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 CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The CAA 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).

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 State implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under Part D of the Clean Air Act. These rules may bind State, local, and tribal governments to perform certain actions and also require the private sector to perform certain duties. The rules being approved by this action will impose no new requirements because affected sources are already subject to these regulations under State law. Therefore, no additional costs to State, local, or tribal governments or to the private sector result from this 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, local, or tribal governments in the aggregate or to the private sector.

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).

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 Executive Order 12866 review.

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.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Dated: December 8, 1996.

Felicia Marcus,

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 paragraph (c)(224)(i)(C) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(224) * * *

(i) * * *

(C) Mojave Desert Air Quality Management District.

(*1*) Rules 1400, 1401, 1402, 1404. Adopted on June 28, 1995.

* * * * *

[FR Doc. 97–1421 Filed 1–21–97; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[IN70–1a; FRL–5675–2]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On February 13, 1996, and June 27, 1996, the State of Indiana submitted, as a requested revision to the State Implementation Plan (SIP) for ozone, 326 IAC 8–12, a rule controlling volatile organic compound (VOC) emissions from shipbuilding and ship repair coating operations in Clark, Floyd, Lake, and Porter Counties. This rule is part of the State's 15% Rate-of-Progress (ROP) plan for reducing VOC emissions in Clark and Floyd Counties. VOCs are air pollutants which combine with oxides of nitrogen to form ground-level ozone, a pollutant which can damage lung tissue and cause serious respiratory illness. ROP plans are intended to help areas with ozone problems attain the public health based Federal ozone air quality standard. Indiana expects that the control measures required by this requested SIP revision will reduce VOC emissions by 1,164 pounds per day in Clark and Floyd Counties. In this action, EPA is approving the requested SIP revision through a ''direct final'' rulemaking; the rationale for this approval is set forth in the **SUPPLEMENTARY INFORMATION** section of this rulemaking. Elsewhere in this Federal Register, EPA is proposing approval and soliciting comment on this direct final action; if adverse comments are received, EPA will withdraw the direct final and address the comments received in a new final rule; otherwise, no further rulemaking will occur on this requested SIP revision.

DATES: This final rule is effective March 24, 1997 unless adverse comments are received by February 21, 1997. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments can be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), Air and Radiation Division, U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the SIP revision request are available for inspection at the following address: (It is recommended that you telephone Mark J. Palermo at (312) 886–6082, before visiting the Region 5 office.) U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Mark J. Palermo, Air Programs Branch (AR–18J), (312) 886–6082.

SUPPLEMENTARY INFORMATION:

I. Background

Section 182(b)(1) of the Act, as amended in 1990, requires all moderate and above ozone nonattainment areas to achieve a 15% reduction of 1990 emissions of VOC by November 15, 1996. In Indiana, Lake and Porter Counties are classified as ''severe'' nonattainment for ozone, while Clark and Floyd Counties are classified as ''moderate'' nonattainment. As such, these counties are subject to the 15%

ROP requirement. The Act specifies under section 182(b)(1)(C) that the 15% emission reduction claimed under the ROP plan must be achieved through revisions to the SIP, the promulgation of federal rules, or through permits under Title V of the Act, by November 15, 1996.

On September 6, 1995, the Indiana Air Pollution Control Board (IAPCB) adopted a shipbuilding and ship repair rule for purposes of meeting the State's 15% ROP plan requirements. Public hearings on the rule were held on June 7, 1995, and September 6, 1995, in Indianapolis, Indiana. The rule was signed by the Secretary of State on April 1, 1996, and became effective on May 1, 1996; it was published in the Indiana State Register on May 1, 1996. The Indiana Department of Environmental Management (IDEM) formally submitted the rule to EPA on February 13, 1996, as a revision to the Indiana ozone SIP; supplemental documentation to this revision was submitted on June 27, 1996. EPA made a finding of completeness in a letter dated July 5, 1996.

II. Summary of Rule

The February 13, 1996, and June 27, 1996, submittals include the following rule:

326 Indiana Administrative Code (IAC) 8–12 Shipbuilding or Ship Repair Operations in Clark, Floyd, Lake, and Porter Counties

(1) Applicability.
(2) Exemptions.
(3) Definitions.
(4) Volatile organic compound emissions limiting requirements.
(5) Compliance requirements.
(6) Test methods and procedures.
(7) Record keeping, notification, and reporting requirements.

