DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 505

The Army Privacy Program

AGENCY: Department of the Army, DOD. ACTION: Final rule.

SUMMARY: The Department of the Army deleted an exempt Privacy Act system of records notice on July 7, 1997 at 62 FR 36266. This action deletes the corresponding exemption rule from 32 CFR part 505.

EFFECTIVE DATE: September 16, 1997. FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 806–4390 or DSN 656–4390.

SUPPLEMENTARY INFORMATION: Executive Order 12866. It has been determined that this Privacy Act rule for the Department of Defense does not constitute 'significant regulatory action'. Analysis of the rule indicates that it does not have an annual effect on the economy of \$100 million or more; does not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; does not materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; does not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

Regulatory Flexibility Act. It has been determined that this Privacy Act rule for the Department of Defense does not have significant economic impact on a substantial number of small entities because it is concerned only with the administration of Privacy Act systems of records within the Department of Defense.

Paperwork Reduction Act. It has been determined that this Privacy Act rule for the Department of Defense imposes no information requirements beyond the Department of Defense and that the information collected within the Department of Defense is necessary and consistent with 5 U.S.C. 552a, known as the Privacy Act, and 44 U.S.C. Chapter 35.

List of Subjects in 32 CFR part 505

Privacy.

Accordingly, 32 CFR part 505 is amended as follows:

1. The authority citation for 32 CFR part 505 continues to read as follows: **Authority:** Pub. L. 93–579, 88 Stat 1896 (5 U.S.C.552a).

2. Section 505.5 is amended by removing and reserving paragraph (e)(20) as follows:

§ 505.5 Exemptions.

* * * * * * (e) * * * (20) [Reserved]. * * * * * * Dated: September 11, 1997

Dated: September 11, 1997.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense [FR Doc. 97–24534 Filed 9–15–97; 8:45 am] BILLING CODE 5000–04–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 185-0047a FRL-5888-8]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Northern Sierra Air Quality Management District

AGENCY: Environmental Protection Agency (EPA). **ACTION:** Direct final rule.

SUMMARY: EPA is taking direct final action on revisions to the California State Implementation Plan. The revisions concern rules for Northern Sierra Air Quality Management District (NSAQMD or District). This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of volatile organic compounds (VOCs), oxides of nitrogen (NO_x) and other pollutants in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA of the Act). These revisions consist of administrative and minor changes to a wide range of rules that have been previously incorporated into the federally approved SIP. Thus, EPA is finalizing the approval of these revisions into the California 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. **EFFECTIVE DATE:** This action is effective on November 17, 1997 unless adverse or critical comments are received by October 16, 1997. If the effective date is delayed, a timely notice will be published in the Federal Register. ADDRESSES: Comments must be submitted to Cynthia G. Allen at the

submitted to Cynthia G. Allen at the Region IX office listed below. Copies of the rule revisions are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revisions 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, SW., Washington, DC 20460.
- California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95814.
- Northern Sierra Air Quality Management District, 540 Searls Avenue, Nevada City, CA 95959.

FOR FURTHER INFORMATION CONTACT: Cynthia G. Allen, Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1189.

SUPPLEMENTARY INFORMATION:

I. Applicability

The rules being approved into the California SIP include: NSAQMD Rule 101, Title; Rule 102, Definitions; Rule 202, Visible Emissions; Rule 203, Exceptions to Rule 202; Rule 204, Wet Plumes Rule 206, Incinerator Burning; Rule 207, Particulate Matter; Rule 208, Orchard or Citrus Heaters; Rule 209, Fossil Fuel Steam Generator Facility; Rule 210, Specific Contaminants; Rule 212, Process Weight Table; Rule 213, Storage of Gasoline Products; Rule 221, Reduction of Animal Matter; Rule 222, Abrasive Blasting; Rule 225, Compliance; Rule 300, General Definitions; Rule 301, Compliance; Rule 313, Burn Day; Rule 314, Minimum Drying Times; Rule 315, Burning Management Requirements; and Rule 317, Mechanized Burners Requirements. These rules were submitted by the California Air Resources Board to EPA on October 28, 1996.

