

Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Form 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the Federal Register expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. The SIAPs contained in this amendment are based on the criteria contained in the United States Standard for Terminal Instrument Approach Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports.

The FAA has determined through testing that current non-localizer type, non-precision instrument approaches developed using the TERPS criteria can be flown by aircraft equipped with Global Positioning System (GPS) equipment. In consideration of the above, the applicable Standard Instrument Approach Procedures (SIAPs) will be altered to include "or GPS" in the title without otherwise reviewing or modifying the procedure. (Once a stand alone GPS procedure is developed, the procedure title will be altered to remove "or GPS" from these

non-localizer, non-precision instrument approach procedure titles.) Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs area, impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC on March 4, 1997.

Thomas C. Accardi,
Director, Flight Standards Services.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.27 NDB, NDB/DME; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

* * * *Effective Mar 27, 1997*

Sterling, CO, Sterling Muni, NDB or GPS RWY 33, Amdt. 2 CANCELLED
Sterling, CO, Sterling Muni, NDB or GPS RWY 33, Amdt. 2
Dalton, GA, Dalton Muni, NDB or GPS RWY 14, Orig CANCELLED
Dalton, GA, Dalton Muni, NDB RWY 14, Orig Mitchellville, MD, Freeway, VOR or GPS RWY 36, Orig

* * * *Effective May 22, 1997*

Cullman, AL, Folsom Field, NDB or GPS RWY 20, Amdt 2A CANCELLED
Cullman, AL, Folsom Field, NDB RWY 20, Amdt 2A

[FR Doc. 97-5898 Filed 3-10-97; 8:45 am]

BILLING CODE 4910-13-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA069-4040, PA078-4041, PA083-4043; FRL-5697-7]

Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Approval of Source-Specific RACT

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision establishes and requires reasonably available control technology (RACT) on three major sources. The intended effect of this action is to approve source-specific RACT determinations which establish the above-mentioned requirements in accordance with Clean Air Act (CAA). This action is being taken under section 110 of the CAA.

DATES: This final rule is effective May 12, 1997 unless by April 10, 1997, adverse or critical comments are received. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Comments may be mailed to David L. Arnold, Chief, Ozone/CO & Mobile Sources Section, Mailcode 3AT21, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Jeffrey M. Boylan, (215) 566-2094, at the EPA Region III office or via e-mail at

boylan.jeffrey@epamail.epa.gov. While information may be requested via e-mail, comments must be submitted in writing to the above Region III address.

SUPPLEMENTARY INFORMATION: On August 1, 1995, September 20, 1995, December 8, 1995 and September 13, 1996, the Commonwealth of Pennsylvania submitted formal revisions to its State Implementation Plan (SIP). The SIP revisions that are the subject of this rulemaking consist of RACT determinations for three individual sources of volatile organic compounds (VOCs) located in Pennsylvania. This rulemaking addresses those operating permits pertaining to two facilities, and one facility (Mercersburg Tanning Company) with no plan approval or operating permit as the facility has ceased all operations. These facilities are: 1) DMi Furniture, Inc. (Adams County), 2) R. R. Donnelley & Sons Company—West Plant (Lancaster County), 3) Mercersburg Tanning Company—(Franklin County).

Pursuant to section 182(b)(2) and (182(f) of the CAA, Pennsylvania is required to implement RACT for all major VOC and NO_x sources by no later than May 31, 1995. The major source size is determined by its location, the classification of that area and whether it is located in the ozone transport region (OTR), which is established by the CAA. The Pennsylvania portion of the Philadelphia ozone nonattainment area consists of Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties and is classified as severe. The remaining counties in Pennsylvania are classified as either moderate or marginal nonattainment areas or are designated attainment for ozone. However, under section 184 of the CAA, at a minimum, moderate ozone nonattainment area requirements (including RACT as specified in section 182(b)(2) and 182(f)) apply throughout the OTR. Therefore, RACT is applicable statewide in Pennsylvania. The August 1, 1995, September 20, 1995, December 8, 1995, and September 13, 1996, Pennsylvania submittals that are the subject of this notice, are meant to satisfy the RACT requirements for three sources in Pennsylvania.

