

rules being approved by this action will impose any enforceable duty upon the State, local, or tribal governments, or upon the private sector, USEPA's action will impose no new requirements; such sources are already subject to these regulations under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. For these reasons, USEPA has determined that this final action does not include a Federal mandate.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Ozone, Reporting and recordkeeping requirements.

Dated: February 15, 1996.

David A. Ullrich,

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 O—Illinois

2. Section 52.720 is amended by adding paragraph (c)(122) to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(122) On June 26, 1995, the Illinois Environmental Protection Agency (IEPA) submitted a State Implementation Plan (SIP) revision containing the 1992 enhancements to the Illinois vehicle inspection and maintenance (I/M) program. Such enhancements were originally developed to meet the I/M performance standard as called for in the United States Environmental Protection Agency's (USEPA's) proposed 'post-1987' I/M SIP policy and specified in the settlement agreement entered into by the parties in *Wisconsin v. Reilly*, Case No. 87-C-0395, E.D. Wis. The submittal includes authorizing legislation P.A. 86-1433, signed into law on September 12, 1990 and procedural rules published in the Illinois Register on June 26, 1992 at Volume 16, Issue #16.

(i) Incorporation by reference.

(A) 35 Illinois Administrative Code 276; Sections 276.101, 276.102, 276.204, 276.206, 276.301, 276.303, 276.304, 276.307, 276.308, 276.309, 276.310,

276.311, 276.401, 276.402, 276.701, 276.702, and 276.703 amended or added at 16 Ill. Reg. 10230, effective June 15, 1992.

(ii) Other material.

(A) Public Act 86-1433 adopted by the Illinois General Assembly on June 29, 1990, signed into law by Governor Edgar on September 12, 1990 effective September 12, 1990 (Sections 2.3, and 4) and January 1, 1991 (Section 1). (B) June 26, 1995 letter and attachments from the IEPA's Bureau of Air Chief to the USEPA's Regional Air and Radiation Division Director submitting Illinois' revision to the ozone SIP.

* * * * *

[FR Doc. 96-8435 Filed 4-8-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[AZ 063-0001a; FRL-5443-7]

Clean Air Act Approval and Promulgation of Prevention of Significant Deterioration (PSD) and General Permitting Provisions Implementation Plan for Arizona State Pinal County Air Quality Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is promulgating direct final approval of portions of a requested State Implementation Plan (SIP) revision submitted by the State of Arizona on behalf of Pinal County for the purpose of meeting requirements of the Clean Air Act, as amended in 1990 (CAA or the Act) with regard to general permitting and prevention of significant deterioration (PSD) programs in areas of Pinal County that are in attainment of the national ambient air quality standards (NAAQS). The requested revision was submitted by the State to satisfy certain Federal requirements for an approvable SIP.

EPA is taking this action to approve the portions of Pinal's rules identified below into the SIP for the purpose of meeting the PSD and preconstruction permitting requirements of 40 CFR 51.160 through 51.164 and 51.166, under the authority granted by 40 CFR 51.105. Approval of Pinal's rules for the purposes of meeting the nonattainment preconstruction permitting requirements of 40 CFR 51.165 will take place under a separate action. This action does *not* in any way imply that Pinal's nonattainment permitting provisions meet the requirements of §§ 171, 172, 173, 181, 182, 187, or 189 of the CAA. Failure on Pinal's part to

submit rules which meet the requirements of 40 CFR 51.165 may trigger sanctions as provided for under § 179 of the Clean Air Act.

DATES: This direct final rule is effective on June 10, 1996 unless adverse or critical comments are received by May 9, 1996. If the effective date is delayed, a timely notice will be published in the Federal Register.

ADDRESSES: Copies of the State's submittal and other information are available for inspection during normal business hours at the following locations: (1) EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105; (2) State of Arizona Department of Environmental Quality 3033 North Central Avenue, Phoenix, AZ 85012.

FOR FURTHER INFORMATION CONTACT:

Jessica Gaylord (telephone: 415-744-1290), or Steve Ringer (telephone: 415-744-1260), New Source Section, Air & Toxics Division (A-5-1), EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105.

SUPPLEMENTARY INFORMATION: The air quality planning requirements for attainment areas are set out in 40 CFR 51.166. The general air quality permitting requirements are set out in 40 CFR 51.160-51.164.

Procedural Background

The Act requires States to observe certain procedural requirements in developing implementation plans and plan revisions for submission to EPA. Section 110(a)(2) and section 110(l) of the Act provide that each implementation plan or revision to an implementation plan submitted by a State must be adopted after reasonable notice and public hearing.

