

notice of representation is filed. No extensions of time shall be granted due to delays in submission of the notice of representation.

(viii) *Consolidated petitions.* At the discretion of the Ruling Official in individual cases, a petition may be filed by one petitioner on behalf of other petitioners, provided the petitions are based on similar underlying facts, and the petitioner who files the petition has written authority to do so on behalf of the other petitioners. This authority must be either expressed in documents giving the petitioner the authority to file petitions for remission, or reasonably implied from documents giving the petitioner express authority to file claims or lawsuits related to the course of conduct in question on behalf of these other petitioners. An insurer or an administrator of an employee benefit plan, for example, which itself has standing to file a petition as a "victim" within the meaning of paragraph (j)(2)(xxi) of this section, may also file a petition on behalf of all its insured or plan beneficiaries for any claims they may have based on co-payments made to the perpetrator of the offense underlying the forfeiture or the perpetrator of a "related offense" within the meaning of paragraph (j)(2)(xviii) of this section, if the authority to file claims or lawsuits is contained in the document or documents establishing the plan. Where such a petition is filed, any amounts granted as a remission must be transferred to the other petitioners, not the party filing the petition; although, in his or her discretion, the Ruling Official may use the actual petitioner as an intermediary for transferring the amounts authorized as a remission to the other petitioners.

**Stanley F. Mires,**

*Chief Counsel, Legislative.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[SIPTRAX No. PA-4057a; FRL-5835-4]

#### Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of VOC and NO<sub>x</sub> RACT Determinations for Individual Sources

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 volatile organic compounds (VOC) and nitrogen oxides (NO<sub>x</sub>) reasonably available control technology (RACT) on five major sources located in Pennsylvania. The intended effect of this action is to approve source-specific plan approvals and operating permits that establish the above-mentioned RACT requirements in accordance with the Clean Air Act. This action is being taken under section 110 of the Clean Air Act.

**DATES:** This action will become effective August 11, 1997 unless notice is received on or before July 11, 1997 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register**.

**ADDRESSES:** Comments may be mailed to David Campbell, Air, Radiation, and Toxics Division, 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; Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

**FOR FURTHER INFORMATION CONTACT:** Ruth E. Knapp, (215) 566-2191, at the EPA Region III office or via e-mail at knapp.ruth@epamail.epa.gov. While information may be requested via e-mail, any comments must be submitted in writing to the above Region III address.

**SUPPLEMENTARY INFORMATION:** On December 8, 1995, February 20, 1996, March 21, 1996, April 16, 1996, and September 13, 1996, the Commonwealth of Pennsylvania submitted formal revisions to its State Implementation Plan (SIP). Each source subject to this rulemaking will be identified and discussed below. Any plan approvals and operating permits submitted

coincidentally with those being approved in this notice, and not identified below, will be addressed in a separate rulemaking action.

Pursuant to sections 182(b)(2) and 182(f) of the Clean Air Act (CAA), Pennsylvania is required to implement RACT for all major VOC and NO<sub>x</sub> 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 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 sections 182(b)(2) and 182(f)) apply throughout the OTR. Therefore, RACT is applicable statewide in Pennsylvania. The Pennsylvania submittals that are the subject of this notice are meant to satisfy the RACT requirements for five sources in Pennsylvania.

#### Summary of SIP Revision

The details of the RACT requirements for the source-specific plan approvals and operating permits can be found in the docket and accompanying technical support document (TSD) and will not be reiterated in this notice. Briefly, EPA is approving a revision to the Pennsylvania SIP pertaining to the determination of RACT for five major sources. Several of the plan approvals and operating permits contain conditions irrelevant to the determination of VOC or NO<sub>x</sub> RACT. Consequently, these provisions are not being included in this approval for source-specific VOC or NO<sub>x</sub> RACT.

#### RACT Determinations

The following table identifies the individual plan approvals and operating permits EPA is approving. The specific emission limitations and other RACT requirements for these sources are summarized in the accompanying technical support document, which is available upon request from the EPA Region III office listed in the **ADDRESSES** section of this notice.

PENNSYLVANIA—VOC AND NO<sub>x</sub> RACT DETERMINATIONS FOR INDIVIDUAL SOURCES

Source	County	Plan approval (PA #), operating permit (OP #), compliance permit (CP #),	Source type	"Major source" pollutant
CNG Transmission Corp., Ellisburg ..	Potter .....	PA 53-0004A, OP 53-0004, CP 53-0004A.	Natural Gas Transmission	NO <sub>x</sub> , VOC.
CNG Transmission Corp., Greenlick	Potter .....	PA 53-0003A, OP 53-0003, CP 53-0003A.	Natural Gas Transmission	NO <sub>x</sub> , VOC.
CNG Transmission Corp., Crayne ...	Greene .....	OP 30-000-089 .....	Natural Gas Transmission	NO <sub>x</sub> .
CNG Transmission Corp., State Line Station.	Potter .....	OP 53-0008 .....	Natural Gas Transmission	NO <sub>x</sub> , VOC.
CNG Transmission Corp., Big Run ...	Jefferson .....	PA 33-147 .....	Natural Gas Transmission	NO <sub>x</sub> .