I. 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 listed Nevada, Plumas and Sierra Counties as "unclassifiable/attainment". 43 FR 8964, 40 CFR 81.305. In response to section 110(a) of the Act and other requirements, the Nevada, Plumas and Sierra Air Pollution Control Districts (APCDs) submitted many rules which EPA approved into the SIP. On September 11, 1991, California consolidated the Nevada, Plumas, and Sierra County APCDs within the NSAQMD. Also on September 11, 1991, June 10, 1992, May 11, 1994, and August 14, 1996, the NSAQMD adopted many rules that reformatted and consolidated rules from the three subsumed air districts. These revised rules consolidate the District rules into a single set of regulations applicable throughout the NSAQMD.

This document addresses EPA's direct-final action for the following NSAQMD rules: Rule 101, Title; Rule 102, Definitions; Rule 202, Visible Emissions; Rule 203, Exceptions to Rule 202; Rule 204, Wet Plumes; Rule 206, Incinerator Burning; Rule 207. Particulate Matter; Rule 208, Orchard or Citrus Heaters; Rule 209, Fossil Fuel Steam Generator Facility; Rule 212, Process Weight Table; Rule 213, Storage of Gasoline; Rule 221, Reduction of Animal Matter; Rule 222, Abrasive Blasting; Rule 223, Enforcement; Rule 225, Compliance; Rule 300, General Definitions; Rule 301, Compliance; Rule 313, Burn Day; Rule 314, Minimum Drying Times; Rule 315, Burning Management Requirements; Rule 316, Burn Plan Preparation; and Rule 317, Mechanized Burners Requirements.

These rules were adopted by NSAQMD on September 11, 1991 and May 11, 1994 and submitted by the State of California for incorporation into its SIP on October 28, 1996. These rules were found to be complete on December 19, 1996, pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51, Appendix V¹ and are being finalized for approval into the SIP. These rules and their predecessors were originally adopted as part of NSAQMD's efforts to achieve the National Ambient Air Quality Standards (NAAQS) for ozone and in response to EPA's SIP-Call and the section 182(a)(2)(A) CAA requirement.

The following is EPA's evaluation and final action for these rules.

II. EPA Evaluation and Action

In determining the approvability of a 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 appears in various EPA policy guidance documents.²

EPA previously reviewed many rules from the Nevada, Plumas and Sierra County Air Pollution Control Districts and incorporated them into the federally approved SIP pursuant to section 110(k)(3) of the CAA. Those rules that are being superseded and/or deleted ³ by today's action are as follows:

Nevada County Air Pollution Control District

- Rule 101, Title (submitted 4/10/75)
- Rule 102, Definitions (submitted 4/10/ 75, 6/6/77)
- Rule 103, Enforcement (submitted 6/ 6/77)
- Rule 104, No Title (submitted 6/6/77)
- Rule 202, Visible Emissions (submitted 4/10/75)
- Rule 203, Exceptions (submitted 4/10/ 75, 6/6/77, 2/21/72)
- Rule 204, Wet Plumes (submitted 4/ 10/75, 2/21/72)
- Rule 206, Incinerator Burning (submitted 4/10/75, 6/6/77)
- Rule 207, Particulate Matter (submitted 10/15/79)
- Rule 208, Orchard or Citrus Heaters (submitted 4/10/75)
- Rule 209, Fossil Fuel-Steam Separator Facility (submitted 4/10/75)
- Rule 210, Specific Contaminant (submitted 10/15/79)
- Rule 214, Reduction of Animal Matter (submitted 4/10/75)
- Rule 216, Abrasive Blasting (submitted 6/6/77)
- Rule 218, Compliance Tests (submitted 10/15/79)
- Rule 305, Permit Validity (submitted 4/10/75)
- Rule 306, No-Burn Days (submitted 10/15/79)
- Rule 308, Burning Reports (submitted 4/10/75)
- Rule 309, Amount Burned Daily (submitted 4/10/75)
- Rule 310, Approved Ignition Devices (submitted 4/10/75)
- Rule 311, Restricted Burning Days (submitted 4/10/75)
- Rule 312, Wind Direction (submitted 4/10/75)
- Rule 313, Minimum Drying Times (submitted 4/10/75)
- Rule 315, Preparation of Material to be Burned (submitted 4/10/75)
- Rule 405, Separation of Emissions (submitted 4/10/75)

- Rule 406, Combination of Emissions (submitted 4/10/75)
- Rule 407, Circumvention (submitted 6/6/77)
- Rule 408, Source Recordkeeping and Reporting (submitted 4/10/75)
- Rule 409, Public Records (submitted 6/6/77)
- Rule 507, Provision of Sampling and Testing Facilities (submitted 6/6/77)

