By a small entity (§ 1.9(f))."

§ 1.19 [Corrected]

5. On pages 6901, in the third column, in § 1.19(a)(1), in the fifth line, "plant or color" should read "plant patent or color."

§ 1.21 [Corrected]

6. On page 6902, in the third column, in § 1.21(e), in the fifth and sixth lines, "in a national patent" should read "in a national patent."

§ 1.55 [Corrected]

7. On page 6903, in the first column, in § 1.55(a), in the twelfth line, "in the preceding sentence" should read "in the preceding sentence."

§ 1.171 [Corrected]

8. On page 6903, in the first column, in the twelfth line, "set further in" should read "set forth in."

§ 1.177 [Corrected]

9. On page 6903, in the second column, in the eleventh and twelfth lines, "such part of parts" should read "such part or parts."

§ 1.313 [Corrected]

10. On page 6903, in the second column, in § 1.313(a), in the tenth and eleventh lines, "set further in" should read "set forth in."

§ 1.445 [Corrected]

11. On page 6903, in the third column, the section heading, "international application filing and processing fees" should read "International application filing, processing and search fees."

12. On page 6903, in the third column, in § 1.445(a), in the first and second lines, "fees and charges are established" should read "fees and charges for international applications are established."

13. On page 6903, in the third column, paragraph (a)(2) (iii) is correctly designated as (a)(3) and the words in the second line "required per additional" should read "required, per additional."

Date: February 24, 1989.

Bradford R. Huther,
Assistant Commissioner for Finance and Planning.

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BILLING CODE 3510-16-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3532-8]

Approval and Promulgation of Implementation Plans; Michigan

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Final rulemaking.

SUMMARY: USEPA is approving a revision to the Michigan SIP that amends a portion of the State's definition for Rule 336.1122, as it relates to volatile organic compounds (VOC) emissions. The amendment exempts methyl chloroform emissions with respect to surface coating operations from the State's control technology requirements on the limitation of VOC emissions, if certain conditions are met. This revision is being approved because methyl chloroform has been identified by USEPA as an exempt compound.

DATES: This action is effective May 8, 1989, unless notice is received by April 6, 1989 that someone wishes to submit comments.

ADDRESSES: Copies of the SIP revision are available at the following addresses for review: (It is recommended that you telephone Ms. Toni Lesser, at (312) 886-6037, before visiting the Region V office.)

U.S. Environmental Protection Agency, Region V, Air and Radiation (5AR-26), 230 South Dearborn Street, Chicago, Illinois 60604.

Michigan Department of Natural Resources, Air Quality Division, Stevens T. Mason Building, 530 West Allegan, Lansing, Michigan 48909.

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, DC 20460.

Comments on these proposed rules should be addressed to: (Please submit an original and three copies, if possible.)

Gary Gulezian, Chief, Regulatory Analysis Section, U.S. Environmental Protection Agency, Air and Radiation Branch (5AR-26), 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Ms. Toni Lesser, Michigan Regulatory Specialist, (312) 886-6037.

SUPPLEMENTARY INFORMATION: On May 25, 1988, the State of Michigan submitted an SIP revision in the form of an addendum to the State's Rule 336.1122, effective at the State level on May 20, 1988. The amendment will allow coating companies to exclude methyl chloroform from the VOC emission calculation when compliance with applicable limits is otherwise technically or economically reasonable. This exemption would apply to only the surface coating operations that are subject to Part 6 (Emission Limitations and Prohibitions—Existing Sources of VOC Emissions) or Part 7 (Emission Limitations and Prohibitions—New Sources of VOC Emissions) of the State's regulations. However, Rule 336.1122 requires implementation of all reasonable measures to reduce the emission of all organic solvents including commercial grade methyl chloroform, from the surface coating or coating line to the lowest reasonable level. An allowable annual ambient air concentration of 0.00041 parts per million for 1,2-butylene oxide has been added to Rule 336.1122. In addition, the amended rule also specifies that a permit evaluation is required before methyl chloroform emissions from a coating operation would be exempt.

USEPA is today approving the State of Michigan's addendum to Rule 336.1122 as a revision to the SIP. USEPA is approving this revision because methyl chloroform has been identified as an exempt compound, because it has been determined to be negligibly photochemically reactive (June 4, 1979, 44 FR 32042 and May 16, 1980, 45 FR 32424).

USEPA believes today's action to be noncontroversial and routine. Therefore it is being approved without prior proposal. This action will become effective May 8, 1989. However, if we receive notice by April 6, 1989, that someone wishes to submit comments, then USEPA will publish: (1) A notice that withdraws the action, and (2) a notice that begins a new rulemaking by proposing the action and establishing a comment period.

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

Under 5 U.S.C. 605(b), I certify that this SIP approval action will not have a significant economic impact on a substantial number of small entities.

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 8, 1989. This action may

not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone.
Intergovernmental relations.

Note.—Incorporation by reference of the State Implementation Plan for the State of Michigan was approved by the Director of the Federal Register on July 1, 1982.

Date: February 28, 1989.

William K. Reilly,
Administrator.

