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) and 7410(k)(3).

The portion disapproved only affects one source, Brunswick Marine Corporation. Therefore, it does not have a significant impact on a substantial number of small entities. Furthermore, as explained in this document, the portion of the request disapproved does not meet the requirements of the CAA and EPA cannot approve the request. Therefore, EPA has no option but to disapprove this portion of the submittal.

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 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 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 September 19, 1997. Filing a petition for reconsideration by the Administrator of this final rule 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, Hydrocarbons, Incorporation by reference, Ozone, Reporting and recordkeeping requirements.

Dated: July 3, 1997.

Michael V. Peyton,

Acting Regional Administrator.

Part 52 of 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 RR—Tennessee

2. Section 52.2220, is amended by adding paragraph (c)(156) to read as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) * * *

(156) Addition of six operating permits containing source specific VOC RACT requirements for certain VOC sources at Brunswick Marine Corporation, Outboard Marine Corporation, and Essex Group Incorporated submitted by the Tennessee Department of Environment and Conservation on December 20, 1995 and June 3, 1996.

(i) Incorporation by reference.

(A) Marine Group Brunswick Corporation operating permit number 743652P issued February 21, 1996, (conditions number 2, 3, and 18).

(B) Stratos Boat Incorporated, D.B.A. Javelin Boats operating permit number 039845P issued on July 27, 1995, (conditions number 2 and 3), and permit number 044881P issued on May 31, 1996, (conditions number 2, 9, and 10).

(C) Essex Group Incorporated operating permit numbers 045011P, (conditions 5, 10, 13, and 15), 045012P, (conditions 5, 10, 13, and 15) and 045013P, (conditions 5 and 16) issued on May 31, 1996.

(ii) Other material. None.

[FR Doc. 97–19084 Filed 7–18–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[VA040–5017 & VA009–5017; FRL–5846–5]

Approval and Promulgation of Air Quality Implementation Plans; Virginia: Approval of Group III SIP and Coke Oven Rules for Particulate Matter

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving two State Implementation Plan (SIP) revisions submitted by the Commonwealth of Virginia. Approval of Virginia's Group III SIP establishes an ambient air quality standard for particulate matter smaller than 10 micrometers in diameter (PM–10); provides regulatory definitions for ''particulate matter,'' ''particulate matter emissions,'' ''PM10,'' ''PM10 emissions,'' and ''total suspended particulate matter'' (TSP); and modifies rules regarding air pollution episodes to include PM–10 as well as TSP action levels. Approval of the coke oven provisions provides for limits on mass emissions, opacity, and fugitive dust from nonrecovery coke works. This action is a result of existing particulate matter planning requirements and is not related to current EPA rulemaking regarding proposed revisions to National Ambient Air Quality Standards (NAAQS) for particulate matter. There are no PM–10 nonattainment areas in the Commonwealth of Virginia. This action is being taken under section 110 of the Clean Air Act.

DATES: This action is effective September 19, 1997 unless within August 20, 1997, adverse or critical comments are received. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments may be mailed to Makeba A. Morris, Chief, Technical

Assessment Section, Mailcode 3AT22, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. 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; and the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Thomas A. Casey, (215) 566–2194, at the EPA Region III address above (Mailcode 3AT22) or via e-mail at casey.thomas@epamail.epa.gov. While information may be requested via e-mail, comments must be submitted in writing to the EPA Region III address above.

SUPPLEMENTARY INFORMATION:

I. Group III PM–10 Provisions

On July 1, 1987, EPA promulgated National Ambient Air Quality Standards (NAAQS) for PM–10 (52 FR 24634). These standards replaced those promulgated for total suspended particulate (TSP) in 1971. On that day, EPA also promulgated, in 40 CFR parts 51 and 52, and elsewhere, policies and regulations by which it would implement the PM–10 NAAQS.

