safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the TERPS. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR part 97

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC on October 20, 1995.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120, 44701; and 14 CFR 11.49(b)(2).

§ 97.23 [Amended]

§ 97.25 [Amended]

§ 97.27 [Amended]

§ 97.29 [Amended]

§ 97.31 [Amended]

§ 97.33 [Amended]

§ 97.35 [Amended]

2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISLMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPS; § 97.33 RNAV SIAPS; and § 97.35 COPTER SIAPs; identified as follows:

* * * Effective Upon Publication

FDC date	State	City	Airport	FDC No.	SIAP
09/11/95	OH	Wilmington	Airborne Airpark	5/4954	ILS RWY 22 AMDT 3... THIS CORRECTS NOTAM IN TL 95–21
10/05/95	SC	Clemson	Clemson-Oconee County	5/5438	VOR/DME OR GPS RWY 25 ORIG...
10/13/95	MA	Chatham	Chatham Muni	5/5602	NDB OR GPS–A ORIG...
10/13/95	NV	Las Vegas	McCarran Intl	5/5614	VOR/DME OR GPS RWY 1R ORIG...

[FR Doc. 95–26776 Filed 10–27–95; 8:45 am]
BILLING CODE 4910–13–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IA–15–1–7173; FRL–5287–2]

Approval and Promulgation of Implementation Plans; State of Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This final action approves the State Implementation Plan (SIP) revision submitted by the state of Iowa. The revision includes special requirements for nonattainment areas, compliance and enforcement information, and adoption of EPA definitions. These revisions strengthen the SIP with respect to attainment and maintenance of established air quality standards.

EFFECTIVE DATE: This rule is effective on November 29, 1995.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Environmental Protection Agency, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101; and EPA Air & Radiation Docket and Information Center, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Christopher D. Hess at (913) 551–7213.

SUPPLEMENTARY INFORMATION: On June 23, 1995, the EPA published a direct final rule (60 FR 32601–3263) for an SIP revision and received one adverse comment concerning special requirements for nonattainment areas. Therefore, the EPA is addressing that comment and taking final action.

Public Comment

As indicated in EPA's direct final notice at 60 FR 32601, the state has deleted subrule 22.5(2)c. This provision exempted sources in secondary particulate matter nonattainment areas from offset requirements if they could show that offsets were not reasonably available.

In response to this change, a commenter noted that the rule enabled an applicant to ''demonstrate'' that emission offsets were not reasonably available. The commenter further stated that deleting this rule was too restrictive and should not be approved.

Background and Response to Comment

The rule in question concerns the requirement for emission offsets in nonattainment areas. The Act, as amended in 1990, requires a source in an area designated nonattainment to achieve offsets so that even with emission increases from the new source,

there is reasonable further progress towards attainment in the area.

Iowa's preamended rule was developed for certain particulate matter nonattainment areas. The purpose was to attain the national ambient air quality standards for total suspended particulate matter (TSP). Under the TSP standards (which had a secondary standard in addition to the primary standard), some areas in Iowa were nonattainment for the secondary standard, but not for the primary standard. The rule relating to reasonably available offsets did not apply in primary nonattainment areas.

After promulgation of the new PM_{10} standard in 1987 (which replaced the TSP standard), the distinction between primary and secondary standards for particulate lost its regulatory significance since EPA set the same levels for the primary and secondary PM_{10} standards (see 40 CFR 50.6).

In other words, if Iowa had any particulate matter nonattainment areas under the new standard, such areas would necessarily be in violation of both the primary and secondary standard. Therefore, the provisions of the former 22.5(2)c would not apply. In addition, since Iowa currently has no designated particulate nonattainment areas, there are no particulate matter offset requirements in effect.