ADEQ held a public hearing on August 9, 1994, to entertain public comment on the proposal to submit portions of Pinal County's Code of Regulations as a revision to the SIP. On August 16, 1994 the rules were submitted to EPA as a proposed revision to the Arizona SIP. On May 31, 1995 and November 27, 1995, ADEQ submitted applicable portions of the original submittal which had subsequently been revised by Pinal County (the Pinal County portion of the August 16, 1994 submittal and its subsequent revisions will hereafter be referred to as "the submitted rules").

The November 27, 1995 SIP revision was reviewed by EPA and determined to be complete on February 2, 1996. The submitted rules contain all of the general permitting and PSD requirements but lack certain nonattainment new source review (NSR) requirements that would make them

fully approvable. In this action, EPA is therefore promulgating approval of only those portions of the submitted rules which are necessary to meet the general permitting and PSD requirements contained in 40 CFR 51.160–51.164 and 51.166. The specific rules that EPA is promulgating approval of are listed below. EPA believes that these rules are separable and that their independent approval does not affect their stringency. EPA will therefore act at a later date on the portions of the submitted rules which are intended to satisfy the requirements contained in 40 CFR 51.165.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. However, should adverse or critical comments be filed, EPA is proposing in a separate document in this Federal Register publication, approval of those portions of the submitted rules that are necessary to meet the general permitting and PSD requirements.

If EPA receives adverse or critical 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 with this action serving as the proposed rule. The EPA will not institute a second comment period. 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 June 10, 1996.

Pinal County is currently designated as attainment or unclassifiable for carbon monoxide, ozone, nitrogen dioxide, lead, and sulfur dioxide, and partial nonattainment for particulate matter (PM₁₀). The specific PM₁₀ nonattainment areas is the planning area Hayden/Miami, which is classified as moderate nonattainment for PM₁₀. The preconstruction requirements for PSD permitting are found at section 165 of the Clean Air Act. The submitted rules satisfy these requirements. For a detailed description of how the submitted rules meet the applicable requirements, please refer to EPA's Technical Support Document (TSD).

Proposed Action

EPA is promulgating direct final approval of the portions of the submitted rules that contain the general and PSD permitting provisions. Specifically, EPA is proposing to approve the following sections of the submitted rules into the Arizona SIP:

Chapter 1, General Provisions & Definitions, Articles 1 (Provisions), 2 (Incorporated Materials), and 3 (Definitions).

Chapter 2, Ambient Air Quality Standards, Articles 1 (Air Quality Standards), 2 (Ambient Air Quality Monitoring Methods & Procedures), 3 (Interpretation of Ambient Air Quality Standards & Evaluation of Air Quality Data), 4 (Attainment Area Classification), 5 (Limitation of Pollutants in Attainment Areas), 6 (Violations), and 7 (Air Pollution Emergency Episodes).

Chapter 3, Permits and Permit Revisions, Articles 1 (General Provisions Relating to Permits & Permit Revisions), 2 (Permit Amendments and Revisions), and the following sections of Article 3, section 200 (Purpose), section 203 (Definitions), section 205 (Application Requirements), section 210 (Application Review Process), section 250 (Permit and Permit Revision Requirements For Sources Located In Attainment and Unclassifiable Areas), section 260 (Air Quality Impact Analysis and Monitoring Requirements), section 270 (Innovative Control technology), section 275 (Air Quality Models), and section 280 (Visibility Protections).

It should be noted here that approval of these sections does *not* indicate that portions of the rule intended to meet requirements of Title V of the CAA are now federally-enforceable. Approval of a Title V program is a separate action.

EPA is requesting comments on all aspects of the requested SIP revision and EPA's proposed rulemaking action. Comments received by the date indicated above will be considered in the development of EPA's final rule.

Administrative Review

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.

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 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 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).

The Office of Management and Budget has exempted this action from review under Executive Order 12866.

Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 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. EPA has determined that the approval proposed in this document does not include such a federal mandate, as this proposed federal action would approve pre-existing requirements under state or local law, and would impose no new federal requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, will result from this action.

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, New source review, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

Dated: March 3, 1996.

Felicia Marcus,
Regional Administrator.

Subpart D of 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)(84) to read as follows:

§ 52.120 Identification of plan.

* * * * *

(c) * * *

(84) Amended regulations for the Pinal County Air Quality Control District were submitted on November 27, 1995, by the Governor's designee.

(i) Incorporation by reference.

