

flap fittings at wing station (WS) 123.38, in accordance with Saab Service Bulletin SAAB 340-57-027, Revision 01, dated June 30, 1995.

(1) If no cracking or damage is found, and the flap fittings have not been modified or replaced, repeat the visual inspection thereafter at intervals not to exceed 800 hours time-in-service.

(2) If any cracking is found, prior to further flight, replace the flap fittings with new improved flap fittings, and install improved bushings, in accordance with the Accomplishment Instructions (Modification 2628—Part 3) of the service bulletin. After this modification is accomplished, no further action is required by this AD.

(b) Within 4,500 hours time-in-service after the effective date of this AD, perform an inspection to determine the size of the inboard and outboard holes (swaged bushings) of the flap fittings, and to detect loose swaged bushings, in accordance with Saab Service Bulletin SAAB 340-57-027, Revision 01, dated June 30, 1995.

(1) If the sizes of the holes are within the limits specified in the service bulletin, and if no loose swaged bushings are found, prior to further flight, install improved bushings in accordance with the Accomplishment Instructions (Modification 2628—Part 1) of the service bulletin. After this modification is accomplished, no further action is required by this AD.

(2) If the size of any hole is outside the limits specified in the service bulletin, or if any loose swaged bushing is found, prior to further flight, install oversize bushings in the flap fittings, and install improved bushings, in accordance with the Accomplishment Instructions (Modification 2628—Part 2) of the service bulletin. After this modification is accomplished, no further action is required by this AD.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(e) The inspections, replacement, and installations shall be done in accordance with Saab Service Bulletin SAAB 340-57-027, Revision 01, dated June 30, 1995. This incorporation by reference was approved by the Director of the Federal Register, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51, as of January 27, 1997 (61 FR 66885, December 19, 1996). Copies may be obtained from SAAB Aircraft AB, SAAB Aircraft

Product Support, S-581.88, Linköping, Sweden. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment is effective January 27, 1997.

Issued in Renton, Washington, on January 14, 1997.

S. R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region II Docket No. 150; PR4-2, FRL-5675-1]

Approval and Promulgation of Implementation Plans; Commonwealth of Puerto Rico

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is announcing the approval of revisions to the Puerto Rico "Regulations for the Control of Atmospheric Pollution," submitted to EPA by the Puerto Rico Environmental Quality Board (EQB) on September 29, 1995. This action approves revisions to Rules 102, 105, 106, 107, 109, 110, 111, 114, 117, 121, 201, 203, 204, 205, 206, 209, 301, 401, 402, 403, 404, 405, 406, 408, 409, 410, 412, 413, 414, 417, and 501. At the request of EQB, EPA will be taking final action on Rules 112 and 211 at a later date. EPA is not incorporating new Rule 422 into the federally approved Puerto Rico State Implementation Plan (SIP). EPA is also withdrawing Rules 411, 418, 419, 420 and 421 from the Puerto Rico SIP at the request of the EQB. However, although requested by the EQB, EPA is not withdrawing Rule 404 from the SIP. In addition, EPA is adding a new section to the Code of Federal Regulations which clearly identifies those Puerto Rico regulations which are a part of the SIP.

EFFECTIVE DATE: This rule is effective February 21, 1997.

ADDRESSES: Copies of the state submittal(s) are available at the following addresses for inspection during normal business hours: Environmental Protection Agency, Region II Office, Air Programs Branch,

290 Broadway, 25th Floor, New York, New York 10007-1866

Environmental Protection Agency, Region II Caribbean Field Office Centro Europa Building, Suite 417, 1492 Ponce de Leon Avenue, Stop 22, Santurce, Puerto Rico 00909
Environmental Protection Agency, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Kirk J. Wieber, Environmental Engineer, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007-1866, (212) 637-4249.

