

DEPARTMENT OF DEFENSE**Office of the Secretary****32 CFR Part 296****National Reconnaissance Office Freedom of Information Act Program Regulation**

AGENCY: Office of the Secretary, Department of Defense.

ACTION: Final rule.

SUMMARY: This final rule administratively amends 32 CFR part 296 concerning National Reconnaissance Office Freedom of Information Act Program Regulation to reflect organizational changes made within the National Reconnaissance Office.

EFFECTIVE DATE: March 17, 1997.

FOR FURTHER INFORMATION CONTACT: Barbara E. Freiman, 703-808-5029.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 296

Freedom of information.

Accordingly, 32 CFR part 296 is amended as follows:

PART 296—NATIONAL RECONNAISSANCE OFFICE FREEDOM OF INFORMATION ACT PROGRAM REGULATION

1. The authority citation for 32 CFR part 296 continues to read as follows:

Authority: 5 U.S.C. 552.

2. Section 296.2 is revised to read as follows:

§ 296.2 Definitions.

(a) *Freedom of Information Act Appellate Authority.* The Chief of Staff, NRO.

(b) *Initial Denial Authority.* The Chief, Information Access and Release Center, NRO.

§ 296.4 [Amended]

3. Section 296.4(a), first sentence, is amended by revising "Director, External Relations, National Reconnaissance Office, 1040 Defense Pentagon, Washington, DC 20301-1040" to read "Chief, Information Access and Release Center, National Reconnaissance Office, 14675 Lee Road, Chantilly, VA 20151-1715".

§ 296.5 [Amended]

4. Section 296.5 is amended by revising "Freedom of Information Act Appellate Authority, National Reconnaissance Office, 1040 Defense Pentagon, Washington, DC 20301-1040" to read Chief, Information Access and

Release Center, National Reconnaissance Office, 14675 Lee Road, Chantilly, VA 20151-1715".

Dated: March 12, 1997.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 97-6644 Filed 3-14-97; 8:45 am]

BILLING CODE 5000-04-M

Department of the Army**32 CFR Parts 543 and 544****Promotion of Rifle Practice and Civilian Marksmanship (Removal)**

AGENCY: Office of the Administrative Assistant, U.S. Army, DOD.

ACTION: Final rule.

SUMMARY: This document removes the Department of the Army's Promotion of Rifle Practice and Civilian Marksmanship regulations codified in 32 CFR. The parts have served the purpose for which they were intended and are no longer necessary. This is based on the transfer of the Civilian Marksmanship from conduct by the Department of the Army to conduct by the Corporation for the Promotion of Rifle Practice and Firearms Safety as referenced in the Federal Register notice Vol 61 No 209, page 55621, dated 28 Oct 96.

EFFECTIVE DATE: March 17, 1997.

FOR FURTHER INFORMATION CONTACT:

Sandra R. Riley, Director, Policy and Plans, Office of the Administrative Assistant, 105 Army Pentagon, Washington, DC 20310-0105, phone (703) 697-6900.

SUPPLEMENTARY INFORMATION: Removal of parts is based on the National Defense Authorization Act for Fiscal Year 1996, Public Law 104-106 Title XVI, section 1601, 1611-1624 which has been completed.

List of Subjects

32 CFR Part 543

Arms and munitions, Reporting and recordkeeping requirements, Surety bonds.

32 CFR Part 544

Arms and munitions, Decorations, medals, awards.

PARTS 543 AND 544—[REMOVED AND RESERVED]

Accordingly, 32 CFR parts 543 and 544 are removed.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 97-6575 Filed 3-14-97; 8:45 am]

BILLING CODE 3710-08-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[AZ 059-0005a; FRL-5697-3]

Approval and Promulgation of Implementation Plans; Arizona State Implementation Plan Revision, Maricopa County Environmental Services Department

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on a revision to the Arizona State Implementation Plan. The revision concerns a rule from the following local agency: Maricopa County Environmental Services Department (MCESD). This approval action will incorporate this rule into the federally approved SIP. The intended effect of approving this rule is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The revised rule controls VOC emissions from Commercial Bread Bakeries. Thus, EPA is finalizing the approval of this rule into the Arizona SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

DATES: This action is effective on May 16, 1997 unless adverse or critical comments are received by April 16, 1997. If the effective date is delayed, a timely notice will be published in the Federal Register.