A summary of the rule follows. For the complete requirements of this SIP revision, interested parties should see the 326 IAC 8–12 rule.

326 IAC 8–12–1 Applicability

This section establishes which shipbuilding or ship repair operations are subject to the rule. Beginning November 1, 1995, shipbuilding or ship repair facilities which are (a) located in Clark or Floyd County which have the potential to emit 100 tons per year (TPY) of VOCs, or (b) located in Lake and Porter Counties which have the potential to emit 25 TPY of VOCs, are subject to the requirements of the rule.[1]

''Shipbuilding and ship repair facility,'' as defined under section 3(21) of the rule, means any facility that builds, repairs, repaints, converts, or alters ships. Section 3(20) defines ''ship'' to mean any marine or freshwater vessel made of steel and used for military or commercial operations, including self-propelled vessels, those propelled by other craft (barges), and navigational aids (buoys), and includes, but is not limited to, all of the following: (A) military and United States Coast Guard vessels, (B) commercial cargo and passenger (cruise) ships, (C) ferries, (D) barges, (E) tankers, (F) container ships, (G) patrol and pilot boats, and (H) dredges. For purposes of the rule, offshore oil and gas drilling platforms are not considered ships.

326 IAC 8–12–2 Exemptions

This section exempts the following marine coatings from the rule's VOC content limitations in section 4: (1) any marine coating used in volumes of less than 20 gallons in any one calendar year, provided, however, the total of all exempt coatings shall not exceed 400 gallons in any 1 calendar year; (2) any marine coating applied using a hand-held aerosol can; and (3) any marine coating used in a touch-up operation. However, these coatings are nonetheless subject to all other provisions contained in the rule, including record keeping requirements under section 7.

326 IAC 8–12–3 Definitions

This section contains definitions which describe the terms used in the Indiana rule for compliance purposes, particularly in regard to the various coatings which are subject to limits under the rule.

326 IAC 8–12–4 Volatile organic compound emissions limiting requirements

Section 4(a) requires that, on and after May 1, 1996, the owner or operator of a subject facility must meet certain VOC content limits when applying specialty coatings. Section 2(22) defines ''specialty coatings'' to include the following coatings: air flask coating, antenna coating, antifoulant coating, heat resistant coating, high-gloss coating, high-temperature coating, inorganic zinc (high-build) coating, military exterior coating, mist coating, navigational aids coating, nonskid coating, nuclear coating, organic zinc coating, pretreatment wash primer coating, repair and maintenance of thermoplastic coating of commercial vessels, rubber camouflage coating, sealant coating for thermal spray aluminum, special marking coating, specialty interior coating, tack coating, undersea weapons systems coating, water based weld-through (shop) preconstruction primer, and weld-through (shop) preconstruction primer.

Section 4(a) also requires that, beginning May 1, 1996, subject sources must meet certain VOC content limitations when applying general use coatings from May 1 through September 30. The limitations for specialty coatings apply year-round.

The VOC content limits for specialty and general use coatings are as follows:[2]

Coating	Lbs/gallon
Special Marking Coatings	4.08
Heat Resistant	3.50
High Gloss	3.50
High Temperature	4.17
Weld-through (shop) preconstruction.	See below
All other specialty coatings	2.83
General use coating	2.83

No thinner shall be added to any general use coating when the general use coating limit is in effect. Weld-through (shop) preconstruction primers are required throughout the year to be water based and meet a VOC content limit of 0.00 when applied. No cleaning material shall be used in the primer application facility, and no thinner shall be added to the primer. Additionally, if the owner or operator determines that a water based weld-through (shop) preconstruction primer can no longer be used due to an operational, performance, or availability constraint, the rule provides that, as an alternative to meeting the primer requirement, the owner or operator can request IDEM for permission to comply by means of a control system with an overall VOC reduction efficiency of 95 percent, subject to certain provisions.

