

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, Intergovernmental relations, Incorporation by reference, Ozone, Reporting and recordkeeping requirements.

Dated: April 16, 1997.

William E. Munro,

Acting Regional Administrator.

For the reasons stated in the preamble, 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.

2. Section 52.770 is amended by adding paragraph (c)(118) to read as follows:

§ 52.770 Identification of Plan.

* * * * *

(c) * * *

(118) On July 12, 1995, Indiana submitted as a revision to the State Implementation Plan construction permits CP 019–2110, CP 019–2696, and CP 019–4362, issued under Indiana rule 326 IAC 2–1. The permits establish volatile organic compound control requirements for Rhodes Incorporated's heatset web offset printing presses.

(i) *Incorporation by reference.* Construction Permit CP 019–2110, issued and effective October 15, 1991; Construction Permit CP 019–2696, issued and effective December 18, 1992; Construction permit CP 019–4362, issued and effective April 21, 1995.

3. Section 52.777 is amended by adding paragraph (m) to read as follows:

§ 52.777 Control Strategy: Photochemical Oxidants (hydrocarbon).

* * * * *

(m) On July 12, 1995, Indiana submitted a 15 percent rate-of-progress plan for the Clark and Floyd Counties portion of the Louisville ozone nonattainment area. This plan satisfies Clark and Floyd Counties' requirements under section 182(b) of the Clean Air Act, as amended in 1990.

4. Section 52.777 is amended by adding paragraph (n) to read as follows:

§ 52.777 Control Strategy: Photochemical Oxidants (hydrocarbon).

* * * * *

(n) On July 12, 1995, Indiana submitted corrections to the 1990 base year emissions inventory for Clark and Floyd Counties. The July 12, 1995, corrections are recognized revisions to Indiana's emissions inventory.

5. Section 52.777 is amended by adding paragraph (o) to read as follows:

§ 52.777 Control Strategy: Photochemical Oxidants (hydrocarbon).

* * * * *

(o) On July 12, 1995, Indiana submitted as a revision to the Indiana State Implementation Plan a ridesharing transportation control measure which affects commuters in Clark and Floyd Counties.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 60

[UT–001–0003a; FRL–5818–6]

Clean Air Act Approval and Promulgation of State Implementation Plan; UT; Standards of Performance for New Stationary Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA approves the State Implementation Plan (SIP) revision submitted by the State of Utah with a letter dated November 20, 1996. The submittal included the State adoption of a new rule, R307–18–1, which incorporates by reference the Federal new source performance standards (NSPS) in 40 CFR part 60, as in effect on March 12, 1996. EPA is approving the State's submittal because it is consistent with the requirements of the Clean Air Act, as amended (Act).

DATES: This action will become effective on July 7, 1997, unless comments are received in writing by June 6, 1997. 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 Vicki Stamper, 8P2–A, at the EPA Regional Office listed below. Copies of the State's submittal and other information are available for inspection during normal business hours at the following locations: Air Program, Environmental Protection Agency, Region VIII, 999 18th Street, suite 500, Denver, Colorado

80202–2405; Division of Air Quality, Utah Department of Environmental Quality, 150 North 1950 West, P.O. Box 144820, Salt Lake City, Utah 84114–4820; and The Air and Radiation Docket and Information Center, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Vicki Stamper, EPA Region VIII, (303) 312–6445.

SUPPLEMENTARY INFORMATION:

I. Analysis of State's Submission

A. Procedural Background

The Act requires States to observe certain procedural requirements in developing implementation plans and plan revisions for submission to EPA. Sections 110(a)(2) and 110(l) of the Act provide that each implementation plan or plan revision submitted by a State must be adopted after reasonable notice and public hearing. In accordance with the completeness criteria in 40 CFR part 51, appendix V, EPA also must determine whether a submittal is complete and therefore warrants further EPA review and action [see section 110(k)(1) and 57 FR 13565]. EPA attempts to make completeness determinations within 60 days of receiving a submission. However, a submittal is deemed complete by operation of law if a completeness determination is not made by EPA six months after receipt of the submission.

To entertain public comment, the State of Utah, after providing adequate notice, held a public hearing on July 16, 1996 on the proposed revision to the Utah Air Conservation Regulations. Following the public hearing, the State adopted the rule revision on September 9, 1996. The Governor of Utah submitted the SIP revision on November 20, 1996, and supporting documentation was submitted by the Director of the Utah Division of Air Quality on December 2, 1996. The SIP revision was reviewed by EPA to determine completeness in accordance with the completeness criteria set out at 40 CFR part 51, appendix V. The submittal was found to be complete and a letter dated March 28, 1997 was forwarded to the Governor finding the submittal complete.

B. This Action

The State of Utah adopted a new rule, R307–18–1, which incorporates by reference the Federal NSPS in 40 CFR part 60, as in effect on March 12, 1996. The State had previously relied on Utah Air Conservation Regulations R307–1–1 and R307–1–3.1.8.B. to provide authority for implementation and enforcement of the NSPS. Under these

provisions, the State had authority to implement and enforce new and revised NSPS as soon as such standards were promulgated by EPA. Accordingly, EPA provided automatic delegation of each new and revised Federal NSPS to the State of Utah (see 49 FR 36369, September 17, 1984). However, with the State's adoption of R307-18-1, which only incorporates by reference the Federal NSPS as in effect on March 12, 1996, the State no longer has authority to receive automatic delegation. Consequently, EPA is rescinding the automatic delegation of NSPS to Utah. In order for the State to have authority to implement and enforce Federal NSPS that are adopted or revised after March 12, 1996, the State will need to go through State rulemaking to adopt those standards and request EPA approval.

