

Protection Act, title VII of" after "United States Code by" and by revising paragraph (d)(3) to read as follows:."

§ 202.11 Architectural works.

* * * * *

(d) * * *
(3) Pre-December 1, 1990 building designs.

(i) *Published building designs.* The designs of buildings where the plans or drawings of the building were published before December 1, 1990, or the buildings were constructed or otherwise published before December 1, 1990.

(ii) *Unpublished building designs.* The designs of buildings that were unconstructed and embodied in unpublished plans or drawings on December 1, 1990, and remained unconstructed on December 31, 2002.

Dated: June 25, 2003.

Marilyn J. Kretsinger,

Associate General Counsel.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NC-85-200241(a); FRL-7395-7]

Approval and Promulgation of Implementation Plans, State of North Carolina: Approval of Miscellaneous Revisions to the Mecklenburg County Air Pollution Control Ordinance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On September 24, 1997, The North Carolina Department of Environment and Natural resources submitted revisions to the Mecklenburg County Air Pollution Control Ordinance (MCAPCO). These revisions include the additions and/or modifications of new requirements for permits under MCAPCO Section 1.5200 *Air Quality Permits*. In Addition, the MCAPCO Sections 1.5300 *Enforcement*; *Variances*; *Judicial Review* and 1.5600 *Transportation Facility Procedures* are being revised. These revisions of the Mecklenburg County Air Pollution Control Ordinance are necessary to remain consistent with EPA requirements.

DATES: This direct final rule is effective August 29, 2003 without further notice, unless EPA receives adverse comment by July 30, 2003. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the

Federal Register and inform the public that the rule will not take effect.

ADDRESSES: All comments should be addressed to: Randy Terry at the EPA, Region 4 Air Planning Branch, 61 Forsyth Street, SW., Atlanta, Georgia 30303.

Copies of the State submittal(s) are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Region 4, Air Planning Branch, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. Randy Terry, 404/562-9032.

North Carolina Department of Environment and Natural Resources, 512 North Salisbury Street, Raleigh, North Carolina 27604.

Mecklenburg County Department of Environmental Protection 700 North Tryon Street, Charlotte, North Carolina 28202-2236.

FOR FURTHER INFORMATION CONTACT:

Randy B. Terry, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. The telephone number is (404) 562-9032. Mr. Terry can also be reached via electronic mail at terry.randy@epa.gov.

SUPPLEMENTARY INFORMATION: On September 24, 1997, the State of North Carolina Department of Environment and Natural Resources submitted revisions to amend or adopt multiple sections in the Mecklenburg County Air Pollution Control Ordinance. These amendments address Air Quality Permits, Enforcement; Variances; Judicial Review, and Transportation Facility Procedures. A detailed explanation of each major amendment is detailed below:

Section 1.5200 Air Quality Permits

MCAPCO Section 1.5213 *Action on Application; Issuance of Permit* has been revised to incorporate the addition of language governing public notice and a thirty day comment period prior to permit issuance, permit applicant's right to administrative hearing, public hearing, stringency of permits and enforceability of permit requirements.

MCAPCO Section 1.5215 *Application Processing Schedule* has been adopted to set forth the schedule for processing permit applications, modifications, and renewals.

MCAPCO Section 1.5231 *Permit Fees* has been revised to modify the definitions of "Actual Emissions," "Burning Approval Inspection," "Non-

attainment Pollutant facility," "NSPS facility," "Process ID," "SIP facility," "SB (select B)," "Synthetic minor facility," and "Truck Tank Decal." These definitions were modified to be consistent with EPA requirements.

MCAPCO Section 1.5232 *Issuance, Revocation, and Enforcement of Permits* has been modified to indicate the type of factors the Director shall consider during his annual review of permits to determine if a permit modification is required.

Section 1.5300 Enforcement; Variances; Judicial Review

MCAPCO Section 1.5305 *Variances* has been modified to clarify the process for submitting a State approved variance to the EPA for inclusion into the federally approved SIP.

MCAPCO Section 1.5306 *Hearings* has been modified to include a subsection that covers the cancellation of an appeal hearing.

Section 1.5600 Transportation Facility Procedures

MCAPCO Section 1.5604 *Public Participation* has been adopted to list in detail the requirements of the Director with respect to public participation including public notice and public hearings.

MCAPCO Section 1.5607 *Application Processing Schedule* has been adopted to list the schedule of requirements for processing applications for transportation facility permits.

Final Action

EPA is approving the aforementioned changes to the SIP because the revisions are consistent with Clean Air Act and EPA regulatory requirements. The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective August 29, 2003 without further notice unless the Agency receives adverse comments by July 30, 2003.

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period. Parties interested in commenting should