Section 4(b) requires that on and after May 1, 1996, subject sources must use gasket-sealed containers to store used cleaning accessories, new and spent coating, and solvent. Cleaning materials for spray equipment, including spray lines, must be collected using equipment which collect the cleaning materials when used and minimize the materials evaporation into the atmosphere. All containers, tanks, vats, drums, and piping systems must be free

[1] The applicability thresholds of 100 TPY potential to emit for the Clark and Floyd Counties' moderate ozone nonattainment area, and 25 TPY potential to emit for the Lake and Porter Counties' severe ozone nonattainment area, are identical to the thresholds used to define '' major sources'' under the Act (*See* section 302(j), section 182(b)(2), and section 182(d) of the Act).

[2] ''VOC content'' is defined in section 2(25) of the Indiana rule as the weight of VOC, per unit volume of any general use or specialty coating or cleaning material, less water and less exempt compounds.

of cracks, holes, or other defects, and must be closed unless materials are being added or removed from them, and handling of the VOC-containing materials shall be conducted in a manner that minimizes drips and spills, and any spills shall be cleaned up promptly.

Section 4(c) requires that the owner or operator of a subject source must meet certain training program requirements. On or before January 1, 1996, the owner or operator must develop a written worker training program. This program shall contain written procedures, and hands-on demonstration, as appropriate, in order to instruct all workers, including contractors, that engage in activities regulated under the rule in how to comply with the rule when performing those activities. All affected personnel shall be certified by the trainer to have satisfactorily completed necessary training on or before May 1, 1996, with refresher training prior to May 1, annually. Untrained employees can perform an activity covered under the training program for no longer than 180 days. Records shall be kept by the owner or operator of the training completed by each worker.

8–12–5 Compliance requirements

Section 5 provides that the VOC content emission limits for coatings and cleaning materials contained in section 4 shall be achieved each day on an as-applied basis for each operating day (as defined by 326 IAC 8–12–3(18)), and that compliance with the work practice standards of section 4 shall be achieved each operating day. Compliance with VOC content limits shall be demonstrated using EPA Method 24, contained in 40 CFR part 60, Appendix A, or, if certain specified procedures are followed, a certificate from the coating manufacturer indicating compliance. Under section 3(7), this certification needs to attest to the VOC content as determined through analysis by EPA Method 24, or through use of the forms and procedures outlined in EPA publication EPA 450/3–84–019, revised June 1986. If any discrepancy exists between the manufacturer's certification and EPA Method 24, EPA Method 24 shall govern. (It should be noted that the owner or operator retains liability should subsequent testing reveal a violation).

326 IAC 8–12–6 Test methods and procedures

This section specifies that 326 IAC 8–1–4, EPA Method 24 (40 CFR part 60, Appendix A), and section 5 of the rule shall be used to determine compliance with the rule. 326 IAC 8–1–4, the State's VOC rule testing procedures for coating and control system requirements, was approved by EPA and incorporated in the Indiana SIP on March 6, 1992 (57 FR at 8082). 40 CFR Part 60 Appendix A is Method 24, EPA's established test method for determining VOC content in surface coatings.

326 IAC 8–12–7 Record keeping, notification, and reporting requirements

Section 7(a) requires certain records be kept at a subject source for a minimum of 3 years. Subsection (a)(1) requires certification of annual employee training under the source's training program be kept. Subsection (a)(2) requires certain information regarding each coating used each working day of surface coating operation be recorded. Such information includes: the coating identification (trade name, manufacturer, coating category consistent with rule definitions, and applicable VOC content requirement); the VOC content of the coating, as supplied; certification of the VOC content of the supplied coating from the coating manufacturer, Material Safety Data Sheets (MSDS), or product data sheet for each coating used; the volume of the coating used; the thinner added to the coating, including thinner description, VOC content, and volume added. It should be noted that this record keeping requirement is applicable to coatings otherwise exempted from VOC content limitations in section 2.

Subsection (a)(2) also requires that for each solvent used each working day, subject sources must keep records of the solvent description; solvent use (thinning or cleanup); VOC content; volume used for thinning; and volume used for cleanup.

Subsection (a) (3) and (4) requires copies of the compliance plan and quarterly compliance report required under subsection (b). Subsection (b) requires that on or before January 1, 1996, each subject source shall submit to IDEM for review a compliance plan which addresses the source's required compliance procedures, training program, record keeping procedures, and procedures to comply with the rule's work practice standards. A source may revise its compliance plan upon notifying IDEM in writing that a major change in the source's operations has occurred. Beginning May 1, 1996, and within 60 days after the end of each quarter, each subject source shall submit a quarterly compliance report indicating the compliance status with the rule's work practice standards, training program, emission standards, compliance procedures, and provision of the compliance plan. Also required to be included in the report is each instance of noncompliance, the corrective action taken, and the reason for the noncompliance. Reporting frequency may be changed to semiannually after May 1, 1997, if a source requests such a change in writing, and IDEM approves it.

