

III. 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.*, USEPA 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, USEPA 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 USEPA 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, USEPA 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 affirms a State finding that additional regulations covering marine coatings sources are unnecessary because no major sources of this type are located in the Illinois ozone nonattainment areas. No new Federal

requirements are imposed. 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 section 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, USEPA 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 section 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 April 14, 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, Ozone, and Volatile organic compounds.

Dated: January 23, 1997.

Steve Rothblatt,

*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 52.726 is amended by adding paragraph (n) to read as follows:

**§ 52.726 Control strategy: Ozone.**

\* \* \* \* \*

(n) Negative declaration—Shipbuilding and ship repair industry. On October 11, 1996, the State of Illinois certified to the satisfaction of the United States Environmental Protection Agency that no major sources categorized as part of the shipbuilding

and ship repair industry are located in the Chicago, Illinois ozone nonattainment area which is comprised of Cook, DuPage, Kane, Lake, McHenry, Will Counties and Aux Sable and Goose Lake Townships in Grundy County and Oswego Township in Kendall County or the Metro-East, Illinois ozone nonattainment area which is comprised of Madison, Monroe, and St. Clair Counties.

\* \* \* \* \*

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BILLING CODE 6560-50-P

**40 CFR Part 52**

[IL153-1a; FRL-5685-1]

**Approval and Promulgation of Implementation Plans; Illinois**

**AGENCY:** U.S. Environmental Protection Agency (USEPA).

**ACTION:** Direct final rule.

**SUMMARY:** On October 11, 1996, Illinois submitted a negative declaration regarding the need for rules controlling air emissions from sources classified as part of the "Aerospace Manufacturing and Rework Industry" (AMRI) or "Aerospace Coatings" category in the Standard Industrial Classification (SIC) Manual. This negative declaration indicates that the State of Illinois has determined that there are no major sources (sources with a potential to emit twenty-five or more tons per year of volatile organic material (VOM)) in Illinois' ozone nonattainment areas. In this action, USEPA is approving the State's finding that no additional control measures are needed through a "direct final" rulemaking; the rationale for this approval is set forth below. Elsewhere in this Federal Register, USEPA is proposing approval and soliciting comment on this direct final action; if adverse comments are received, USEPA will withdraw the direct final rulemaking and address the comments received in a new final rule; otherwise, no further rulemaking will occur on this requested negative declaration.

**DATES:** This action is effective April 14, 1997 unless adverse comments not previously addressed by the State or USEPA are received by March 13, 1997. If the effective date of this action is delayed due to adverse comments, timely notice will be published in the Federal Register.

**ADDRESSES:** Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77

West Jackson Boulevard, Chicago, Illinois, 60604.

Copies of the Illinois submittal are available for public review during normal business hours, between 8:00 a.m. and 4:30 p.m., at the above address.

**FOR FURTHER INFORMATION CONTACT:**

Randolph O. Cano, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois, 60604. Telephone: (312) 886-6036.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Section 183(b)(3) of the Clean Air Act requires the Administrator of USEPA to issue a Control Technique Guideline (CTG) for controlling VOM emissions from the Aerospace Coatings SIC category sources. Illinois was required to adopt rules controlling VOM emissions from sources in this SIC category with a potential to emit twenty-five or more tons per year of VOM (major sources) and located in either of Illinois' ozone nonattainment areas. The Chicago ozone nonattainment area is comprised of Cook, DuPage, Kane, Lake, McHenry, Will Counties and Aux Sable and Goose Lake Townships in Grundy County and Oswego Township in Kendall County. The Metro-East ozone nonattainment area is comprised of Madison, Monroe, and St. Clair Counties. Illinois reviewed the data in its emissions inventory data base and determined that there were no major sources in the aerospace coatings category located in Illinois ozone nonattainment areas. Illinois also determined that should such a major source exist it would be subject to regulation under the provisions of the State non-CTG rules.

The USEPA has reviewed the documentation on which this Illinois negative declaration is based. The USEPA agrees with the Illinois finding that there are no major sources of VOM from aerospace coating facilities located in Illinois' Chicago or Metro-East ozone nonattainment areas.

**II. Rulemaking Action**

The USEPA approves the incorporation of Illinois' negative declaration concerning aerospace coatings into the Illinois SIP for ozone.

The USEPA is publishing this action without prior proposal because USEPA views this as a noncontroversial revision and anticipates no adverse comments. However, in a separate document in this Federal Register publication, the USEPA is proposing to approve the SIP revision should adverse

or critical comments be filed. This action will be effective on April 14, 1997 unless, by March 13, 1997, adverse or critical comments are received.

If the USEPA 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 USEPA 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 April 14, 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.

**III. Administrative Requirements**

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**B. Regulatory Flexibility**

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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 USEPA 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).

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**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, USEPA 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**

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**List of Subjects in 40 CFR Part 52**

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Dated: January 23, 1997.