Iowa has chosen to amend its new source review rules to meet the requirements of the Act. Iowa is also in the process of making additional revisions to its rules to meet the requirements of section 110 and part D of title I of the Act to address the primary SO_2 nonattainment area in Muscatine. Iowa's decision to eliminate the ''reasonably available'' offset provision is consistent with its overall effort to meet the requirements of the Act, as amended in 1990.

Therefore, because it is consistent with the Act, and for the reasons stated in EPA's June 23, 1995, notice, EPA is approving the Iowa revision.

EPA Action

EPA is taking final action to approve revisions submitted on October 18, 1994, and January 26, 1995, for the state of Iowa.

Nothing in this action should be construed as permitting, allowing, or establishing a precedent for any future request for a revision to any SIP. Each request for a revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors, and in relation to relevant statutory and regulatory requirements.

SIP approvals under section 110 and subchapter I, part D of the 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, EPA 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 Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The 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 (S.Ct. 1976); 42 U.S.C. 7410(a)(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 has exempted this regulatory action from E.O. 12866 review.

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 SIP, the state has elected to adopt the program provided for under section 110 of the Clean Air Act. These rules may bind state and local governments to perform certain actions and also require the private sector to perform certain duties. To the extent that the rules being finalized for approval by this action will impose new requirements, sources are already subject to these regulations under state law. Accordingly, no additional costs to state or local governments, or to the private sector, result from this final 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 or local governments in the aggregate or to the private sector.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 29, 1995. 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, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: August 18, 1995.

Dennis Grams,

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 Q—Iowa

2. Section 52.820 is amended by adding paragraph (c)(61) to read as follows:

§ 52.820 Identification of plan.

* * * * *

(c) * * *

(61) On October 18, 1994, and January 26, 1995, the Director of the Iowa Department of Natural Resources submitted revisions to the state implementation plan (SIP) to include special requirements for nonattainment areas, provisions for use of compliance, and enforcement information and adoption of EPA definitions. These revisions fulfill Federal regulations which strengthen maintenance of established air quality standards.

(i) Incorporation by reference.

(A) Revised rules ''Iowa Administrative Code,'' effective November 16, 1994. This revision approves revised rules 567–20.2, 567–22.5(1)a, 567–22.5(1)f(2), 567–22.5(1)m, 567–22.5(2), 567–22.5(3), 567–22.5(4)b, 567–22.5(6), 567–22.5(7), 567–22.105(2), and new rule 567–21.5. These rules provide for special requirements for nonattainment areas, provisions for use of compliance and enforcement information and adopts EPA's definition of volatile organic compound.

(B) Revised rules, ''Iowa Administrative Code,'' effective February 22, 1995. This revision approves new definitions to rule 567–20.2. This revision adopts EPA's definitions of ''EPA conditional method'' and ''EPA reference method.''

(ii) Additional material.

None.

[FR Doc. 95–22333 Filed 10–27–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[OH83–1–6991a; FRL–5299–6]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Direct final rule.

SUMMARY: USEPA is approving revisions to Ohio's program for issuing federally enforceable State operating permits. These revisions clarify that USEPA may deem individual permits to be deficient and not federally enforceable, even if the deficiencies are discovered only after the permit is issued. Then, if the company wishes to retain the benefits of the operating permit (typically, reduced requirements for sources with ''minor source'' allowable emissions levels), USEPA could require correction of the permit deficiencies to ensure that the permit limitations are truly federally enforceable.

DATES: This action is effective December 29, 1995 unless adverse or critical comments are received by November 29, 1995. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be addressed to: J. Elmer Bortzer, Chief, Regulation Development Section, Regulation Development Branch (AR–18J), United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the SIP revision and USEPA's analysis are available for public inspection during normal business hours at the following addresses: United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard (AE–17J), Chicago, Illinois 60604; and Office of Air and Radiation (OAR), Docket and Information Center (Air Docket 6102) Room M1500, United States Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: John Summerhays, Regulation Development Section, Regulation Development Branch (AE–17J), United States Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 886–6067.