III. Evaluation of Rule

As previously discussed, Indiana intends that this shipbuilding and ship repair SIP revision submittal will be one of the control measures which will satisfy 15% ROP plan requirements under the Act for Clark and Floyd Counties. A review of the emission reduction credit claimed for this rule for purposes of the Indiana 15% ROP plan will be addressed when EPA takes rulemaking action on the Clark and Floyd 15% ROP plan SIP. (EPA will take rulemaking on the overall 15% ROP plan in a subsequent rulemaking action.)

On August 27, 1996, a Control Techniques Guidelines (CTG) document was published which recommends Reasonably Available Control Technology (RACT) control measures for shipbuilding and ship repair coating operations (61 FR 44050).[3] In turn, states with moderate and above ozone nonattainment areas are required under section 182(b)(2) to submit a SIP revision providing regulations consistent with RACT for VOC source categories that are covered by a CTG issued after enactment of the Act's amendments of 1990, but prior to the time of attainment. This Act requirement, however, is separate from the requirement under section 182(b)(1) that states adopt and implement control measures to achieve 15% VOC reduction; such control measures need not constitute RACT to be creditable under the 15% ROP plan. Since the Indiana shipbuilding and ship repair rule was submitted primarily for purposes of the 15% ROP plan, was adopted and submitted before the CTG was published, and tightens the stringency of the SIP, EPA is approving the control measures contained in the Indiana rule at this time without

[3] A definition of RACT is cited in a General Preamble-Supplement on CTGs, published at 44 FR at 53761 (September 17, 1979). RACT is defined as the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available, considering technological and economic feasibility. CTGs are documents intended to assist the States in determining RACT. The CTGs provide information on available air pollution control techniques and provide recommendations on what the EPA considers the ''presumptive norm'' for RACT.

determining whether they satisfy RACT requirements under section 182(b)(2).

As for the remainder of the Indiana rule, EPA has reviewed the rule's definitions, exemptions, compliance methods, testing, and record keeping and recording requirement to determine whether the rule is enforceable. The definitions provided under section 3 of the rule are based upon definitions used in the promulgated national emissions standards for hazardous air pollutants (NESHAP) for this industry (60 FR 64330, December 15, 1995). The rule's definitions adequately describe the terms used in the rule for purposes of compliance, and are, therefore, approvable.

As for the coating exemption provision under section 2, EPA has requested that Indiana clarify what types of coating are covered under section 2(3): ''Any marine coating used in a touch-up operation.'' IDEM has stated in a September 3, 1996, letter that this exemption is intended only to apply to coatings which are used to repair minor surface damage and imperfections, and that this exemption does not apply to primary coatings (primers, general use, and specialty coatings) except when they are used in touch-up operations. The exemption provisions under section 2 are approvable.

The provisions in section 5 which allow a source to demonstrate compliance through a certificate issued by the manufacturer certifying the VOC content of each batch of coating used are based upon similar compliance procedures promulgated in the shipbuilding and ship repair NESHAP. As was discussed before, this certification must, as provided under section 3(7), attest to the VOC content as determined through analysis by EPA Method 24, or through use of the forms and procedures outlined in EPA publication EPA 450/3–84–019, revised June 1986. If any discrepancy exists between the manufacturer's certification and EPA Method 24, EPA Method 24 shall govern. Also section 5(5) provides that IDEM or EPA may test or have tested any coating for VOC content using EPA Method 24, and if any discrepancies exist between the manufacturer's certification and EPA Method 24 test results, the Method 24 test results shall take precedence. These compliance procedures are approvable.

The rule's daily record keeping and quarterly reporting requirements under section 7 will assure that VOC content limits are met as applied and that any thinning of coating will not result in non-compliance, and that the work practice standards and training requirements of the rule will be properly met. The rule's record keeping and reporting requirements are approvable.