Steve Rothblatt,

*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 52.726 is amended by adding paragraph (o) to read as follows:

**§ 52.726 Control strategy: Ozone.**

\* \* \* \* \*

(o) Negative declaration— Aerospace manufacturing and rework industry. On October 11, 1996, the State of Illinois certified to the satisfaction of the United States Environmental Protection Agency that no major sources categorized as part of the Aerospace Manufacturing and Rework Industry are located in the Chicago, Illinois ozone nonattainment area which is comprised of Cook, DuPage, Kane, Lake, McHenry, Will Counties and Aux Sable and Goose Lake Townships in Grundy County and Oswego Township in Kendall County or the Metro-East, Illinois ozone nonattainment area which is comprised of Madison, Monroe, and St. Clair Counties.

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**40 CFR Part 52**

[AK14-7102a; FRL-5686-2]

**Clean Air Act Approval and Promulgation of Carbon Monoxide Implementation Plan for the State of Alaska: Anchorage and Fairbanks Emission Inventory**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving the 1990 base year carbon monoxide (CO) emission inventory portion of the Anchorage and Fairbanks, Alaska CO State Implementation Plan (SIP) submitted on December 29, 1993, by the State of Alaska Department of Environmental Conservation (ADEC) for the purpose of bringing about the

attainment of the national ambient air quality standard (NAAQS) for CO. Also, ADEC submitted the required Periodic Update to its 1990 base year CO emission inventory on September 27, 1996.

**DATES:** This action is effective on April 14, 1997 unless adverse or critical comments are received by March 13, 1997. If the effective date is delayed, timely notice will be published in the Federal Register.

**ADDRESSES:** Written comments should be addressed to: Montel Livingston, SIP Manager, Office of Air Quality (OAQ-107), EPA, 1200 Sixth Avenue, Seattle, Washington 98101.

Copies of material submitted to EPA may be examined during normal business hours at the following locations: EPA, Region 10, Office of Air Quality, 1200 Sixth Avenue (OAQ-107), Seattle, Washington 98101, and Alaska Department of Environmental Conservation, 410 Wiloughby Ave., Room 105, Juneau, Alaska.

**FOR FURTHER INFORMATION CONTACT:** John Pavitt, EPA Region 10, Alaska Operations Office (AOO/A), 222 W. 7th Avenue, Box #19, Anchorage, AK 99513-7588, (907) 271-5083.

**SUPPLEMENTARY INFORMATION:****I. Background**

In a letter dated March 1, 1991 to the EPA Region 10 Administrator, the Governor of Alaska recommended the Anchorage and Fairbanks areas be designated as nonattainment for CO as required by section 107(d)(1)(A) of the 1990 Clean Air Act Amendments (CAAA or the Act) (Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q). The areas, which include lands within the Municipality of Anchorage and the Fairbanks North Star Borough, were designated nonattainment and classified as "moderate" under the provisions outlined in sections 186 and 187 of the CAA. (See 56 FR 56694, November 6, 1991, codified at 40 CFR part 81, § 81.302.)

Because the Anchorage area had a design value of 13.1 ppm (based on 1989 data), it was classified as "moderate > 12.7 ppm" (moderate plus). Because the Fairbanks area had a design value of 10.4 (based on 1989 data), it was classified as "moderate < 12.7 ppm" (moderate).

Under the Clean Air Act as amended, States have the responsibility to inventory emissions contributing to NAAQS nonattainment, to track these emissions over time, and to ensure that control strategies are being implemented that reduce emissions and move areas

towards attainment. Under section 187(a)(1), the CAAA requires moderate CO nonattainment areas to submit a base year CO inventory that represents actual emissions in the CO season by November 15, 1992. Stationary point, stationary area, on-road mobile, and non-road mobile sources of CO are to be included in the inventory. This inventory is for calendar year 1990 and is denoted as the base year inventory. The inventory is to address actual CO emissions for the area during the peak CO season. The peak CO season should reflect the months when peak CO air quality concentrations occur. Moderate CO nonattainment areas are required to submit a periodic inventory that represents actual emissions no later than September 30, 1995, and every three years thereafter until the area is redesignated to attainment (section 187(a)(5)). ADEC submitted its required 1993 Periodic Update. Areas classified as moderate >12.7 ppm are required to submit an attainment demonstration plan by November 15, 1992 that demonstrates attainment by December 31, 1995 (187(a)(7)). To make the attainment demonstration, base year and projected modeling inventories are needed. The base year inventory is the primary inventory from which the periodic and modeling inventories are derived. Further information on these inventories and their purpose can be found in the document "Emission Inventory Requirements for Carbon Monoxide State Implementation Plans," EPA, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina, March 1991.

**II. Today's Action**

The EPA is approving the carbon monoxide (CO) base year 1990 emission inventory submitted to EPA on December 29, 1993, based on the Level I, II, and III review findings.

**III. Review of State Submittal**

A. The Level I and II review process is used to determine that all components of the base year inventory are present. The review also evaluates the level of supporting documentation provided by the State and assesses whether the emissions were developed according to current EPA guidance. Alaska's inventory satisfies both Level I and Level II requirements. The Level III review process is outlined here and consists of 9 points that the inventory must include. For a base year emission inventory to be acceptable it must pass all of the following acceptance criteria:

1. An approved Inventory Preparation Plan (IPP) must be provided and the Quality Assurance (QA) program