Recognizing that it would be unreasonable to require full attainment demonstrations in all areas, EPA classified areas of the country in groups based on the probability that each area would maintain the new PM–10 standard. State planning requirements were different for each group classification, but all states were required to fulfill the Group III requirements, which included: the adoption of ambient air quality standards for PM–10; the adoption of the definition for PM–10 emissions; the adoption of the reference method for the measurement of PM–10 in ambient air; the inclusion of PM–10 values in the episode plan; and the revision of PSD permitting rules to include PM–10 in the definitions of major source or facility, major modification, and significant air quality impact.

On June 15, 1989, the Commonwealth of Virginia submitted to EPA a SIP to satisfy the Group III PM–10 requirements described above. Although the submittal pre-dates the current 40 CFR part 51 Appendix V criteria for submittal completeness, the submittal was consistent with the Act's procedural requirements for developing implementation plans and plan revisions for submission to EPA.

The plan revisions include ambient air quality standards (§ 120–03–06); regulatory definitions for ''particulate matter,'' ''particulate matter emissions,'' ''PM10,'' ''PM10 emissions,'' and ''total suspended particulate matter'' (§ 120–01–02); revisions to rules regarding air pollution episodes to include PM–10 as well as TSP (§ 120–07–04); and revisions to permitting rules to provide for the review of applications with respect to PM–10 (§ 120–08–02). Virginia's rules do not include a monitoring method for PM–10 because rules they directly reference the EPA method. Similarly, Virginia submitted PSD-related provisions for informational purposes only. Virginia has been delegated the authority to implement the federal, Part 51 PSD program.[1] Therefore, there is no need for Virginia to revise its SIP to meet any PSD-related requirement.[2]

II. Coke Oven Provisions

On September 6, 1979, the Commonwealth of Virginia submitted to EPA, among other things, revisions to Rule 4–9, ''Emission Standards for Coke Ovens.'' These revisions to Rule 4–9 described this rule's applicability to horizontal slot and slot-flue non-recovery coke ovens (4.90); defined charging, coking, pushing, and quenching (4.91); and provided mass emissions limits for coking, charging, and pushing; established unit-wide visible emission limits, and a ''state-of-the-art engineering design'' requirement for quench towers at affected slot-flue (4.92) and slot (4.93) non-recovery ovens, including the following:

(a) A limit of 0.15 lb (particulate)/hour/ton of coal (as charged) for horizontal slot, sole flue, nonrecovery ovens from coking, charging, and pushing;

(B) A limit of 0.13 lb (particulate)/hour/ton of coal (as charged) for horizontal slot, nonrecovery ovens from coking, charging, and pushing;

(c) The application of Virginia's generic visible emissions (VE) requirement at coke works, which prohibit emissions with opacity greater than 20 per cent, except during one six minute period per hour, which are limited to 60 per cent;

(d) A limit of an average of 20 per cent VE from the coke side enclosure averaged during each push; and

(e) An average of 20 per cent VE during charging.

EPA approved the applicability and definitions portions of this rule on January 19, 1982, but took no action on Rule 4.92 or Rule 4.93, except to approve the quench tower provisions. In the **Federal Register** notice for that final action (47 FR 2768), EPA indicated that it would take final action on these measures when Virginia submitted approvable methods for determining compliance. Virginia submitted test methods on December 27, 1982, which EPA approved on March 15, 1983 (48 FR 10833). In an administrative oversight, EPA neglected to take final action on the remaining provisions of Rule 4.92 and 4.93 at that time, as it indicated it would in the January 19, 1982 notice. EPA is taking action on Rule 4.92 and 4.93 today.

Virginia Rule 120–04–0910A states that ''Compliance with particulate standards . . . shall be determined by three or more emissions tests conducted at different times during the operation of the facility.'' EPA interprets this to mean that each test shall be performed during a different part in the coking cycle. The Commonwealth has concurred with this interpretation.