IV. Final Action

Indiana's rule covering ship building or ship repair operations, 326 IAC 8–12, as submitted on February 13, 1996, and June 27, 1996, contain enforceable VOC control measures which tighten the stringency of the Indiana ozone SIP for Clark, Floyd, Lake, and Porter Counties. On this basis, the rule is approvable. EPA, however, is not rulemaking at this time as to whether this rule satisfies RACT requirements pursuant to section 182(b)(2) of the Act.

The EPA is publishing this action without prior proposal because EPA views this as a noncontroversial revision 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 on 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 rulemaking that will withdraw the final action. All public comments received will 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 on March 24, 1997.

Nothing in this action should be construed as permitting, 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.

V. Administrative Requirements

A. Executive Order 12866

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225), as revised by a July 10, 1995, memorandum from Mary D. Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

B. Regulatory Flexibility

Under the Regulatory Flexibility Act, 5 U.S.C. section 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. sections 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, 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 Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *EPA.*, 427 U.S. 246, 256–66 (1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, EPA must undertake various actions in association with 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. This Federal action approves pre-existing requirements under state or local law, and imposes no new requirements. Accordingly, no additional costs to state, local, or tribal governments, or 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 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, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: December 24, 1996.

Valdas V. Adamkus,

Regional Administrator.

For the reasons stated in the preamble, 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.

2. Section 52.770 is amended by adding paragraph (c)(113) to read as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

(113) On February 13, 1996, and June 27, 1996, Indiana submitted rules for the control of volatile organic compound emissions from shipbuilding and ship repair operations in Clark, Floyd, Lake, and Porter Counties as a revision to the State Implementation Plan.

(i) Incorporation by reference. 326 Indiana Administrative Code 8–12: Shipbuilding or Ship Repair operations in Clark, Floyd, Lake, and Porter Counties, Section 1: Applicability, Section 2: Exemptions, Section 3: Definitions, Section 4: Volatile organic compound emissions limiting requirements, Section 5: Compliance requirements, Section 6: Test methods and procedures, and Section 7: Record keeping, notification, and reporting requirements. Adopted by the Indiana Air Pollution Control Board September 6, 1995. Filed with the Secretary of State April 1, 1996. Published at Indiana Register, Volume 19, Number 8, May 1, 1996. Effective May 1, 1996.

[FR Doc. 97–1425 Filed 1–21–97; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[CA 105–0012a; FRL–5673–6]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Kern County Air Pollution Control District; San Diego County Air Pollution Control District; Ventura County 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 Kern County Air Pollution Control District (KCAPCD), the San Diego County Air Pollution Control District (SDCAPCD), and the Ventura County Air Pollution Control District (VCAPCD). This approval action will incorporate five rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of oxides of nitrogen (NO_x) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The rules control NO_x emissions from boilers, steam generators, process heaters, electric utility boilers, internal combustion engines, and stationary gas turbines. 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 nonttainment 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 each rule 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:

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, S.W., Washington, DC 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95814.

Kern County Air Pollution Control District, 2700 M Street, Suite 302, Bakersfield, CA 93301.

San Diego County Air Pollution Control District, Rule Development Section, 9150 Chesapeake Drive, San Diego, CA 92123–1096.

Ventura County Air Pollution Control District, Rule Development Section, 669 County Square Drive, Ventura, CA 93003.

Written comments should be submitted to Andrew Steckel, Rulemaking Office (AIR–4), Air Division, Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 95105.

FOR FURTHER INFORMATION CONTACT: Andrew Steckel, Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1185.

SUPPLEMENTARY INFORMATION:

Applicability

The rules being approved into the California SIP include: KCAPCD's Rule 425.2, Boilers, Steam Generators, and Process Heaters (Oxides of Nitrogen); Rule 427, Stationary Piston Engines (Oxides of Nitrogen); SDCAPCD's Rule 69.4, Stationary Reciprocating Internal Combustion Engines; VCAPCD's Rule 59, Electric Power Generating Equipment—Oxides of Nitrogen Emissions; and Rule 74.23, Stationary Gas Turbines. These rules were submitted by the California Air Resources Board (CARB) to EPA on February 11, 1994 (Rule 59), October 19, 1994 (Rule 69.4), May 25, 1995 (Rule 425.2), and March 26, 1996 (Rules 74.23 and 427).

Background

On November 15, 1990, the Clean Air Act Amendments of 1990 (CAA) 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 $NO\chi$ 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