

for scrap preheating; and 140 lb NO<sub>x</sub>/MMft<sup>3</sup> of natural gas and 10.8 TPY for ladle preheating and heaters. VOC RACT for the Basic Oxygen Furnace Shop is determined to be good air pollution control practices such that VOC emissions do not exceed: 3.8 lb VOC/MMft<sup>3</sup> of natural gas and 0.04 TPY for scrap preheating; and 2.8 lb VOC/MMft<sup>3</sup> of natural gas and 0.22 TPY for ladle preheating and heaters. NO<sub>x</sub> RACT for the Blast Furnace Casthouse is determined to be good air pollution control practices such that NO<sub>x</sub> emissions do not exceed 0.03 lb NO<sub>x</sub>/ton of steel processed and 11.0 TPY.

(f) Pennsylvania Electric Company—Williamsburg Station—VOC and NO<sub>x</sub> RACT determination for three emission units at Pennsylvania Electric Company (Penelec)—Williamsburg Station: unit #11 boiler, auxiliary boiler, fugitive VOC sources. NO<sub>x</sub> and VOC RACT for the unit #11 boiler is determined to be good air pollution control practices such that emissions limits shall be 21.7 pounds of NO<sub>x</sub> per million British thermal units (lb/MMBtu) and 0.1459 lb/MMBtu of No. 2 oil fired with annual fuel usage records, and no more than 867 tons per year (TPY) of NO<sub>x</sub> and 3 TPY of VOC. NO<sub>x</sub> and VOC RACT for the auxiliary boiler is determined to be the requirements of 25 Pa Code 129.93 (c)(1), pertaining to units with individual rated gross heat inputs less than 20 million British thermal units per hour (MMBtu/hr) of operation maintenance and operation in accordance with manufacturer's specifications, and the units are operated using good air pollution control practices.

(g) Caparo Steel Company—VOC and NO<sub>x</sub> RACT determination for four emission units at Caparo Steel Company, not covered by operating permit OP 43-285: Package boilers, BW boiler #1, BW boiler #2, and BW boiler #3. NO<sub>x</sub> RACT for the package boilers is determined to be good air pollution control practices such that NO<sub>x</sub> emissions do not exceed 550 pounds of NO<sub>x</sub> per million cubic feet (lb NO<sub>x</sub>/MMft<sup>3</sup>) of natural gas and 529.82 tons of NO<sub>x</sub> per year (TPY). VOC RACT for the package boilers is determined to be good air pollution control practices such that VOC emissions do not exceed 1.4 lb VOC/MMft<sup>3</sup> of natural gas and 1.35 TPY. NO<sub>x</sub> RACT for each of the BW boilers is determined to be good air pollution control practices such that NO<sub>x</sub> emissions do not exceed 23 lb NO<sub>x</sub>/MMft<sup>3</sup> of BFG and 80.1 TPY.

4. Section 52.2036 is amended by adding paragraph (f) to read as follows:

#### **§ 52.2036 1990 Baseyear emission inventory.**

\* \* \* \* \*

(f) Sharon Steel Company 1990 VOC and NO<sub>x</sub> emissions for three emission units (Blast Furnace Operations, Basic Oxygen Furnace Shop, Blast Furnace Casthouse), submitted June 10, 1996, are approved. Sharon Steel Company is located in Mercer County, Pennsylvania, which is in a marginal ozone nonattainment area. The 1990 VOC and NO<sub>x</sub> emissions from the Blast Furnace Operations (flame suppression, heaters and torpedo cars, flare stack, tuyeres) are 0.4 TPY and 49.3 TPY, respectively. The 1990 VOC and NO<sub>x</sub> emissions from the Basic Oxygen Furnace Shop (scrap preheating, ladle preheating and heaters) are 1.4 TPY and 39.6 TPY, respectively. The 1990 VOC and NO<sub>x</sub> emissions from the Blast Furnace Casthouse are 205.4 TPY and 11.0 TPY, respectively.