Summary of SIP Revision

The details of the RACT requirements for the source-specific operating permits can be found in the docket and accompanying technical support document. Briefly, EPA is approving three RACT determinations as a revision to the Pennsylvania SIP. Several of the operating permits contain conditions irrelevant to the determination of VOC

or NO_x RACT. Consequently, these provisions are not being included in this approval for VOC or NO_x RACT.

RACT

EPA is approving the operating permit (OP #01-2001) for DMi Furniture, Inc. located in Adams County. DMi Furniture, Inc. is a wood furniture manufacturer and is considered to be a major source of VOC emissions. All DMi spray booths use air assisted airless application of coatings. In addition, hybrid waterborne systems are to be used for certain coating operations. DMi expects a VOC emission reduction of approximately 38% using the reformulated hybrid waterborne system. Operating permit (OP #01-2001) will require, among other things, VOC limitations for the following coatings:

- Catalyzed Varnish Topcoat—1.8 lb VOC/lb Solids
- Waterborne Topcoat—0.8 lb VOC/lb Solids
- Basecoats—0.2 lb VOC/lb Solids
- Print Line Inks—0.5 lb VOC/lb Solids
- Print Line Sealers—4.5 lb VOC/lb Solids
- Spray Sealers (tie coat)—3.9 lb VOC/lb Solids

The permit specifies that VOC emissions from this facility can never exceed 370 TPY. The facility is also required to keep monthly records of coating usage, VOC emissions including cleanup solvents such that compliance with RACT requirements can be determined.

Although the 25 Pa. Code, Section 129.52 is for surface coating processes, Section 11 of Table I has not been federally approved, subsequently requiring this RACT determination for DMi Furniture, Inc.

EPA is approving the operating permit (OP #36-2026) for R. R. Donnelley & Sons—West Plant located in Lancaster County. R. R. Donnelley & Sons—West Plant is primarily a lithographic printing facility and is considered to be a major source of VOC emissions. The boilers are not subject to NO_x RACT requirements because the facilities potential NO_x emissions are less than 100 TPY.

The five (5) heatset web offset lithographic printing presses ink and dampening solutions on the webs are dried by evaporation in high air velocity natural gas fired dryers, with VOC emissions from the dryers controlled by two (2) thermal oxidizers. Operating Permit (OP #36-2026) will require, among other things, that destruction removal efficiency (DRE) of the thermal oxidizers be at least 90% for VOC's and combustion chamber temperatures be maintained at least at 1375 °F. With regard to capture efficiency parameters

listed in the permit, no actual site testing has been done nor has a protocol been established to substantiate CE figures in condition #12. VOC content of all heatset inks and fountain solutions are not to exceed 45% and 3% by weight respectively.

The five (5) non-heatset web offset lithographic and two (2) letterpress printing presses are not controlled by add-on control devices. Operating Permit (OP #36-2026) will require, among other things, that VOC content of all non-heatset inks and fountain solutions are not to exceed 25% and 3% by weight respectively.

Permit conditions will require cleaning solutions to have a composite partial vapor pressure not to exceed 10 mm Hg at 20 °C or VOC content not to exceed 30% by weight. The company will limit the use of higher vapor pressure cleaning solvents to less than 5% by weight of the total manual cleaning solvents used. In addition, the company must keep all solvent laden rags in closed containers when not in use and keep all containers containing VOC's tightly closed when not in use.

Condition #6 requires the facility to keep applicable records and reports in accordance with 25 Pa. Code, Chapter 129.95 such that compliance with RACT requirements can be determined. Therefore, while no specific CE testing is required by the permit, such testing may be required in order to determine compliance with the applicable RACT requirements.