SUPPLEMENTARY INFORMATION: On June 21, 1996 (61 FR 31886), EPA published, in the Federal Register, a proposed rulemaking concerning revisions to the Puerto Rico "Regulations for the Control of Atmospheric Pollution" (the Regulations). On September 29, 1995, the Puerto Rico Environmental Quality Board (EQB) submitted to EPA a request for approval of revisions to the Puerto Rico Regulations. Included in that request were revisions to the general Regulations, regulations needed to support the Title V of the Clean Air Act (Act) Operating Permits Program, revisions to the Puerto Rico PM₁₀ SIP for the Municipality of Guaynabo, and, a request that certain rules of the Regulations which are currently included as part of Puerto Rico's approved SIP be withdrawn from the SIP. However, these regulations will remain enforceable by Puerto Rico. Also included, was a regulation concerning Hazardous Air Pollutants (HAPs) to be approved by EPA under section 112(l) of the Act. Under the context of the Act, the Commonwealth of Puerto Rico is regarded as a state.

The revisions and rationale for EPA's approval and rulemaking actions were explained in the June 21, 1996 proposal and will not be restated here. The reader is referred to the proposal for a detailed explanation of Puerto Rico's SIP revision.

In response to EPA's proposed approval of Puerto Rico's SIP revision, comments were received from eight interested parties. The commenters are as follows: American Petroleum Institute [A], Puerto Rico Sun Oil Company [B], Schering-Plough Corporation [C], Puerto Rico Manufacturers Association [D], Pharmaceutical Research and Manufacturers of America [E], Ford Motor Company [F], National Environmental Development Association [G], Texaco Inc. [H]. All of the comments received were of a similar

nature. The comments and EPA's responses are listed below.

Comment

Among the changes to the Puerto Rico SIP proposed to be adopted by EPA is an amendment to Rule 112, "Compliance Determination/Certification," of the Puerto Rico Regulations which provides that "any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of the Puerto Rico SIP and that certain information will constitute presumptively credible evidence of whether a violation has occurred."

The use of other "credible evidence" has been recognized under the Act, but specifically limited to penalty calculations as evidence of the duration of a violation proven through the use of approved reference test methods. Consequently, the commenters assert that the proposed revision in question affecting Rule 112 is not consistent with, nor required or supported by the Act and its legislative history. Absent a legal foundation to support the inclusion of the "credible evidence" provision of Rule 112, the commenter objected to its proposed incorporation into the SIP. EPA should withhold taking any final action regarding Rule 112. [A,B,C,D,E,F,G, & H]

Response

Puerto Rico's Rule 112 was adopted in response to EPA's SIP requirement notification that was issued in conjunction with the release of EPA's Enhanced Monitoring (EM) rule which was proposed on October 22, 1993 (58 FR 54648). However, adverse comments were received with respect to EPA's EM proposed rule. EPA has developed a Compliance Assurance Monitoring (CAM) rule to replace the EM rule. EPA announced the availability of the draft in September 1995 and a revised version on August 13, 1996 (61 FR 41991). EPA anticipates proposing the CAM rule by December 1996 and promulgating it by July 1997. The August 13, 1996 Federal Register notice states that the rulemaking on the credible evidence provisions as proposed originally in October 22, 1993 is expected to be finalized ahead of the CAM rule, in December 1996. EQB formally requested, in an October 4, 1996 letter, that EPA delay approval of Rule 112 until EPA promulgates the credible evidence rule and/or the CAM rule. This would allow EPA and EQB to further evaluate Rule 112 to determine if it meets EPA's final requirements. Therefore, EPA concurs with EQB's request that EPA withhold taking final

action on Puerto Rico's revision to Rule 112 until EQB submits a future request.