ADDRESSES: Copies of the rule and EPA's evaluation report for the rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule are available for inspection at the following locations:

Rulemaking Office (Air-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Environmental Protection Agency, Air Docket (6102), 401 "M" Street, S.W., Washington, D.C. 20460.

Arizona Department of Environmental Quality, 3033 North Central Avenue, Phoenix, AZ 85012.

Maricopa County Department of Environmental Services, 2406 South 24th Street, Suite E-204, Phoenix, AZ 85034-6822.

FOR FURTHER INFORMATION CONTACT:

Christine Vineyard, Rulemaking Office (Air-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1197.

SUPPLEMENTARY INFORMATION:

Applicability

The rule being approved into the Arizona SIP is: MCESD Rule 343—Commercial Bread Bakeries. This rule was submitted by the Arizona Department of Environmental Quality to EPA on August 31, 1995.

Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 Act or pre-amended Act), that included the Maricopa County Area. 43 FR 8964, 40 CFR 81.305. On March 19, 1979, EPA changed the name and modified the geographic boundaries of the ozone nonattainment area of Maricopa County to the Maricopa Association of Governments (MAG) Urban Planning Area. 44 FR 16391, 40 CFR 81.303. On February 24, 1984, EPA notified the Governor of Arizona, pursuant to section 110(a)(2)(H) of the pre-amended Act, that MCESD's portion of the Arizona SIP was inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call, 49 FR 18827, May 3, 1984). On May 26, 1988, EPA again notified the Governor of Arizona, pursuant to section 110(a)(2)(H) of the 1977 Act, that the above district's portions of the Arizona SIP were inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's second SIP-Call, 53 FR 34500, September 7, 1988). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q. In amended section 182(b)(2)(C) of the CAA, Congress statutorily required nonattainment areas to submit RACT rules for all major stationary sources of

VOCs by November 15, 1992 (the RACT catch-up requirement).

The MAG Urban Planning Area is classified as moderate;¹ therefore, this area was subject to the RACT catch-up requirement and the November 15, 1992 deadline.²

The State of Arizona submitted many revised RACT rules for incorporation into its SIP on August 31, 1995, including the rule being acted on in this notice. This notice addresses EPA's direct-final approval action for MCESD Rule 343—Commercial Bread Bakeries. MCESD adopted Rule 343 on February 15, 1995. This submitted rule was found to be complete on October 25, 1995 pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51, Appendix V³ and is being finalized for approval into the SIP.

Rule 343 controls VOC emissions from bread ovens at commercial bread bakeries. VOCs contribute to the production of ground level ozone and smog. This rule was originally adopted as part of MCESD's effort to achieve the National Ambient Air Quality Standard (NAAQS) for ozone and in response to EPA's 1988 SIP-Call and the section 182(b)(2)(C) CAA requirement. The following is EPA's evaluation and final action for this rule.

EPA Evaluation and Action

In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and part D of the CAA and 40 CFR Part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for today's action, appears in the various EPA policy guidance documents.⁴ Among those

¹The Maricopa Association of Governments (MAG) Urban Planning Area retained its designation of nonattainment and was classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. See 56 FR 56694 (November 6, 1991).

²Arizona did not make the required SIP submittal by November 15, 1992. On January 15, 1993, the EPA made a finding of nonsubmittal pursuant to section 179(a)(1), which started an 18-month sanction clock. The rule being acted upon in this action was submitted in response to the EPA finding of failure to submit.

³EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

⁴Among other things, the pre-amendment guidance consists of those portions of the proposed Post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 Federal Register Notice" (Blue Book) (notice of availability was

provisions is the requirement that a VOC rule must, at a minimum, provide for the implementation of RACT for stationary sources of VOC emissions. This requirement was carried forth from the pre-amended Act.

