

and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### Adoption of the amendment

In consideration of the foregoing, the FAA amends 14 CFR part 71 as follows:

#### **PART 71—[AMENDED]**

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

##### **§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996, is amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

ANM CO E5 Cañon City, CO [New]

Fremont County Airport, Cañon City, CO  
(Lat. 38°25'47"N, long. 105°06'31"W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Fremont County Airport.

\* \* \* \* \*

Issued in Seattle, Washington, on  
September 6, 1996.

Glenn A. Adams III,

Assistant Manager, Air Force Division,  
Northwest Mountain Region.

[FR Doc. 96–24176 Filed 9–19–96; 8:45 am]

BILLING CODE 4910–13–M

#### **14 CFR Part 71**

[Airspace Docket No. 95–ANM–25]

#### **Amendment of Class E Airspace; Blanding, Utah**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This action amends the Blanding, Utah, Class E airspace to accommodate a Global Positioning System (GPS) Standard Instrumental Approach Procedure (SIAP) to the Blanding Municipal Airport. A correction is being made herein by adding language to the legal description that will exclude from this action that airspace within Federal airways and within the Farmington, NM, Class E airspace area. This language was inadvertently omitted from the proposed action.

**EFFECTIVE DATE:** 0901 UTC, January 30, 1997.

**FOR FURTHER INFORMATION CONTACT:** James C. Frala, Operations Branch, ANM–532.4, Federal Aviation Administration, Docket No. 95–ANM–25, 1601 Lind Avenue S.W., Renton, Washington 98055–4056; telephone number: (206) 227–2535.

#### **SUPPLEMENTARY INFORMATION:**

##### **History**

On July 29, 1996, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend Class E airspace at Blanding, Utah, to accommodate a new GPS SIAP to the Blanding Municipal Airport (61 FR 39370). In the proposed legal description, a statement which excludes airspace within Federal airways and the Farmington, NM, Class E airspace area from this action was inadvertently omitted. That error is corrected herein. Interested parties were invited to participate in the rulemaking proceeding by submitting written comments on the proposal. No comments were received.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 on FAA Order 7400.9D dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class E airspace listed in this document will be published subsequently in the Order.

#### **The Rule**

This amendment to part 71 of Federal Aviation Regulations establishes Class E airspace at Blanding, Utah. The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### Adoption of the Amendment

In consideration of the foregoing, the FAA amends 14 CFR part 71 as follows:

#### **PART 71—[AMENDED]**

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

##### **§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996, is amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

ANM UT E5 Blanding, UT [Revised]

Blanding Municipal Airport, UT  
(Lat. 37°34'59"N, long. 109°29'00"W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Blanding Municipal Airport, and within 5.1 miles either side of the 182° bearing from the airport extending from the 6.5-mile radius to 15 miles south of the airport; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 37°42'00" N, long. 109°42'00" W; to lat. 37°42'00" N, long. 109°20'30" W; to lat. 37°52'18" N, long. 108°58'58" W; to lat. 37°45'17" N, long. 108°51'56" W; to lat. 37°25'09" N, long.

109°18'00" W; to lat. 37°22'45" N, long.  
 109°18'00" W; to lat. 37°04'00" N, long.  
 108°36'11" W; to lat. 37°02'00" N, long.  
 108°55'00" W; to lat. 37°12'26" N, long.  
 109°18'00" W; to lat. 37°04'00" N, long.  
 109°18'00" W; to lat. 37°04'00" N, long.  
 109°27'20" W; to lat. 36°30'00" N, long.  
 109°34'45" W; to lat. 36°30'00" N, long.  
 109°46'05" W; to lat. 37°04'00" N, long.  
 109°38'45" W; to lat. 37°04'00" N, long.  
 109°42'00" W, thence to point of beginning;  
 excluding Federal airways and the  
 Farmington, NM, Class E airspace area.

\* \* \* \* \*  
 Issued in Seattle, Washington, on  
 September 9, 1996.

Helen Fabian Parke,  
*Manager, Air Traffic Division, Northwest  
 Mountain Region.*

[FR Doc. 96-24177 Filed 9-19-96; 8:45 am]

BILLING CODE 4910-13-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[NC-43-1-9618a; FRL-5609-1]

### Approval and Promulgation of State Implementation Plan, North Carolina: Approval of Cape Industries, Air Permit No. 130R17

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

**ACTION:** Direct final rule.

**SUMMARY:** On August 17, 1989, the State of North Carolina issued to Cape Industries, located in Wilmington, New Hanover County, North Carolina, air permit number 130R11, which set the sulfur dioxide emission limit at 2.3 pounds per million British Thermal Units (BTU). The State then submitted this permit to EPA on September 21, 1989, for approval as a revision to the State implementation plan (SIP). Air permit number 130R11 expired on October 1, 1991, and was subsequently replaced by the current Cape Industries air permit number 130R17 on December 29, 1994. Upon review of the permit, EPA finds that the designated limit for Cape Industries is adequate to protect the ambient standard and approves this permit.

