and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

B. 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 economic impact on a substantial number of small entities. Small entities include small business, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under sections 110 and subchapter I, part D of the Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S.E.P.A.*, 427 U.S. 246, 256–66 (1976); 42 U.S.C. 7410(a)(2) and 7410(k)(3).

C. 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 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 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 Act, 42 U.S.C. 7607 (b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 27, 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) of the Act, 42 U.S.C. 7607 (b)(2).]

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Reporting and recordkeeping requirements.

Dated: January 15, 1997.

A. Stanley Meiburg,

Acting Regional Administrator.

Part 52 of chapter I, title 40, 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 RR—Tennessee

2. Section 52.2220 is amended by adding paragraph (c)(149) to read as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) * * *

(149) On March 4, 1996, the State submitted revisions to the Knoxville/Knox County portion of the Tennessee SIP on behalf of Knoxville/Knox County. These were revisions to the enforcement authority requirements in the Knoxville/Knox County regulations. These revisions incorporate changes to Knoxville's Section 30.1 which are required in the Clean Air Act as amended in 1990 and 40 CFR part 51, subpart I.

(i) Incorporation by reference.

(A) Knox County Air Pollution Control Regulations, Sections 30.1.D, 30.1.F, and 30.1.G, adopted on January 10, 1996.

(ii) Other material. None.

[FR Doc. 97–7694 Filed 3–25–97; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[CT27–1–7200a; A–1–FRL–5667–4]

Clean Air Act Approval and Promulgation of State Implementation Plans; Connecticut: PM10 Prevention of Significant Deterioration Increments; and Approval of a Second 1-Year Extension of PM10 Attainment Date for New Haven

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is fully approving a State Implementation Plan (SIP) revision submitted by the State of Connecticut, which replaces the total suspended particulate (TSP) prevention of significant (PSD) increments with increments for PM10 (particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers). EPA is also fully approving Connecticut's request for a second 1-year extension of the attainment date for the New Haven PM10 nonattainment area, based on monitored air quality data for the national ambient air quality standard for PM10 during the years 1993–95. These actions are being taken under the Clean Air Act.

DATES: This action is effective on May 27, 1997, unless adverse or critical comments are received by April 25, 1997. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments may be mailed to Susan Studlien, Deputy Director, Office of Ecosystem Protection, EPA-Region 1, JFK Federal Building (CAA), Boston, MA 02203. Copies of the documents relevant to this action are available for public inspection by appointment during normal business hours at the following locations: Office of Ecosystem

Protection, EPA-Region 1, One Congress Street, 11th Floor, Boston, MA 02203; Bureau of Air Management, Department of Environmental Protection, State Office Building, 79 Elm Street, Hartford, CT 06106; and Air and Radiation Docket and Information Center, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Jeff Butensky at (617) 565–3583 or butensky.jeff@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

PM10 PSD Increments

Section 107(d) of the 1977 Amendments to the Clean Air Act authorized each State to submit to the Administrator a list identifying those areas which (1) do not meet a national ambient air quality standard (NAAQS) (nonattainment areas), (2) cannot be classified on the basis of available ambient data (unclassifiable areas), and (3) have ambient air quality levels better than the NAAQS (attainment areas). In 1978, the EPA published the original list of all area designations pursuant to section 107(d)(2) (commonly referred to as ''Section 107 areas''), including those designations for total suspended particulates (TSP), in 40 CFR Part 81.

One of the purposes stated in the Act for the Section 107 areas is for implementation of the statutory requirements for PSD. The PSD provisions of Part C of the Act generally apply in all Section 107 areas that are designated attainment or unclassifiable [40 CFR 52.21(i)(3)]. Under the PSD program, the air quality in an attainment or unclassifiable area is not allowed to deteriorate beyond prescribed maximum allowable increases in pollutant concentrations (i.e., increments).

EPA revised the primary and secondary NAAQS for particulate matter on July 1, 1987 (52 FR 24634), eliminating TSP as the indicator for the NAAQS and replacing it with the PM10 indicator. However, EPA did not delete the Section 107 areas for TSP listed in 40 CFR Part 81 at that time because there were no increments for PM10 promulgated at that time.[1] States were required to continue implementing the TSP increments in order to prevent significant deterioration of particulate matter air quality until the PM10 increments replaced the TSP increments.