III. Final Action

EPA is approving these SIP revisions without prior proposal because the Agency views them as noncontroversial and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, EPA is proposing to approve these SIP revisions should adverse or critical comments be filed. This action will be effective September 19, 1997 unless, by August 20, 1997, adverse or critical comments are received.

If EPA receives such comments on either action, the 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. EPA will not institute a second comment period on either 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 on September 19, 1997.

The Agency has reviewed this request for revision of the federally-approved

[1] The delegation is codified at 40 CFR 52.2451.

[2] In 1992 and 1993, Virginia submitted a complete PSD program to EPA for incorporation into the SIP. (EPA proposed conditional approval of this submittal on January 24, 1996. See 61 FR 1880.) Final action on these submittals is expected in 1997.

State Implementation Plan for conformance with the provisions of the 1990 amendments enacted on November 15, 1990. The Agency has determined that this action conforms with those requirements irrespective of the fact that the submittal preceded the date of enactment.

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.

IV. 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 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).

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 promulgated approval action 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 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 September 19, 1997. Filing a petition for reconsideration by the Administrator of these rules does not affect the finality of these rules 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. EPA's action to approve these Group III and coke oven PM–10 requirements into the Virginia SIP may not be challenged later in proceedings to enforce these requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: June 16, 1997.

W. Michael McCabe,

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 VV—Virginia

2. Section 52.2420 is amended by adding paragraphs (c)(115) and (c)(116) to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) * * *

(115) Revisions to Virginia's regulations to fulfill Group III PM–10 requirements, submitted on June 15, 1989, by the Virginia Department of Environmental Quality:

(i) Incorporation by reference.

(A) Letter of June 15, 1989 from the Virginia Department of Environmental Quality transmitting Virginia's Group III PM–10 SIP revisions to EPA.

(B) ''Group III'' PM–10 plan revisions (effective July 1, 1988).

(*1*) Virginia rule 120–01–02, which provides regulatory definitions for ''particulate matter,'' particulate matter emissions,'' ''PM10,'' ''PM10 emissions,'' and ''total suspended particulate matter'';

(*2*) Virginia rule 120–03–06, which provides an ambient air quality standard for PM–10;

(*3*) Virginia rule 120–07–04, which revises rules regarding air pollution episodes to include PM–10 as well as TSP; and

(*4*) Virginia rule 120–0802, which revise permitting rules to provide for the review of proposed permits with respect to PM–10.

(ii) Additional material.

(A) Remainder of Virginia's June 15, 1989 submittal.

(116) Revisions to Virginia's coke oven regulations submitted September 6, 1979 as revised February 14, 1985.

(i) Incorporation by reference.

(A) Letters of September 6, 1979 and February 14, 1985 from the Virginia

Department of Environmental Quality transmitting regulations limiting particulate matter emissions from coke oven batteries.

(B) Revisions to Virginia Department of Environmental Quality Rule 4–9 limiting particulate emissions from coke oven batteries (effective March 3, 1979; January 1, 1985):

(*1*) Virginia rules 120–04–0903A and 120–04–0903B, which provide mass emission limits from coking, charging, and pushing operations;

(*2*) Virginia rule 120–04–0905, which provides a standard for visible emissions;

(*3*) Virginia rule 120–04–0906, which provides a standard for fugitive dust and other fugitive emissions;

(*4*) Virginia rule 120–04–0910A, which specifies the timing in the coking cycle of multiple tests pursuant 120–04–0903; and

(*5*) Virginia rule 120–04–0910B.2 which specifies the certification and testing methods for Virginia Rule 120–04–0905.

(ii) Additional material.

(A) Remainder of Virginia's September 6, 1979 submittal related emission limits for coke oven batteries.