(A) Pinal County Air Quality Control District Code of Regulations: Chapter 1, Articles 1 through 3; Chapter 2, Articles 1 through 7; Chapter 3, Articles 1, 2, and the following sections of Article 3, Section 200, Section 203, Section 205, Section 210, Section 250, Section 260, Section 270, Section 275, and Section 280. Adopted on October 12, 1995.

* * * * *

[FR Doc. 96-8432 Filed 4-8-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[CA 102-14-0004a; FRL-5441-3]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Mojave Desert Air Quality Management District; San Diego County Air Pollution Control District; San Joaquin Valley Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the California State Implementation Plan (SIP). The revisions concern rules from the Mojave Desert Air Quality Management District (MDAQMD), San Diego County Air Pollution Control District (SDCAPCD), and San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD). The rules control oxides of nitrogen (NO_x) from gas turbines, fuel-burning equipment, and glass manufacturing plants. This approval action will incorporate these rules into the Federally approved SIP. The intended effect of approving these rules is to regulate emissions of NO_x in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The 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.

DATES: This action is effective on June 10, 1996, unless adverse or critical comments are received by May 9, 1996. If the effective date is delayed, a timely notice will be published in the Federal Register.

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

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.

Mojave Desert Air Quality Management District, 15428 Civic Drive, Suite 200, Victorville, CA 92392.

San Joaquin Valley Unified Air Pollution Control District, 1999 Tuolumne Street, Suite 200, Fresno, CA 93721.

San Diego County Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123-1096.

FOR FURTHER INFORMATION CONTACT: Mae Wang, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901, Telephone: (415) 744-1200.

SUPPLEMENTARY INFORMATION:**Applicability**

The rules being approved into the California SIP include: MDAQMD Rule 1159, Stationary Gas Turbines; SDCAPCD Rule 68, Fuel-Burning Equipment—Oxides of Nitrogen; and SJVUAPCD Rule 4354, Glass Melting Furnaces.

Background

On November 15, 1990, the Clean Air Act Amendments of 1990 (CAA or the Act) were enacted. Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q. The air quality planning requirements for the reduction of NO_x emissions through reasonably available control technology (RACT) are set out in section 182(f) of the CAA. On November 25, 1992, EPA published a Notice of Proposed Rulemaking entitled "State Implementation Plans; Nitrogen Oxides Supplement to the General Preamble; Clean Air Act Amendments of 1990 Implementation of Title I; Proposed Rule," (the NO_x Supplement) which describes and provides preliminary

guidance on the requirements of section 182(f). 57 FR 55620. The NO_x Supplement should be referred to for further information on the NO_x requirements and is incorporated into this notice of direct final rulemaking by reference.

Section 182(f) of the Clean Air Act requires States to apply the same requirements to major stationary sources of NO_x ("major" as defined in section 302 and section 182 (c), (d), and (e)) as are applied to major stationary sources of volatile organic compound (VOC) emissions, in moderate or above ozone nonattainment areas. The Southeast Desert Air Basin is classified as severe, and both the San Diego Area and the San Joaquin Valley Area are classified as serious;¹ therefore these areas were subject to section 182(f), the RACT requirements of section 182(b)(2), and the November 15, 1992 deadline, cited below.

Section 182(b)(2) requires submittal of RACT rules for major stationary sources of VOC (and NO_x) emissions not covered by either a pre-enactment or post-enactment control techniques guideline (CTG) document by November 15, 1992. There were no NO_x CTGs issued before enactment and EPA has not issued a CTG document for any NO_x sources since enactment of the CAA. The RACT rules covering NO_x sources and submitted as SIP revisions, are expected to require final installation of the actual NO_x controls as expeditiously as practicable, but no later than May 31, 1995.

MDAQMD Rule 1159 was adopted by MDAQMD on February 22, 1995, and was submitted by CARB to EPA on March 31, 1995. SDCAPCD Rule 68 was adopted on September 20, 1994, and submitted on October 19, 1994. SJVUAPCD Rule 4354 was adopted on September 14, 1994, and submitted on September 28, 1994. These submitted rules were found to be complete on May 2, 1995, October 21, 1994, and October 21, 1994, respectively, pursuant to EPA's completeness criteria that are set forth in 40 CFR Part 51 Appendix V.² By today's notice, EPA is taking direct final

¹ The Southeast Desert Air Basin, the San Diego Area, and the San Joaquin Valley Area retained their designations of nonattainment and were classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. See 55 FR 56694 (November 6, 1991). The San Diego Area was reclassified from severe to serious on February 21, 1995. See 60 FR 3771 (January 19, 1995).

² EPA 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).