EPA promulgated PSD increments for PM10 on June 3, 1993. (See 58 FR 31622–31638.) EPA promulgated revisions to the Federal PSD permitting regulations in 40 CFR 52.21, as well as the PSD permitting requirements that State programs must meet in order to be approved into the SIP in 40 CFR 51.166. EPA or States with delegated State programs were required to begin implementation of the increments by June 3, 1994. The implementation date for States with SIP-approved PSD permitting programs (including Connecticut) would be the date on which EPA approves each revised State PSD program containing the PM10 increments. In accordance with 40 CFR 51.166(a)(6)(i), each State with SIP-approved PSD programs was required to adopt the PM10 increment requirements within nine months of the effective date (or by March 3, 1995).

The PM10 PSD increments were set at the following levels: 4 μg/m^3 (annual arithmetic mean) and 24 μg/m^3 (24-hour maximum) for Class I areas, 17 μg/m^3 (annual arithmetic mean) and 30 μg/m^3 (24-hour maximum) for Class II areas, and 34 μg/m^3 (annual arithmetic mean) and 60 μg/m^3 (24-hour maximum) for Class III areas. There are no Class I or III areas in Connecticut.

The implementation of the PM10 increments will utilize the existing baseline dates and areas for particulate matter. As such, particulate matter increments, measured as PM10, already consumed since the original baseline dates established for TSP will continue to be accounted for, but all future calculations of the amount of increments consumed will be based on PM10 emissions beginning on the implementation date of the PM10 increments (that is, today, the date of EPA approval for Connecticut). For further information regarding the PM10 increments, see the June 3, 1993 **Federal Register**.

The requirements in 40 CFR 51.166 regarding prevention of significant deterioration consist of three elements. First, the State must conduct an increment consumption analysis for new major sources and modifications. Second, the State must review the potential increment consumption from minor point, area, and mobile source. Finally, the State must commit to a State implementation plan revision upon identification of any increment violation. As discussed below, these requirements have been fulfilled by the State of Connecticut.

Clean Air Act Nonattainment Requirements: EPA Actions Concerning Designation and Classification

On the date of enactment of the Clean Air Act Amendments of 1990 ('the Act'), PM10 areas meeting the qualifications of § 107(d)(4)(B) of the Act were designated nonattainment by operation of law. [See generally, 42 U.S.C. § 7407(d)(4)(B).] These areas included all former Group I areas and any other areas violating the PM10 standards prior to January 1, 1989. On October 31, 1990 (55 FR 45799), EPA redefined a Group I area for Connecticut as the City of New Haven; the remainder of the state was designated as Group III. Subsequently, after enactment of the Act on November 15, 1990, New Haven was designated moderate nonattainment for PM10 in 56 FR 11101 (March 15, 1991). All other areas not designated nonattainment at enactment were designated unclassifiable.

States containing areas which were designated as moderate nonattainment by operation of law under § 107(d)(4)(B) were required to develop and submit SIPs to provide for the attainment of the PM10 NAAQS. Under section 189(a)(2), those SIP revisions were to be submitted within 1 year of enactment of the Act (November 15, 1991). The SIP revisions were to provide for implementation of reasonable available control measures/technology (RACM/RACT) by December 10, 1993 and attainment of the PM10 NAAQS by December 31, 1994.

Reclassification as Serious Nonattainment

EPA has the responsibility, under sections 179(c) and 188(b)(2) of the Act, of determining within 6 months after December 31, 1994 whether initial moderate PM10 nonattainment areas have attained the NAAQS. Section 179(c)(1) of the Act provides that these determinations are to be based upon an area's ''air quality as of the attainment date,'' and section 188(b)(2) is consistent with this requirement. EPA will make the determinations of whether an area's air quality is meeting the PM10 NAAQS based upon air quality data gathered at monitoring sites in the nonattainment area and entered into the Aerometric Information Retrieval System (AIRS). This data will be reviewed to determine the area's air quality status in accordance with EPA guidance at 40 CFR Part 50, Appendix K.

According to Appendix K, attainment of the annual PM10 standard is achieved when the annual arithmetic mean PM10 concentration is equal to or less than 50 μg/m^3. Attainment of the

[1] The EPA did not promulgate new PM10 increments simultaneously with the promulgation of the PM10 NAAQS. Under § 166(b) of the Act, EPA is authorized to promulgate new increments ''not more than 2 years after the date of promulgation of * * * standards.'' Consequently, EPA temporarily retained the TSP increments, as well as the Section 107 areas for TSP.

24-hour standard is determined by calculating the expected number of exceedences of the 150 μg/m³ limit per year. The 24-hour standard is attained when the expected number of exceedences is 1.0 or less. A total of 3 consecutive years of clean air quality data is generally necessary to show attainment of the 24-hour and annual standards for PM10. A complete year of air quality data, as referred to in 40 CFR Part 50, Appendix K, is comprised of all 4 calendar quarters with each quarter containing data from at least 75 percent of the scheduled sampling days.