Title 40 of the Code of Federal Regulations, Chapter I, Part 52, is amended as follows:

PART 52—[AMENDED]

Subpart X—Michigan

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. Section 52.1170 is amended by adding paragraph (c)(86) to read as follows:

§ 52.1170 Identification of plan.

(c) * * *

(86) On May 25, 1988, the State of Michigan submitted an SIP revision in the form of an addendum to the State's Rule 336.1122, effective at the State level on May 20, 1988. The amendment will allow coating companies to exclude methyl chloroform from the VOC emission calculation when it is not technically or economically reasonable. This exemption applies only to the surface coating operations that are subject to Part 6 (Emission Limitations and Prohibitions—Existing Sources of VOC Emissions) or Part 7 (Emission Limitations and Prohibitions—New Sources of VOC Emissions) of the State's regulations.

(i) Incorporation by reference.

(A) R336.1122, Methyl Chloroform; effective at the State level on May 20, 1988.

[FR Doc. 89-5089 Filed 3-6-89; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[FRL-3532-7; NC-032]

Approval and Promulgation of Implementation Plans; North Carolina Stack Height Review

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today approves a declaration by North Carolina that recent revisions to EPA's stack height regulations do not necessitate source-specific revisions to the State Implementation Plan (SIP) in this State. The State was required to review its SIP for consistency within nine months of final promulgation of the stack height regulations. The intended effect of this action is to formally document that North Carolina has satisfied its obligations under section 406 of the Clean Air Act Amendments of 1977 to review its SIP with respect to EPA's revised stack height regulations. No emission limitations were affected by stack height credit above GEP or any other dispersion technique.

DATES: This action will be effective on May 8, 1989 unless notice is received by April 6, 1989 that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the materials submitted by North Carolina may be examined during normal business hours at the following locations:

Air Programs Branch, Region IV,
Environmental Protection Agency, 345
Courtland Street NE., Atlanta, Georgia
30365.

Public Information Reference Unit,
Library Systems Branch,
Environmental Protection Agency, 401
M Street SW., Washington, DC 20460.
North Carolina Department of Natural
Resources and Community
Development, Air Quality Section,
Division of Environmental
Management, Raleigh, North Carolina
27611.

FOR FURTHER INFORMATION CONTACT: Beverly T. Hudson, EPA Region IV Air Programs Branch, at the above listed address, telephone (404) 347-2864 or FTS 257-2864.

SUPPLEMENTARY INFORMATION: On February 8, 1982 (47 FR 5864), EPA promulgated final regulations limiting stack height credit and other dispersion techniques as required by section 123 of the Clean Air Act (the Act). These regulations were challenged in the U.S. Court of Appeals for the DC Circuit by the Sierra Club Legal Defense Fund, Inc., the Natural Resources Defense Council, Inc., and the Commonwealth of Pennsylvania in *Sierra Club v. EPA*, 719 F.2d 436. On October 11, 1983, the court issued its decision ordering EPA to reconsider portions of the stack height regulations, reversing certain portions and upholding other portions.

On February 28, 1984, the electric power industry filed a petition for a writ of certiorari with the U.S. Supreme Court. On July 2, 1984, the Supreme Court denied the petition (104 s. CT.

3571), and on July 18, 1984, the Court of Appeals formally issued a mandate implementing its decision and requiring EPA to promulgate revisions to the stack height regulations within six months. The promulgation deadline was ultimately extended to June 27, 1985.

Revisions to the stack height regulations were proposed on November 9, 1984 (49 FR 44878), and finalized on July 8, 1985 (50 FR 27892). The revisions redefine a number of specific terms, including "excessive concentration," "dispersion techniques," "nearby," and other important concepts, and modify some of the bases for determining good engineering practice (GEP) stack height.

Pursuant to section 406(d)(2) of Pub. L. 95-95, all states were required to (1) review and revise, as necessary, their state implementation plans (SIPs) to include provisions that limit stack height credit and dispersion techniques in accordance with the revised regulations and (2) review all existing emission limitations to determine whether any of these limitations have been affected by stack height credit above GEP or any other dispersion techniques. For any limitations so affected, states were to prepare revised limitations consistent with their revised SIPs. All SIP revisions and revised emission limits were to be submitted to EPA within 9 months of promulgation, as required by statute.

Subsequently, EPA issued detailed guidance on carrying out the necessary reviews. For the review of emission limitations, states were to prepare inventories of stacks greater than 65 m in height and sources with emissions of sulfur dioxide (SO₂) in excess of 5,000 tons per year. These limits correspond to the *de minimis* GEP stack height and the *de minimis* SO₂ emission exemption from prohibited dispersion techniques. The sources were screened for further review on the basis of the grandfathering clause (in existence before December 31, 1970), their stack height being less than *de minimis* stack height (65 m) and/or the actual height being less than the calculated Good Engineering Practice (GEP) stack height. The remaining sources were then subjected to detailed review for conformance with the revised regulations. State submissions were to contain an evaluation of each stack and source in the inventory. All potentially affected sources having stacks greater than 65 meters and total SO₂ allowable emissions greater than 5,000 tons per year were inventoried and summarized in the Technical Support Document, with documentation to support the analysis for each stack. North Carolina has indicated that the documentation is