For the purpose of assisting state and local agencies in developing RACT rules, EPA prepared a series of Control Technique Guideline (CTG) documents. The CTGs are based on the underlying requirements of the Act and specify the presumptive norms for what is RACT for specific source categories. Under the CAA, Congress ratified EPA's use of these documents, as well as other Agency policy, for requiring States to "catch-up" their RACT rules. See section 182(b)(2)(C). For some source categories, such as bakeries, EPA did not publish a CTG. In such cases, the District may determine what controls are required by reviewing the operation of facilities subject to the regulation and evaluating regulations for similar sources in other areas. Bakery sources have been subject to a RACT regulation since 1989 in the Bay Area Air Quality Management District. EPA did publish an Alternative Control Technology Document (ACT) entitled, "Alternative Control Technology Document for Bakery Oven Emissions", EPA 453/R-92-017, December 1992 as guidance for this source category. Further interpretations of EPA policy are found in the Blue Book, referred to in footnote 4. In general, these guidance documents have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP. MCESD's Rule 343, Commercial Bread Bakeries, is a new rule which was adopted to control VOC emissions from large commercial bakeries by establishing emissions reduction standards, recordkeeping requirements, and test methods for demonstration of compliance with the rule. A detailed evaluation of Rule 343, Commercial Bread Bakeries, can be found in the Technical Support Document (TSD) dated July 30, 1996. EPA has evaluated the submitted rule and has determined that it is consistent with the CAA, EPA regulations, and EPA policy. Therefore, MCESD, Rule 343, Commercial Bread Bakeries, is being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and Part D.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future implementation plan. Each request for

published in the Federal Register on May 25, 1988); and the existing control technique guidelines (CTG's).

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.

EPA is publishing this action without prior proposal because the Agency 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 May 16, 1997, unless, by April 16, 1997, 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 May 16, 1997.

Regulatory Process

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 a population of less than 50,000.

SIP approvals under sections 110 and 301(a) and subchapter I, Part D of the CAA 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, I certify 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 regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action.

The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S. Ct. 1976); 42 U.S.C. 7410 (a)(2).

Unfunded Mandates

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector or to State, local, or tribal governments in the aggregate.

Through submission of this state implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under Part D of the Clean Air Act. These rules may bind State, local, and tribal governments to perform certain actions and also require the private sector to perform certain duties. The rule being approved by this action will impose no new requirements because affected sources are already subject to these regulations under State law. Therefore, no additional costs to State, local, or tribal governments or to the private sector result from this action. EPA has also determined that this final action does not include a mandate that may result in estimated costs of \$100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

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).

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 Executive Order 12866 review.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: February 19, 1997.

Nora L. McGee,

Acting Regional Administrator.

Part 52, 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 D—Arizona

2. Section 52.120 is amended by adding paragraph (c)(82) to read as follows:

§ 52.120 Identification of plan.

* * * * *

(c) * * *

(82) New and amended rules and regulations for the Maricopa County Environmental Services Department—Air Pollution Control were submitted on August 31, 1995, by the Governor's designee.

(i) Incorporated by reference.

(A) Rule 343, adopted on February 15, 1995.

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[FR Doc. 97-5972 Filed 3-14-97; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 63

[FRL-5700-9]

RIN 2060-AE37

Test Methods for the Polymers and Resins I Rule; Appendix A, Test Methods 310 A, B, C, 312 A, B, C, 313 A, B

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action promulgates test methods 310 a, b and c, 312 a, b and c, and 313 a and b for the detection of residual amounts of hazardous air pollutants (HAPs) in conjunction with the recently issued National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Manufacture of Major Elastomers, (commonly referred to as Polymers and Resins I). The methods were adapted from industrial methods submitted by the facilities in the polymers and resins industry and were published for public comment as part of the Polymers and Resins I proposed rulemaking action. The methods will be