Under § 188(b)(2) a moderate area shall be reclassified as serious by operation of law after the statutory attainment date if the Administrator determines that the area has failed to attain the NAAQS. Under section 188(b)(2)(B) of the Act, the EPA must publish a notice in the **Federal Register** identifying those areas which failed to attain the standard and must be reclassified as serious by operation of law.

Application for a 1-year Extension of the Attainment Date

If the State does not have the necessary number of consecutive clean years of data to show attainment of the NAAQS, a State may apply for an extension of the attainment date. Pursuant to § 188(d) of the Act, a State may apply for and EPA may grant a 1-year extension of the attainment date if the State has: (1) Complied with the requirements and commitments pertaining to the applicable implementation plan for the area, and (2) the area has measured no more than 1 exceedence of the 24-hour PM10 standard in the year preceding the extension year, and the annual mean concentration of PM10 in the area for such year is less than or equal to the standard. In addition, as discussed below, the EPA will consider the state's PM planning progress for the area. If the State does not have the requisite number of years of clean air quality data to show attainment and does not apply or does not qualify for an attainment date extension, the area will be reclassified as serious by operation of law. Connecticut applied for and was granted a 1-year extension of the attainment date for New Haven, effective November 11, 1995. (See 60 FR 47097, September 11, 1995.)

If an extension is granted, at the end of the extension year, EPA will again determine whether the area has attained the PM10 NAAQS. If the State still does not have 3 consecutive years of clean air quality data, it may apply for a second 1-year extension of the attainment date. In order to qualify for the second 1-year extension of the attainment date, the State must satisfy the same requirements listed above for the first extension. In addition, EPA will consider the State's PM10 planning progress for the area in a manner similar to its evaluation of the first extension request. However, EPA may grant no more than two 1-year extensions of the attainment date to a single nonattainment area. [See Section 188(d) of the Act.]

Section 188(d) of the Act provides that the Administrator ''may'' extend the attainment date for areas that meet the minimum requirements specified above. The provision does not dictate or compel that EPA grant extensions to such areas. In exercising this discretionary authority for PM10 nonattainment areas, EPA will examine the air quality planning progress made in the moderate area. EPA will be disinclined to grant an attainment date extension unless a State has, in substantial part, addressed its moderate PM10 planning obligations for the area. In order to determine whether the State has substantially met these planning requirements the EPA will review the States application for the attainment date extension to determine whether the State has: (1) Adopted and substantially implemented control measures submitted to address the requirement for implementing RACM/RACT in the moderate nonattainment area; and (2) that reasonable further progress is being met for the area. RFP for PM10 nonattainment areas is determined to be linear emissions reductions made on an annual basis which will provide progress toward the eventual attainment of the NAAQS in the area.

Summary of Connecticut's PM10 PSD Increment SIP Revision

In this section, EPA is acting on revisions to the PSD permitting program for the State of Connecticut. Specifically, Connecticut DEP is amending Subsection 22a–174–3(k) to replace the TSP increments with the federal increments for PM10. All other regulations and requirements necessary for full implementation of the PSD program for PM10 are already in place.

In accordance with the requirements in 40 CFR 51.66, Connecticut DEP is also committing to implementation of the following program elements for the protection of the particulate matter increments: increment consumption analyses for new major sources and major modifications; reviews of potential increment consumption from minor point, area, and mobile sources; and a SIP revision upon identification of an increment violation. The major source baseline date (January 6, 1975) and the minor source baseline date (established in Connecticut on June 7, 1988), both for particulate matter measured as TSP, will remain the same for PM10. All of Connecticut, except the City of New Haven, is currently considered a Class II attainment area. New Haven is currently classified as nonattainment for PM10. The PSD program for particulate matter does not apply to the City of New Haven until that area is reclassified to attainment. Meanwhile, new major sources or major modifications proposing to locate in the City of New Haven will be required to comply with the nonattainment provisions of Subsection 22a–174–3(l) of the Regulations of Connecticut State Agencies.

Procedural Background Regarding the PM10 PSD Increment SIP Revision

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

EPA also must determine whether a submittal is complete and therefore warrants further EPA review and action. [See Section 110(k)(1) and 57 13565, April 16, 1992.] The EPA's completeness criteria for SIP submittals are set out at 40 CFR Part 51, Appendix V. The EPA attempts to make completeness determinations within 60 days of receiving a submission. However, a submittal is deemed complete by operation of law under Section 110(k)(a)(B) if a completeness determination is not made by EPA within six months after receipt of the submission.