Comment

Upon the adoption and promulgation of Rule 211, "Synthetic Minor Source Emissions" by EQB, EQB issued Resolution R-96-13-4 on March 26, 1996 clarifying the underlying intended purpose of the rule. EPA should incorporate the clarifications made by EQB regarding this rule, as drafted in EQB's Resolution R-96-13-4, in order that the synthetic minor source provisions of the Puerto Rico SIP be interpreted consistent with its underlying intended scope and extent. [D]

Response

EQB informed EPA in an October 4, 1996 letter of its intent to change the definition of "Minor Source (for the purpose of Rule 211)" in Rule 102, "Definitions" of the Regulations, to delete the exclusion which provides that sources subject to a New Source Performance Standards or National Emission Standard for Hazardous Air Pollutants cannot be considered minor sources for the purpose of limiting potential emissions of criteria pollutants. Because EQB has informed EPA of this plan to revise the Regulation pursuant to the Resolution R-96-13-4, EQB and EPA have agreed to withhold taking final action on Rule 211 until it is further revised by EQB and submitted to EPA as a SIP revision. Similarly, EPA is withholding action on Rule 211 to the extent that it would be a method to provide sources with a mechanism to limit potential HAP emissions under 112(l) of the Act. EPA will address this when EQB submits the revised regulation defining minor source for purposes of Rule 211 for EPA approval. Therefore, EPA concurs with EQB's request that EPA withhold taking final action on Puerto Rico's revision to Rule 211 until EQB submits a future request.

Conclusion

EPA is approving revisions to Rules 102, 105, 106, 107, 109, 110, 111, 114, 117, 121, 201, 203, 204, 205, 206, 209, 301, 401, 402, 403, 404, 405, 406, 408, 409, 410, 412, 413, 414, 417, and 501 of the Puerto Rico Regulations. As requested by the EQB, final action on Rules 112 and 211 will be delayed until issues associated with these rules are resolved by EQB and EPA. In addition, EPA is not incorporating new Rule 422 into the federally approved Puerto Rico SIP. EPA is also withdrawing Rules 411, 418, 419, 420 and 421 from the Puerto Rico SIP at the request of the EQB.

Although requested by the EQB, EPA is not withdrawing Rule 404 from the SIP.

Additionally, a new § 52.2723 of the Code of Federal Regulations, "EPA—approved Puerto Rico regulations," is being promulgated in the regulatory section at the end of this action. This new section identifies all Puerto Rico regulations approved by EPA as part of the Puerto Rico SIP, the dates when the regulations were made effective by the Commonwealth, and the dates (and Federal Register citation) when they were last approved by EPA for incorporation into the Puerto Rico SIP.

New § 52.2723 also includes regulations which were previously approved by EPA. Puerto Rico's September 28, 1995 SIP submittal consisted of the compiled air regulations which included regulations that had not been changed, however, these rules have been given a new Commonwealth effective date. Therefore, EPA is listing them in § 52.2723 under a new Commonwealth effective date and new EPA approval date.

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 the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Administrative Requirements

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.

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 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 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. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

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 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.

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).

Petitions for Judicial Review

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 March 24, 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, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: December 13, 1996.
William J. Muszynski,
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 BBB—Puerto Rico

2. Section 52.2720 is amended by adding paragraph (c)(36) to read as follows:

§ 52.2720 Identification of plan.

* * * * *

(c) * * *

(36) Revisions to the Puerto Rico Regulations for the Control of Atmospheric Pollution (the Regulations) submitted on September 29, 1995 by the Puerto Rico Environmental Quality Board (EQB).

(i) Incorporation by reference.

(A) Regulations:

(1) Amendments to Part I, "General Provisions", Rules 102, 105, 106, 107, 109, 110, 111, 114, 117, and 121, effective September 28, 1995.

(2) Amendments to Part II, "Approval and Permit", Rules 201, 203, 204, 205, 206, and 209, effective September 28, 1995.

(3) Amendments to Part III, "Variance", Rule 301, effective September 28, 1995.

(4) Amendments to Part IV, "Prohibitions", Rules 401, 402, 403, 404, 405, 406, 408, 409, 410, 412, 413, 414, and 417, effective September 28, 1995.