Plumas County Air Pollution Control District

- Rule 101, Title (submitted 1/10/75)
- Rule 102, Definitions (submitted 1/10/ 75, 6/6/77)
- Rule 202, Visible Emissions (submitted 1/10/75)
- Rule 203, Exceptions (submitted 6/22/ 81)
- Rule 204, Wet Plumes (submitted 1/ 10/75)
- Rule 206, Incinerator Burning (submitted 1/10/75, 6/6/77)
- Rule 207, Particulate Matter (submitted 6/6/77)
- Rule 208, Orchard or Citrus Heaters (submitted 6/6/77)
- Rule 209, Fossil Fuel-Steam Generator Facility (1/10/75)
- Rule 214, Reduction of Animal Matter (submitted 1/10/75)
- Rule 215, Abrasive Blasting (submitted 6/6/77)
- Rule 216, Enforcement (submitted 6/ 6/77)
- Rule 216–50, Visible Emissions (submitted 1/10/75)
- Rule 216–51, Exceptions to Rule 50 (submitted 1/10/75)
- Rule 304, Range Improvement Burning (submitted 6/22/81)
- Rule 305, Forest Management Burning (submitted 6/22/81)
- Rule 311, Recreational Activity (submitted 6/22/81)
- Rule 313, No Burn Day (submitted 6/ 22/81)
- Rule 314, Burning Permits (submitted 6/22/81)
- Rule 315, Minimum Drying Times (submitted 6/22/81)
- Rule 316, Burning Management (submitted 6/22/81)
- Rule 318, Enforcement Responsibility (submitted 6/22/81)
- Rule 319, Penalty (submitted 6/22/81)
- Rule 405, Separation of Emissions (submitted 1/10/75)
- Rule 406, Combination of Emissions (submitted 1/10/75)
- Rule 510, Separation of Emissions (submitted 6/22/81)
- Rule 511, Combination of Emissions (submitted 6/22/81)
- Rule 512, Circumvention (submitted 6/22/81)
- Rule 513, Source Recordkeeping (submitted 6/22/81)

¹EPA 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).

² Among 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 published in the Federal Register on May 25, 1988); and the existing control technique guidelines (CTGs).

³Listed rules are superseded unless designated as deleted.

- Rule 514, Public Records and Trade Secrets (submitted 6/22/81)
- Rule 515, Provision of Sampling and Testing Facilities (submitted 6/22/81)

Sierra County Air Pollution Control District

- Rule 101, Title (submitted 1/10/75)
- Rule 102, Definitions (submitted 1/10/ 75, 6/6/77)
- Rule 202, Visible Emissions (submitted 1/10/75)
- Rule 203, Exceptions (submitted 6/22/ 81)
- Rule 204, Wet Plumes (submitted 1/ 10/75)
- Rule 206, Incinerator Burning (submitted 1/10/75)
- Rule 207, Particulate Matter (submitted 5/23/79)
- Rule 208, Orchard or Citrus Heaters (submitted 6/6/77)
- Rule 209, Fossil Fuel Steam Generator Facility (submitted 1/10/75)
- Rule 210, Specific Contaminants (submitted 5/23/79)
- Rule 211, Process Weight Per Hour (submitted 5/23/79)
- Rule 212, Process Weight Table (submitted 1/10/75)
- Rule 213, Storage of Petroleum Products (submitted 1/10/75)
- Rule 214, Reduction of Animal Matter (submitted 1/10/75)
- Rule 215, Abrasive Blasting (submitted 6/6/77)
- Rule 216, Enforcement (submitted 6/ 6/77)
- Rule 218, Compliance Tests (submitted 5/23/79)
- Rule 303, Agricultural Burning (submitted 6/22/81)
- Rule 304, Range Improvement Burning (submitted 6/22/81)
- Rule 305, Forest Management Burning (submitted 6/22/81)
- Rule 311, Recreational Activity (submitted 6/22/81)
- Rule 313, No Burn Day (submitted 6/ 22/81)
- Rule 314, Burning Permits (submitted 6/22/81)
- Rule 315, Minimum Drying Times (submitted 6/22/81)
- Rule 316, Burning Management (submitted 6/22/81)
- Rule 318, Enforcement Responsibility (submitted 6/22/81)
- Rule 319, Penalty (submitted 6/22/81)
- Rule 405, Separation of Emissions (submitted 1/10/75)
- Rule 406, Combination of Emissions (submitted 1/10/75)
- Rule 510, Separation of Emissions (submitted 6/22/81)
- Rule 511, Combination of Emissions (submitted 6/22/81)
- Rule 512, Circumvention (submitted 6/22/81)