The State of Connecticut held a public hearing on August 23, 1994 to entertain public comment on the PSD SIP revision. On January 13, 1995, the Commissioner of the Connecticut Department of Environmental Protection (the Governor's designee) submitted revisions to Subsection 22a–174–3(k) of the Regulations of Connecticut Agencies to incorporate the federal PM10 PSD increments into the SIP and insure that all elements for the federal PSD program for particulate matter are adopted.

EPA reviewed to Connecticut DEP's SIP revision to determine completeness

shortly after their submittal, in accordance with the completeness criteria referenced above. In a letter dated March 28, 1995, EPA-Region 1 informed the Connecticut Governor's designee that the submittal was determined complete and explained how the review and approval process would proceed.

Summary of Connecticut's Extension Request

On March 22, 1996, the Connecticut Department of Environmental Protection (Connecticut DEP) submitted a request for second 1-year extension of the attainment date for the New Haven initial moderate PM10 nonattainment area.

EPA's Air Quality Strategies and Standards Division (AQSSD) has prepared a guidance titled ''Criteria for Granting 1-Year Nonattainment Area Attainment Dates, Making Attainment Determinations, and Reporting on Quantitative Milestones'' (November 14, 1994 memorandum from AQSSD Director Sally Shaver) which outlines how to assess the adequacy of requests for a 1-year extension of the attainment date. The rationale for EPA's approval action are detailed in the Technical Support Document (TSD), dated May 10, 1996. In summary, Connecticut has fulfilled the specific elements of the Clean Air Act and that guidance as follows:

Upon application by any state, EPA may extend for one additional year if the State fulfilled two requirements under section 188 (d) of the Clean Air Act. First, a state must have complied with all requirements and commitments pertaining to the area in the applicable implementation plan. Secondly, no more than one exceedance of the 24 hour standard can occur in the area in the year proceeding the extension year, and the annual mean concentration of PM10 in the area for such year must be less than or equal to the standard level. Connecticut has fulfilled these two basic requirements.

Connecticut is implementing the EPA-approved PM_{10} SIP. Connecticut's PM_{10} attainment plan and contingency measures were approved by EPA on September 11, 1995 (60 FR 47076). Connecticut's PM_{10} attainment plan demonstrated that the implementation of RACM was sufficient to attain and maintain the PM_{10} NAAQS. Furthermore, Connecticut has demonstrated that RACT/RACM, embodied in 7 consent orders, have been adopted and submitted in the form of a SIP revision and are being implemented for New Haven. New Haven has monitored no more than 1 exceedence during 1995, the year preceding the extension year.[2] Connecticut's extension request states that indeed the area recorded no exceedences of the PM10 NAAQS in 1995, and is complying with the applicable state implementation plan. Furthermore, real emissions reductions have been achieved.[3]

In addition to meeting the two statutory requirements, Connecticut has made the planning progress required by EPA guidance. Connecticut has demonstrated that RACT/RACM, embodied in 7 consent orders, have been adopted and submitted in the form of a SIP revision and are being implemented for New Haven. Furthermore, real emissions reductions have been achieved.

For further details regarding Connecticut's extension request and how it meets EPA's requirements, the reader should refer to the TSD dated May 10, 1996, on file at EPA's Region I office (contact listed above).

II. Final Action

EPA is approving the SIP revision regarding PM_{10} PSD permitting and the second 1-year extension of the PM_{10} attainment date for New Haven, as submitted by the State of Connecticut.

The EPA is publishing this action 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 May 27, 1997 unless, by April 25, 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 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 May 27, 1997.

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.

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 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

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 sections 110 and 301, 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, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the

[2] Section 189(c) requires that Part D SIPs include quantitative milestones to document RFP towards attainment. Every 3 years until EPA redesignates an area to attainment, States must report on whether milestones have been met. Connecticut's SIP commits CT DEP to submit quantitative milestone and RFP reports to EPA every 3 years. For initial moderate PM_{10} nonattainment areas, the emissions reductions made between SIP submittal and the attainment date will satisfy the first quantitative milestone. (See General Preamble 57 FR 13539.) Since EPA believes it is reasonable to key the first milestone to the SIP revision containing control measures which will result in emission reductions and since the PM_{10} attainment date was less than 3 years from the actual submittal date of CT DEP's SIP revision, CT DEP submitted—and EPA is accepting—the emissions reductions associated with the New Haven PM_{10} Attainment Plan SIP revision (approved by EPA effective November 11, 1995) as meeting RFP and the first quantitative milestone for New Haven. (See TSD dated May 10, 1996.)