**DATES:** This action is effective November 19, 1996 unless adverse or critical comments are received by October 21, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

**ADDRESSES:** Written comments on this action should be addressed to Mr. Randy Terry at the EPA Regional Office listed below.

Copies of the documents relative to this action are available for public

inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air and Radiation Docket and  
 Information Center (Air Docket 6102),  
 US Environmental Protection Agency,  
 443, 401 M Street, SW, Washington  
 DC 20460

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

North Carolina Department of  
 Environment, Health, and Natural  
 Resources, Division of Environmental  
 Management, P.O. Box 29535,  
 Raleigh, North Carolina 27626-0535

**FOR FURTHER INFORMATION CONTACT:** Mr.  
 Randy Terry, Regulatory Planning and  
 Development Section, Air Programs  
 Branch, Air, Pesticides & Toxics  
 Management Division, Region IV  
 Environmental Protection Agency, 345  
 Courtland Street NE, Atlanta, Georgia  
 30365. The telephone number is 404/  
 347-3555, ext. 4212.

**SUPPLEMENTARY INFORMATION:** On  
 December 7, 1982 (47 FR 54934), EPA  
 announced approval of a revised sulfur  
 dioxide (SO<sub>2</sub>) emission limit for most  
 fuel-burning sources in North Carolina.  
 This revision raised the emission limit  
 of SO<sub>2</sub> from 1.6 pounds per million BTU  
 to 2.3 pounds per million BTU. Cape  
 Industries, located in Wilmington, New  
 Hanover County, North Carolina, was  
 included in this rulemaking, but was  
 not allowed to increase its emission  
 level until such time that appropriate  
 conditions could be applied to ensure  
 that the ambient standard was not  
 violated. These conditions included the  
 issuance of an air permit. On August 17,  
 1989, North Carolina Environmental  
 Management Commission issued air  
 permit no. 130R11 to Cape Industries.  
 On September 21, 1989, the State of  
 North Carolina, through the North  
 Carolina Department of Environment,  
 Health and Natural Resources submitted  
 this permit to EPA for approval as a  
 revision to the North Carolina SIP  
 regarding the SO<sub>2</sub> emissions limitation  
 for Cape Industries. In a letter dated  
 November 25, 1991, EPA responded to  
 the Cape Industries submittal with  
 several comments concerning the  
 enforceability of the permit. EPA  
 determined North Carolina's emission  
 standards did not contain the specific  
 test method, the test run duration, and  
 the averaging time for each emission  
 standard, and was therefore  
 unenforceable. EPA also stated that the  
 permit should be revised to include the

opacity limits of each emission point.  
 EPA directed North Carolina to address  
 these sections before the permit could  
 be approved. On March 2, 1994, North  
 Carolina submitted a letter to EPA  
 which effectively responded to all of  
 EPA's concerns and demonstrated that  
 the permit contains adequate  
 recordkeeping and testing requirements.

However, in May, 1994, Cape  
 Industries submitted a modeling  
 protocol to EPA requesting a permit  
 modification to remove current fuel use  
 and boiler firing limitations which were  
 used as permit conditions to avoid an  
 earlier PSD applicability issue. Since  
 the proposed modifications would affect  
 the previous permit conditions which  
 were used as a basis to demonstrate  
 compliance with the Sulfur Dioxide SIP,  
 Cape Industries also submitted this  
 protocol as a Sulfur Dioxide SIP  
 revision. This Modeling protocol was  
 not approvable and on July 28, 1994,  
 EPA responded with a letter outlining  
 the areas that must be addressed. On  
 March 14, 1996, in response to the July  
 28, 1994, EPA letter, Cape Industries  
 officially withdrew their request for the  
 permit modification. During this time  
 the original Cape Industries air permit  
 expired and air permit number 130R17  
 was issued.

### Final Action

EPA is approving Cape Industries' air  
 permit No. 130R17 submitted on August  
 9, 1996, for incorporation into the North  
 Carolina SIP. The EPA is publishing this  
 action without prior proposal because  
 the EPA 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  
 October 21, 1996 unless, within 30 days  
 of its publication, 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 November 19,  
 1996.

The EPA has reviewed this request for  
 revision of the Federally-approved SIP