(5) Amendments to Part V, "Fees", Rule 501, effective September 28, 1995.

(ii) Additional information.

(A) Request by EQB to remove Rules 411, 418, 419, 420 and 421 of Part IV, "Prohibitions" of the Regulations from the federally approved SIP dated September 29, 1995.

(B) An October 4, 1996 letter from EQB to EPA requesting that EPA delay approval of Rules 112 and 211.

3. A new § 52.2723 is added to Subpart BBB to read as follows:

§ 52.2723 EPA—approved Puerto Rico regulations.

REGULATION FOR THE CONTROL OF ATMOSPHERIC POLLUTION

Puerto Rico regulation	Common-wealth effective date	EPA approval date	Comments
PART I, GENERAL PROVISIONS			
Rule 101—Title	9/28/95	[Insert date of publication and FR page citation.]	
Rule 102—Definitions	9/28/95	.....do.	
Rule 103—Source Monitoring, Recordkeeping, Reporting, Sampling and Testing Methods.	9/28/95	.....do.	
Rule 104—Emission Data Available to Public Participation.	9/28/95	.....do.	
Rule 105—Malfunction	9/28/95	.....do.	
Rule 106—Test Methods	9/28/95	.....do.	

REGULATION FOR THE CONTROL OF ATMOSPHERIC POLLUTION—Continued

Puerto Rico regulation	Commonwealth effective date	EPA approval date	Comments
Rule 107—Air Pollution Emergencies	9/28/95	.....do.	
Rule 108—Air Pollution Control Equipment	9/28/95	.....do.	
Rule 109—Notice of Violation	9/28/95	.....do.	
Rule 110—Revision of Applicable Rules and Regulations.	9/28/95	.....do.	
Rule 111—Applications, Hearings, Public Notice	9/28/95	.....do.	
Rule 113—Closure of a Source	9/28/95	.....do.	
Rule 114—Compulsory and Optional Hearing	9/28/95	.....do.	
Rule 115—Punishment	9/28/95	.....do.	
Rule 116—Public Nuisance	9/28/95	.....do.	
Rule 117—Overlapping or Contradictory Provisions	9/28/95	.....do.	
Rule 118—Segregation and Combination of Emissions	9/28/95	.....do.	
Rule 119—Derogation	9/28/95	.....do.	
Rule 120—Separability Clause	9/28/95	.....do.	
Rule 121—Effectiveness	9/28/95	.....do.	

PART II, APPROVAL AND PERMIT

Rule 201—Location Approval	9/28/95	.....do.	
Rule 202—Air Quality Impact Analysis	9/28/95	.....do.	
Rule 203—Permit to Construct a Source	9/28/95	.....do.	
Rule 204—Permit to Operate a Source	9/28/95	.....do.	
Rule 205—Compliance Plan for Existing Emission Sources.	9/28/95	.....do.	
Rule 206—Exemptions	9/28/95	.....do.	
Rule 207—Continuing Responsibility for Compliance ...	9/28/95	.....do.	
Rule 208—Agricultural Burning Authorized	9/28/95	.....do.	
Rule 209—Modification of the Allowed Sulfur-in-Fuel Percentage.	9/28/95	.....do.	
Rule 210—(Reserved) Part III, "Variance".			

PART III, VARIANCE

Rule 301—Variances Authorized	9/28/95	.....do.	
Rule 302—Emergency Variances	9/28/95	.....do.	