* * * * *

[FR Doc. 97–19098 Filed 7–18–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA078–4042; FRL–5858–8]

Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Approval of Source-Specific RACT for R.R. Donnelley & Sons Company—East Plant

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision establishes and requires reasonably available control technology (RACT) for R. R. Donnelley & Sons Company—East Plant, and approves a 1990 baseyear VOC emissions change for the facility. The intended effect of this action is to approve a source-specific determination made by the Commonwealth which establishes and imposes RACT requirements in accordance with the Clean Air Act (CAA). This action is being taken under section 110 of the CAA.

DATES: This final rule is effective September 19, 1997 unless by August 20, 1997, adverse or critical comments are received. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments may be mailed to David L. Arnold, Chief, Ozone/CO & Mobile Sources Section, Mailcode 3AT21, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. 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; and Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Jeffrey M. Boylan, (215) 566–2094, at the EPA Region III office or via e-mail at boylan.jeffrey@ epamail.epa.gov. While information may be requested via e-mail, comments must be submitted in writing to the above Region III address.

SUPPLEMENTARY INFORMATION:

I. Background

On September 20, 1995, August 15, 1996, and September 13, 1996, the Commonwealth of Pennsylvania submitted formal revisions to its State Implementation Plan (SIP). The SIP revision that is the subject of this rulemaking consists of a RACT determination, and a 1990 baseyear VOC emission inventory change for R. R. Donnelley & Sons Company located in Lancaster County Pennsylvania. This rulemaking addresses one operating permit pertaining to the Company's East Plant. In addition, on April 16, 1997, the Commonwealth of Pennsylvania submitted a letter amending the September 20, 1995 submittal pertaining to R. R. Donnelley & Sons Company (East Plant).

Pursuant to section 182(b)(2) and (182(f) of the Clean Air Act (CAA), Pennsylvania is required to implement RACT for all major VOC and NO_X sources by no later than May 31, 1995. The major source size is determined by its location, the classification of that area and whether it is located in the ozone transport region (OTR), which is established by the CAA. The Pennsylvania portion of the Philadelphia-Wilmington-Trenton ozone nonattainment area consists of Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties and is classified as severe. The remaining counties in Pennsylvania are classified as either moderate or marginal nonattainment areas or are designated attainment for ozone. However, under section 184 of the CAA, at a minimum, moderate ozone nonattainment area requirements (including RACT as specified in section 182(b)(2) and 182(f)) apply throughout the OTR. Pennsylvania is included in within the OTR. Therefore, RACT is applicable statewide in Pennsylvania. The September 20, 1995 (amended April 16, 1997), August 15, 1996, and September 13, 1996 Pennsylvania submittals that are the subject of this notice, consist of an operating permit which was issued to satisfy the RACT requirements for R. R. Donnelley & Sons Company—East Plant in Lancaster County Pennsylvania.

II. Summary of SIP Revision

The details of the RACT requirements for the source-specific operating permit can be found in the docket and accompanying Technical Support Document (TSD), prepared by EPA on this rulemaking. Briefly, EPA is approving the Commonwealth's RACT determination for R. R. Donnelley & Sons Company—East Plant as a revision to the Pennsylvania SIP, and a 1990 baseyear VOC emissions inventory change for the same facility. The operating permit contains conditions irrelevant to the determination of VOC RACT. Consequently, these provisions are not being included in this approval for VOC RACT nor are they being made part of the SIP.

RACT Determination for R.R. Donnelley & Sons Company (East Plant)

EPA is approving the operating permit (OP#36–2027) for R. R. Donnelley & Sons Company (East Plant) located in Lancaster County. R. R. Donnelley & Sons Company (East Plant) is a printing facility and is considered to be a major source of VOC emissions. Although once considered to be a major source of NO_X emissions, the Pennsylvania Department of Environmental Protection (PADEP) submitted a letter on April 16, 1997, withdrawing the NO_X RACT determination portion of OP #36–2027 from its SIP revision request of September 20, 1995. R. R. Donnelley & Sons Company (East Plant) has been issued a permit with conditions that limit facility wide NO_X emissions to 99 TPY. Since R. R. Donnelley & Sons Company (East Plant) has never had