In addition to incorporating by reference the Federal NSPS in 40 CFR part 60 as of March 12, 1996, R307-1-18 provides that the term "administrator," as it is used in 40 CFR part 60, shall mean the Executive Secretary of the Utah Air Quality Board unless such authority cannot be delegated to the State by EPA. EPA finds that R307-1-18 is consistent with the Federal NSPS regulations in 40 CFR part 60 and, therefore, is approvable.

II. Final Action

EPA is approving Utah's SIP revision, as submitted by the Governor on November 20, 1996, of the new Utah Air Conservation Regulation R307-1-18, which incorporates by reference the Federal NSPS in 40 CFR part 60 as in effect on March 12, 1996. Since the State no longer has authority to implement and enforce new and revised Federal NSPS as soon as promulgated, EPA is rescinding its automatic delegation of NSPS that had been previously granted to Utah.

This approval provides the State with the authority to implement and enforce all Federal NSPS in 40 CFR part 60 as in effect on March 12, 1996. However, the State's NSPS authority does not include those authorities which cannot be delegated to the states, as defined in 40 CFR part 60 and EPA policy.

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, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective July 7, 1997 unless, by June 6, 1997, adverse or critical comments are received.

If 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 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 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 on July 7, 1997.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to a SIP 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 economic 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, 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 Act, preparation of a regulatory 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. E.P.A.*, 427 U.S. 246, 256-66 (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 the 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 proposes to approve pre-existing requirements under State or local law, and imposes not 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 this 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 July 7, 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

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Reporting recordkeeping requirements.

40 CFR Part 60

Environmental protection, Air pollution control.

Dated: April 18, 1997.

Jack W. McGraw,
Acting Regional Administrator.

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 TT—Utah

2. Section 52.2320 is amended by adding paragraph (c)(37) to read as follows:

§ 52.2320 Identification of plan.

* * * * *

(c) * * *

(37) On November 20, 1996, the Governor of Utah submitted a revision to the Utah State Implementation Plan. The submittal included a new Utah regulation which incorporates by reference the Federal new source performance standards in 40 CFR part 60, as in effect on March 12, 1996.

(i) Incorporation by reference.

(A) Utah Air Conservation Regulations, R307–18–1, “Standards of Performance for New Stationary Sources (NSPS),” effective September 9, 1996, printed October 19, 1996.

PART 60—[AMENDED]

1. The authority citation for part 60 continues to read as follows:

Authority: 42 U.S.C. 7401, 7411, 7413, 7414, 7416, 7601, and 7602.

Subpart A—General Provisions

2. In § 60.4(c), the table for “Delegation Status of New Source Performance Standards [(NSPS) for Region VIII]” is amended by adding to the end of the table an entry for “WWW—Municipal Solid Waste Landfills” to read as follows:

§ 60.4 Address.

* * * * *

(c) * * *

DELEGATION STATUS OF NEW SOURCE PERFORMANCE STANDARDS
[(NSPS) for Region VIII]

	SUB-PART	CO	MT ¹	ND ¹	SD ¹	UT ¹	WY
* * * * *	*			*		*	
WWW Municipal Solid Waste Landfills						(*)	

¹ Indicates approval of New Source Performance Standards as part of the State Implementation Plan (SIP).
(*) Indicates approval of State regulations.

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ENVIRONMENTAL PROTECTION
AGENCY

40 CFR Parts 52 and 81

[PA036–4060; FRL–5819–8]

Approval and Promulgation of Air
Quality Implementation Plans;
Pennsylvania; Redesignation,
Maintenance Plan, and Emissions
Inventories for Reading; Ozone
Redesignations Policy Change

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a redesignation request for the Reading, Pennsylvania ozone nonattainment area, and State Implementation Plan (SIP) revisions submitted by the Commonwealth of Pennsylvania. The revisions consist of a maintenance plan and 1990 base year inventories for the Reading area (Berks County, Pennsylvania). In addition, for the

purposes of redesignation, EPA is proposing to approve Pennsylvania’s legislative authority to adopt and implement a vehicle inspection and maintenance program. These actions are being taken under sections 107 and 110 of the Clean Air Act. Furthermore, EPA is changing its policy on redesignation requirements for ozone nonattainment areas in the Ozone Transport Region (OTR). The policy change makes redesignation requirements for areas in the OTR consistent with requirements for areas outside the OTR by interpreting meeting the requirements under section 184 of the Clean Air Act as not being a prerequisite for the purpose of redesignation. The policy does not affect obligations required under other sections of the Act.

EFFECTIVE DATE: This final rule is effective on June 6, 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; and the Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Maria A. Pino, (215) 566–2181, at the EPA Region III office address listed above, or via e-mail at pino.maria@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: On October 10, 1996 (61 FR 53174), EPA published a notice of proposed rulemaking (NPR) for the Commonwealth of Pennsylvania. The NPR proposed approval of the redesignation request, maintenance plan, and 1990 volatile organic compound (VOC), oxides of nitrogen (NO_x), and carbon monoxide (CO) base year inventories for the Reading area, contingent upon Pennsylvania’s correction of all deficiencies contained in the maintenance plan and