PART IV, PROHIBITIONS

Rule 401—Generic Prohibitions	9/28/95	.....do.	
Rule 402—Open Burning	9/28/95	.....do.	
Rule 403—Visible Emissions	9/28/95	.....do.	
Rule 404—Fugitive Emissions	9/28/95	.....do.	
Rule 405—Incineration	9/28/95	.....do.	
Rule 406—Fuel Burning Equipment	9/28/95	.....do.	
Rule 407—Process Sources	9/28/95	.....do.	
Rule 408—Asphaltic Concrete Batching Plants	9/28/95	.....do.	
Rule 409—Non-Process Sources	9/28/95	.....do.	
Rule 410—Maximum Sulfur Content in Fuels	9/28/95	.....do.	
Rule 412—Sulfur Dioxide Emissions: General	9/28/95	.....do.	
Rule 413—Sulfuric Acid Plants	9/28/95	.....do.	
Rule 414—Sulfur Recovery Plants	9/28/95	.....do.	
Rule 415—Non-Ferrous Smelters	9/28/95	.....do.	
Rule 416—Sulfite Pulp Mills	9/28/95	.....do.	
Rule 417—Storage of Volatile Organic Compounds	9/28/95	.....do.	
Rule 423—Limitations for the Guaynabo PM ₁₀ Non-attainment Area.	4/2/94	5/31/95; 60 FR 28333.	

PART V, FEES

Rule 501—Permit Fees	9/28/95	.....do.	
Rule 502—Excess Emission Fees	9/28/95	.....do.	
Rule 503—Test Fees	9/28/95	.....do.	
Rule 504—Modification	9/28/95	.....do.	

[FR Doc. 97-1420 Filed 1-21-97; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[CA 157-0022a; FRL-5669-1]

Clean Air Act Approval and Promulgation of Emission Reduction Credit Banking Provisions; Implementation Plan for California State Mojave Desert 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 rules from the Mojave Desert Air Quality Management District (MDAQMD or the District). This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to control air pollution in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act) with regard to new source review (NSR) in areas of MDAQMD that are not in attainment of the national ambient air quality standards (NAAQS). 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.

DATES: This action is effective on March 24, 1997 unless adverse or critical comments are received by February 21, 1997. 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 for the rules are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rules are available for inspection at the following locations:

Permitting Office (A-5-1), 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
 Mojave Desert AQMD, 15428 Civic Drive, Suite 200, Victorville, CA 92392-2383.

FOR FURTHER INFORMATION CONTACT: Steve Ringer, Permitting Office (A-5-1), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1260.

SUPPLEMENTARY INFORMATION:**Applicability**

The rules being approved into the California SIP include: rule 1400, General; rule 1401, Definitions; rule 1402, Emission Reduction Credit Registry; and rule 1404, Emission Reduction Credit Calculation. These rules were adopted on June 28, 1995, and were submitted by the State of California to EPA on August 10, 1995 (rules 1400, 1401, 1402, and 1404 will hereafter be referred to as the "submitted rules").

This document promulgates EPA's direct-final action for the submitted rules. These submitted rules were found to be complete on October 4, 1995, 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. The submitted rules establish a system by which the District will calculate and bank reductions in emissions prior to use as offsets for future increases in emissions.

Background

The air quality planning requirements for nonattainment areas are set out in 40 CFR 51.165. The general requirements for the use of emission reductions are set out in EPA's Emissions Trading Policy Statement (ETPS), at 51 FR 43814, December 4, 1986.

Section 173 of the Clean Air Act requires that major new sources and major modifications in nonattainment areas obtain offsetting emission reductions as a part of the preconstruction permitting process. The submitted rules create a system to provide for the banking and transfer of such reductions. As detailed in 40 CFR 51.165 and EPA's ETPS, offsets must reflect reductions in actual emissions, and they must be enforceable, permanent, quantifiable, and surplus of other regulatory requirements. For a description of how the submitted rules ensure that emission reductions meet these requirements, please refer to EPA's Technical Support Document (TSD) for this action.

¹ 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).

EPA Evaluation and Action

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations, and EPA policy. Therefore, MDAQMD rules 1400, 1401, 1402, and 1404 are being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and part D.

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 March 24, 1997, unless, by February 21, 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 March 24, 1997.

Regulatory Process

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 a population of less than 50,000.

SIP approvals under sections 110 and 301(a) and subchapter I, Part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the