Although the entire Mercersburg Tanning Company facility ceased operations in October 1994, 25 PA. Code, Chapter 127, Subchapter E does not allow ERCs to be generated for emission reductions otherwise required by mandated programs. RACT is such an applicable program for Mercersburg Tanning Company. Therefore, EPA is approving a RACT determination for Mercersburg Tanning Company (no permits due to facility shutdown) located in Franklin County. RACT for the facility is determined to be:

- Transfer of all leather coating operations to Spray Lines A, B, and C beginning the phaseout in October 1993.
- Spray Lines A and B, applying solvent based coating, vented to a Regenerative Thermal Oxidizer (RTO). Based on testing results performed in May 1993, 100% capture plus a destruction efficiency of 97% used to calculate VOC emissions from Lines A and B.
- Spray Line C, applying water based coatings (water content 70-90% by volume). Coating restrictions on Line C limited to the following: 3.5 lb VOC/gal (less water) for base coats and 2.8 lb VOC/gal (less water) for intermediate coat.

—Cleaning solvents associated with Lines A and B took place within booths and vented to RTO. Water utilized as cleaning solvent for Line C.

Mercersburg Tanning Company was a leather coating operations facility and considered a major source of VOC emissions. In addition, EPA is using this document to recognize the emission reduction credits (ERCs) generated by the shutdown of the Mercersburg Tanning Company facility; a total of 20 tons of VOC per year.

The source-specific RACT emission limitations that are being approved into the Pennsylvania SIP are those that were submitted on August 1, 1995, September 20, 1995, December 8, 1995 and September 13, 1996, and are the subject of this rulemaking notice. These emission limitations will remain unless and until they are replaced pursuant to 40 CFR part 51 and approved by the U.S. EPA.

EPA is approving this SIP revision 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, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective May 12, 1997 unless, by April 10, 1997, adverse or critical comments are received.

If 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. 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 May 12, 1997.

Final Action

EPA is approving three source-specific RACT determinations, two of which involve operating permits and one (Mercersburg Tanning Company) which does not involve any type of permit.

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.

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 Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

B. Regulatory Flexibility Act

The EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR Part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

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 CAA 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 CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air 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).

C. 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.

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 Clean Air Act, petitions for judicial review of this action, pertaining to the RACT approval for DMi Furniture, Inc., R.R. Donnelley & Sons—West Plant, and Mercersburg Tanning Company, must be filed in the United States Court of Appeals for the appropriate circuit by May 12, 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, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: February 13, 1997.

William T. Wisniewski,

Acting Regional Administrator, Region III.

40 CFR part 52 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 NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraphs (c)(114) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(114) Revisions to the Pennsylvania Regulations Chapter 129.91 through 129.95 pertaining to VOC and NO_x RACT, submitted on August 1, 1995, September 20, 1995, December 8, 1995 and September 13, 1996 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Four letters dated August 1, 1995, September 20, 1995, December 8, 1995 and September 13, 1996 from the Pennsylvania Department of Environmental Protection transmitting three source-specific RACT determinations; two of which involve operating permits and one (Mercersburg Tanning Company) which does not involve any type of permit. The three sources are:

(1) DMi Furniture, Inc. (Adams County)—wood furniture manufacturer.

(2) R. R. Donnelley & Sons Company, West Plant (Lancaster County)—printing facility.

(3) Mercersburg Tanning Company (Franklin County)—leather coating facility.

(B) Operating Permits (OP):

(1) DMi Furniture, Inc.—OP #01–2001, effective June 13, 1995, except for the expiration date of the operating permit.

(2) R.R. Donnelley & Sons Company, West Plant—OP #36–2026, effective July 14, 1995, except for the expiration date of the operating permit and the parts of conditions 5, 9b & 20 pertaining to Hazardous Air Pollutants (HAP's).

(ii) Additional material.

(A) Remainder of August 1, 1995, September 20, 1995, December 8, 1995

and September 13, 1996 State submittals pertaining to DMi Furniture, Inc. R. R. Donnelley & Sons—West Plant, and Mercersburg Tanning Company.