Several of the plan approvals/operating permits contain a provision that allows for future changes to the emission limitations based on Continuous Emissions Monitoring (CEM) or other monitoring data. Since EPA cannot approve emission limitations that are not currently before it, any changes to the emission limitations as submitted to EPA on December 8, 1995, February 20, 1996, March 21, 1996, April 16, 1996, and September 13, 1996, must be resubmitted to and approved by EPA in order for these changes to be incorporated into the Pennsylvania SIP. Consequently, the source-specific RACT emission limitations that are being approved into the Pennsylvania SIP are those that were submitted on the above-mentioned dates and are the subject of this rulemaking notice. These emission limitations will remain unless and until they are replaced pursuant to 40 CFR part 51 and approved by the U.S. EPA. In addition, several of the plan approvals and operating permits contain a general provision that would allow compliance date extensions at the request of the source and approval by Pennsylvania without EPA approval. While EPA does not automatically dismiss the possibility of compliance date extensions, EPA cannot pre-approve compliance date extensions through a general provision such as that which occurs in those plan approvals and operating permits.

EPA is approving this SIP revision 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 August 11, 1997 unless, within 30 days of publication, adverse or critical comments are received.

If EPA receives such comments, this action will be withdrawn before the

effective date by publishing a subsequent notice 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 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 August 11, 1997. If adverse comments are received that do not pertain to all documents subject to this rulemaking action, those documents not affected by the adverse comments will be finalized in the manner described here. Only those documents that receive adverse comments will be withdrawn in the manner described here.

**Final Action**

EPA is approving three plan approvals, four operating permits and two compliance permits as RACT for five individual sources. 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.

*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).

**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 section 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 section 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 August 11, 1997. Filing a petition for reconsideration by the Regional 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 to approve VOC and NO<sub>x</sub> RACT determinations for a number of individual sources in Pennsylvania as a revision to the Commonwealth's SIP 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, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: May 21, 1997.

**W. T. Wisniewski,**

*Acting, Regional Administrator, Region III.*

40 CFR part 52, subpart NN of chapter I, title 40 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)(121) to read as follows:

#### § 52.2020 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(121) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC and NO<sub>x</sub> RACT, submitted on December 8, 1995, February 20, 1996, March 21, 1996, April 16, 1996, and September 13, 1996 by the Pennsylvania Department of Environmental Resources (now known as the Pennsylvania Department of Environmental Protection):

(i) Incorporation by reference.

(A) Five letters submitted by the Pennsylvania Department of Environmental Resources (now, the Pennsylvania Department of Environmental Protection) transmitting source-specific VOC and/or NO<sub>x</sub> RACT determinations in the form of plan approvals or operating permits on the following dates: December 8, 1995, February 20, 1996, March 21, 1996, April 16, 1996, and September 13, 1996.

(B) Plan approvals (PA), Operating permits (OP), Compliance permits (CP):

(1) CNG Transmission Corporation—Ellisburg, Potter County, OP-53-0004, effective February 29, 1996, except for the expiration date of the operating permit; PA-53-0004A effective February 29, 1996, except for the expiration date of the plan approval; and CP-53-0004A except for the expiration date, except for item #6 regarding future compliance extensions.

(2) CNG Transmission Corporation—Greenlick Compressor Station, Potter County, PA-53-0003A, effective December 18, 1995, except for the plan approval expiration date, except for the portion of item #3 regarding carbon monoxide (CO) emissions increases, except the portion of item #4 regarding CO emission limitations; OP-53-0003, effective December 18, 1995 except for the operating permit expiration date; and CP-53-0003A, except for the expiration date of the compliance permit, except for item #6 regarding future compliance extensions.

(3) CNG Transmission Corporation—Crayne Station, Greene County, OP 30-000-089, effective December 22, 1995 except for the expiration date of the operating permit, except for the portion

of item #4 regarding CO emission limitations, except for item #9 regarding emission limitation revisions.

(4) CNG Transmission Corporation—State Line Station, Potter County, OP-53-0008, effective January 10, 1996 except for the expiration date of the operating permit, except for the portions of item #22 regarding CO emission limitations.

(5) CNG Transmission Corporation—Big Run, Jefferson County, PA 33-147, effective June 27, 1995, except for item #9 regarding emission limitation revisions.

(ii) Additional Material.

(A) Remainder of the Commonwealth of Pennsylvania's December 8, 1995, February 20, 1996, March 21, 1996, April 16, 1996, and September 13, 1996 submittals pertaining to the RACT determinations for the five sources listed in (i) above.

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#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[AZ 68-0011; FRL-5835-8]

#### Approval and Promulgation of State Implementation Plans; Arizona—Maricopa County Ozone Nonattainment Area

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action approving a State Implementation Plan (SIP) revision submitted by the State of Arizona on April 29, 1997, establishing a summertime gasoline Reid Vapor Pressure (RVP) limit of 7.0 pounds per square inch (psi) for gasoline distributed in the Maricopa County (Phoenix) ozone nonattainment area. Arizona has lowered the summertime RVP limit for this area to reduce emissions of volatile organic compounds (VOC) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA). Arizona's fuel requirement is not preempted by federal fuels requirements because EPA is finding that the control measure is necessary for the Maricopa area to attain the national ambient air quality standards (NAAQS) for ozone and is approving the measure into the Arizona SIP.

**DATES:** This direct final rule is effective on August 11, 1997, unless EPA receives adverse or critical comments by July 11,