SUPPLEMENTARY INFORMATION:

I. Review of State Submittal

On April 20, 1994, Ohio submitted rules to provide the option for the State to issue federally enforceable State operating permits (FESOPs). Unfortunately, the version of the rules that Ohio adopted and submitted inadvertently excluded some revisions requested by the United States Environmental Protection Agency (USEPA). On June 16, 1994, Ohio committed to make these intended revisions. On the basis of this commitment, USEPA conditionally approved Ohio's submittal on October 25, 1994, at 59 FR 53586.

On March 7, 1995, in accordance with its commitment, Ohio submitted revisions to its operating permit rules. USEPA found this submittal complete on March 27, 1995.

The principal revision in this submittal was to language in Rule 3745–35–07(B)(2). The language of the rule that Ohio submitted on April 20, 1994, stated:

> During the public comment period, the administrator may object that the terms and conditions of the permit to operate are not federally enforceable and the director shall not issue the permit to operate until such objection has been resolved.

USEPA expressed concern that this language could be construed to mean that USEPA had no authority to deem permits not federally enforceable once the permits had been issued. The March 7, 1995, submittal, in accordance with the State's commitment as submitted June 16, 1994, includes revised language that states:

> During the public comment period, IF the administrator OBJECTS that the terms and conditions of the permit to operate are not federally enforceable the director shall not issue the permit to operate until such objection has been resolved.

This revised language removes the implication that USEPA's authority to deem State operating permits not federally enforceable is limited to the State's public comment period. The fact that Ohio made this change, the revised language itself, and the discussion of the language by Ohio all indicate that USEPA is granted the authority to deem State operating permits to be not federally enforceable after permit issuance as well as before issuance. This change provides for satisfaction of the second criterion for FESOP program approval specified in USEPA's guidance published in the Federal Register of June 28, 1989 (at 54 FR 27274), that USEPA be authorized to deem relevant permits not federally enforceable. As a result, Ohio's rules now fully satisfy all criteria for FESOP program approval. (Ohio also revised the language concerning advance notification by sources of implementation of emissions trades, replacing the phrase ''advance notification * * * as specified in 40 CFR 70.4(6)(12)'' with the phrase ''seven day advance notification''; this clarification does not significantly affect program approvability.)

During the comment period on the October 25, 1994, direct final rulemaking, USEPA received two comment letters. The comments in these letters were not adverse or critical and did not require withdrawal of the direct final rulemaking. Nevertheless, it is appropriate to address these comments in the context of this rulemaking on Ohio's March 7, 1995, submittal.

The first comment was sent by the Natural Resources Defense Council (NRDC). NRDC did not object to USEPA approval of Ohio's rule. However, NRDC requested that the codification of USEPA's approval specify that FESOPs shall be enforceable not just by USEPA but also ''by any person under section 304 of the Clean Air Act.'' Section 304 indeed provides authority to any person to bring suits to enforce limits such as those contained in FESOPs. Thus, it is appropriate to amend the codification in 40 CFR 52.1888 as requested by NRDC.

The second comment was sent by Ohio EPA, by letter dated November 18, 1994. As discussed above, Ohio changed rule language that could be interpreted as limiting USEPA's authority to deem a State operating permit as not federally enforceable after permit issuance. Ohio takes the position that USEPA inherently has the authority to deem these permits not federally enforceable, and that ''Ohio does not believe it is in a position to make a specific authorization regarding the scope of USEPA's authority in this area.'' Therefore, Ohio argues that its rule revisions were not intended to provide ''veto'' authority to USEPA after permit issuance but instead were intended simply to remove an obstacle to USEPA exercising its preexisting authority.

This issue is somewhat moot, insofar as Ohio is not questioning USEPA's ''veto'' authority after permit issuance but is merely questioning the origins of that authority. In any case, USEPA believes that State operating permits are not inherently federally enforceable, and that these permits can only be federally enforceable if the State grants