- Rule 513, Source Recordkeeping (submitted 6/22/81)
- Rule 514, Public Records and Trade Secrets (submitted 6/22/81)
- Rule 515, Provision of Sampling and Testing Facilities (submitted 6/22/81) EPA has evaluated the consolidated

NSAQMD rules submitted in October 1996 and compared them to the rules currently incorporated in the SIP. In all cases the rules have been reformatted and changed editorially. In some cases there have also been minor substantive improvements. For example, where the three subsumed air districts had slightly different requirements for similar sources, the consolidated rule now applies to the most stringent of the requirements to the entire area. In no case does this action represent a relaxation of any requirement.

The NSAQMD rules being approved by this action to revise the SIP include:

- Rule 101, Title
- Rule 102, Definitions
- Rule 202, Visible Emissions
- Rule 203, Exceptions to Rule 202
- Rule 204, Wet Plumes
- Rule 206, Incinerator Burning
- Rule 207, Particulate Matter
- Rule 208, Orchard or Citrus Heaters
- Rule 209, Fossil Fuel Steam Generator Facility
- Rule 210, Specific Contaminants
- Rule 212, Process Weight Table
- Rule 213, Storage of Gasoline Products
- Rule 221, Reduction of Animal Matter
- Rule 222, Abrasive Blasting
- Rule 225, Compliance
- Rule 300, General Definitions
- Rule 301, Compliance
- Rule 313, Burn Day
- Rule 314, Minimum Drying Times
- Rule 315, Burning Management
- RequirementsRule 316, Burn Plan Preparation
- Rule 317, Mechanized Burners Requirements

Other NSAQMD rules submitted with these rules on October 28, 1996, will be acted on separately because they involve technical issues and require more detailed review.

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

EPA is publishing this document 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 November 17, 1997, unless, by October 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 November 17, 1997.

III. Administrative Requirements

A. Executive Order 12866

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 Reform Act

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 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 November 17, 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, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: August 22, 1997.

John Wise,

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 F—California

2. Section 52.220 is amended by adding paragraphs (c) (26)(ix)(B) and (26)(xvi)(E), (27)(vii)(C), (39)(viii)(D), (39)(ix)(C), (39)(x)(C), and (246) to read as follows:

§ 52.220 Identification of plan.

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(C) Previously approved and now deleted, Rule 102.

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- (39) * * *
- (viii)* * *

(D) Previously approved and now deleted, Rule 102.

(ix) * * *

(C) Previously approved and now deleted, Rule 102.

(x) * * *

(C) Previously approved and now deleted, Rule 102.

(246) New and amended regulations for the following APCDs were submitted on October 28, 1996, by the Governor's designee.

(i) Incorporation by reference.(A) Northern Sierra Air Quality Management District.

(1) Kules 101, 202, 203, 204, 206, 207, 208, 209, 210, 221, 222, 223, 225, 300,

301, 314, 315, and 317, adopted on September 11, 1991, Rule 102 adopted on May 11, 1994, Rule 313 adopted on June 10, 1992, and Rule 316 adopted on August 14, 1996.

[FR Doc. 97–24419 Filed 9–15–97; 8:45 am] BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 167-0036a; FRL-5888-6]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on revisions to the California State Implementation Plan (SIP). The revisions concern emergency episode rules from the South Coast Air Quality Management District (SCAQMD). This approval action will incorporate one rule into the federally approved SIP and remove fourteen from the SIP. The intended effect of approving this rule is to update the episode criteria and to eliminate redundant reporting requirements in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). Thus, EPA is finalizing the approval of these revisions into the California SIP under provisions of the CAA regarding EPA action on SIP submittal, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas. **DATES:** This action is effective on November 17, 1997 unless adverse or critical comments are received by October 16, 1997. If the effective date is delayed, a timely notice will be published in the Federal Register. ADDRESSES: A copy of the rule and EPA's evaluation report is available for public inspection at EPA's Region IX office during normal business hours. A copy of the submitted rule is 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, SW., Washington, DC 20460.

California Air Resources Board, Stationary Source Division, Rule