3. Section 52.2037 is amended by adding paragraph (h) to read as follows:

§ 52.2037 Control Strategy: Carbon monoxide and Ozone.

* * * * *

(h) VOC RACT determination for four emission units at Mercersburg Tanning Company—Franklin County: Spray Lines 3 thru 7, Attic Line, Spray Lines A and B, Spray Line C. The VOC RACT determination is as follows: for Spray Lines 3 thru 7; all work transferred to Spray Lines A and B, for Attic Line; all work transferred to Spray Line C, for Spray Lines A and B; vented to a Regenerative Thermal Oxidizer (RTO) with required 100% capture efficiency and 97% destruction efficiency, for Spray Line C; coating restrictions of 3.5 lb VOC/gal (less water) on base coats and 2.8 lb VOC/gal (less water) on intermediate coats. VOC RACT for cleaning solvents associated with Lines A and B vented to RTO and water utilized as cleaning solvent for Line C.

[FR Doc. 97–5974 Filed 3–10–97; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 86

[FRL–5702–3]

Extension of Interim Revised Durability Procedures for Light-Duty Vehicles and Light-Duty Trucks

AGENCY: Environmental Protection Agency (EPA).

ACTION: Removal of direct final rule amendments.

SUMMARY: On November 15, 1996, EPA published a direct final rule extending the applicability of durability regulations for light duty vehicles and light duty trucks [61 FR 58618]. This action was published without prior approval because EPA anticipated no adverse comments. Due to the receipt of an adverse comment, EPA is removing the amendments made by the direct final rule and restoring the regulatory text that existed prior to the direct final rule.

EFFECTIVE DATE: March 11, 1997.

FOR FURTHER INFORMATION CONTACT:

Linda Hormes, Environmental Protection Agency, Office of Air and Radiation, (313) 668–4502, 2565 Plymouth Road, Ann Arbor, MI 48105.

SUPPLEMENTARY INFORMATION: On November 15, 1996, EPA published in the Federal Register a direct final rule

extending indefinitely the applicability of durability regulations for light duty vehicles and light duty trucks [61 FR 58618]. The direct final rule was published without prior proposal in the Federal Register with a provision for a thirty day comment period and a statement that if adverse or critical comments were received by this time, the rule would be withdrawn and resubmitted as a proposed rule. Due to the receipt of an adverse comment within the comment period, EPA is removing the amendments made by the direct final rule and is resubmitting those amendments in a separate action published elsewhere in this issue of the Federal Register as a proposal. Because the effective date of the direct final rule was January 14, 1997, the regulatory language which was amended has been changed to read as it did prior to the direct final rule.

List of Subjects in 40 CFR Part 86

Environmental protection, Administrative practice and procedure, Confidential business information, Motor vehicle pollution, Reporting and recordkeeping requirements.

Dated: March 4, 1997.

Carol M. Browner,

Administrator.

For the reasons set forth in the preamble, part 86 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 86—CONTROL OF AIR POLLUTION FROM NEW AND IN-USE MOTOR VEHICLES AND NEW AND IN-USE MOTOR VEHICLE ENGINES: CERTIFICATION AND TEST PROCEDURES

1. The authority citation for part 86 continues to read as follows:

Authority: Sections 202, 203, 205, 206, 207, 208, 215, 216, 217, and 301(a), of the Clean Air Act, as amended (42 U.S.C. 7521, 7522, 7524, 7525, 7541, 7542, 7549, 7550, 7552, and 7601(a)).

§ 86.094–13 [Amended]

2. In § 86.094–13, paragraphs (a)(1), (c)(1), (d)(1), (e)(1), and (f)(1) are amended by revising the words “1994 and beyond” to read “1994 through 1998”.

§ 86.094–26 [Amended]

3. In § 86.094–26, paragraphs (a)(2), (b)(2)(i), and (b)(2)(ii) are amended by revising the words “1994 and beyond” to read “1994 through 1998”.

[FR Doc. 97–5878 Filed 3–10–97; 8:45 am]

BILLING CODE 6560–50–P