[FR Doc. 96-32369 Filed 12-19-96; 8:45 am]

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#### **40 CFR Part 52**

[PA047-4034; FRL-5654-7]

#### **Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania, Approval of Lead Implementation Plan for an Area in Northeast Philadelphia, PA**

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Pennsylvania. This revision establishes and requires the adherence to specified emission limits and operating practices by three sources in northeast Philadelphia. The intended effect of this action is to approve a lead plan for a portion of Philadelphia, Pennsylvania. This action is being taken under section 110 of the Clean Air Act.

**EFFECTIVE DATE:** This final rule is effective on January 21, 1997.

**ADDRESSES:** Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; Pennsylvania Department of Environmental

Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105; Department of Public Health, Air Management Services, 321 University Avenue, Philadelphia, Pennsylvania 19104.

**FOR FURTHER INFORMATION CONTACT:** Denis Lohman, (215) 566-2192, E-Mail address:

Lohman.Denny@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** On July 30, 1996 (61 FR 39614), EPA published a notice of proposed rulemaking (NPR) for the State of Pennsylvania. The NPR proposed approval of a lead SIP for a portion of northeast Philadelphia, Pennsylvania. The formal SIP revision request was submitted by Pennsylvania on September 30, 1994. Other specific requirements of the plan and the rationale for EPA's proposed action are explained in the NPR and will not be restated here. No public comments were received on the NPR.

#### **Final Action**

EPA approves the Philadelphia portion of the Pennsylvania lead implementation plan described in more detail in the NPR published on July 30, 1996 (61 FR 39614) as a revision to the Pennsylvania SIP. Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

#### **III. Administrative Requirements**

##### **A. Executive Order 12866**

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.

##### **B. 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 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 Clean Air Act 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, the Administrator certifies 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 flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2). [605B\_\_APP.BPT]

#### C. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to private sector, of \$100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action proposed/promulgated does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

#### D. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of

Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

#### E. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 21, 1997. Filing a petition for reconsideration by the Administrator of this final rule approving the Pennsylvania lead implementation plan for a portion of northeast Philadelphia does not affect the finality of this rule for the 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).)

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

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: November 7, 1996.  
Stanley L. Laskowski,  
*Acting Regional Administrator, Region III.*  
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 NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraph (c)(112) to read as follows:

##### § 52.2020 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(112) Revisions to the Pennsylvania Regulations—Philadelphia Lead Implementation Plan—submitted on September 30, 1994, by the Commonwealth of Pennsylvania:

(i) Incorporation by reference.  
(A) Letter of September 30, 1994 from the Pennsylvania Department of Environmental Resources transmitting a revision to the Philadelphia portion of the Pennsylvania State Implementation Plan for lead.

(B) Licenses to operate (permits) effective September 21, 1994, for:

(1) Franklin Smelting and Refining Corporation;  
(2) MDC Industries, Inc.; and  
(3) Anzon, Inc.

(ii) Additional information.  
Remainder of September 30, 1994 submittal.

[FR Doc. 96–32383 Filed 12–19–96; 8:45 am]

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#### 40 CFR Part 300

[FRL–5667–2]

#### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of deletion of the Sand Creek Industrial Site from the National Priorities List (NPL).

**SUMMARY:** The Environmental Protection Agency (EPA) announces the deletion of the Sand Creek Industrial Site (Site) in Colorado, from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the State of Colorado have determined that the Site poses no significant threat to public health or the environment as long as Operation & Maintenance (O & M) is implemented as necessary and Institutional Controls are implemented and effective. Therefore, no further remedial measures pursuant to CERCLA are appropriate. Further, EPA and the State of Colorado have determined that all appropriate response actions have been implemented at the Site and that no further cleanup by responsible parties is appropriate.

**EFFECTIVE DATE:** December 20, 1996.

**FOR FURTHER INFORMATION CONTACT:** Erna Acheson, Site Manager, U.S. Environmental Protection Agency, Region 8, 999 18th Street, Suite 500, Mail Stop 8EPR–SR, Denver, Colorado 80202–2466, (303) 312–6762.

**SUPPLEMENTARY INFORMATION:** The Site to be deleted from the NPL is: Sand Creek Industrial Site, Colorado.

A Notice of Intent to Delete for this Site was published August 28, 1996 (61 FR 44275 (1996)). The closing date for comments on the Notice of Intent to Delete was September 27, 1996. No comments have been received.