[3] A review of the PM_{10} air quality data for New Haven shows air quality monitors for this area monitored 4 exceedences of the 24-hour PM_{10} NAAQS during the 3-year period from 1993 to 1995. All exceedences occurred in 1993 at the Yankee Gas monitor site (AIRS Site ID 09–009–0021). The area did not have any exceedences of the PM_{10} NAAQS in 1995.

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 Sections 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 the 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 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 must be filed in the United States Court of Appeals for the appropriate circuit by May 27, 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).) EPA encourages interested parties to comment in response to the proposed rule rather than petition for judicial review, unless the objection arises after the comment period allowed for in the proposal.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter, Reporting and recordkeeping requirements.

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

Dated: December 5, 1996.

John P. DeVillars,

Regional Administrator, EPA—Region 1.

Part 52 of 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 H—Connecticut

2. Section 52.370 is amended by adding paragraph (c)(70) to read as follows:

§ 52.370 Identification of plan.

* * * * *

(c) * * *

(70) Revision to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on January 13, 1995.

(i) Incorporation by reference.

(A) Letter from the Connecticut Department of Environmental Protection dated January 13, 1995 submitting a revision to the Connecticut State Implementation Plan.

(B) Amended Regulation of Connecticut State Agencies: amended Subsection 22a–174–3(k) ''Abatement of air pollution—New Source Review'' (effective December 2, 1994).

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

3. Section 52.372 is amended by designating the existing text as paragraph (a) and by adding paragraph (b) to read as follows:

§ 52.372 Extensions.

* * * * *

(b) The Administrator hereby extends until December 31, 1996, the attainment date for particulate matter for the New Haven PM10 nonattainment area, as requested by the State of Connecticut on March 22, 1996 and based on monitored air quality data for the national ambient air quality standard for PM10 during the years 1993–95.

4. In § 52.374 the table is revised to read as follows:

§ 52. 374 Attainment dates for national standards.

* * * * *

Air quality control region and nonattainment area	Pollutant					
	SO_2		PM10	NO_X	CO	O_3
	Primary	Secondary				
AQCR 41: Eastern Connecticut Intrastate						
Middlesex County (part)	a	b	a	a	a	e
All portions except cities and towns in Hartford Area						
New London County	a	b	a	a	a	e
Tolland County (part)	a	b	a	a	a	e
All portions except cities and towns in Hartford Area						
Windham County	a	b	a	a	a	e

Air quality control region and nonattainment area	Pollutant					
	SO_2		PM10	NO_X	CO	O_3
	Primary	Second-ary				
AQCR 42: Hartford-New Haven-Springfield Interstate Hartford-New Britain-Middletown Area						
Hartford County (part) See 40 CFR 81.307	a	b	a	a	d	e
Litchfield County (part) See 40 CFR 81.307	a	b	a	a	d	e
Middlesex County (part) See 40 CFR 81.307	a	b	a	a	d	e
Tolland County (part) See 40 CFR 81.307	a	b	a	a	d	e
New Haven-Meriden-Waterbury Area						
Fairfield County (part) See 40 CFR 81.307	a	b	a	a	d	e
Litchfield County (part) See 40 CFR 81.307	a	b	a	a	d	e
New Haven County						
All portions except City of New Haven	a	b	a	a	d	e
City of New Haven	a	b	g	a	d	e
AQCR 43: New York-New Jersey-Connecticut Interstate New York-N. New Jersey-Long Island Area						
Fairfield County (part) See 40 CFR 81.307	a	b	a	a	d	f
Litchfield County (part) See 40 CFR 81.307	a	b	a	a	d	f
AQCR 44: Northwestern Connecticut Interstate						
Hartford County (part)	a	b	a	a	a	e
Hartford Township						
Litchfield County (part) See 40 CFR 81.307	a	b	a	a	a	e
All portions except cities and towns in Hartford, New Haven, and New York Areas						

a. Air quality levels presently below primary standards or area is unclassifiable.
b. Air quality levels presently below secondary standards or area is unclassifiable.
c. November 15, 1995.
d. December 31, 1995.
e. November 15, 1999.
f. November 15, 2007.
g. December 31, 1996 (two 1-year extensions granted).

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BILLING CODE 6560–50–P

40 CFR Part 52

[NM 22–1–7103a; FRL–5709–6]

Approval and Promulgation of Implementation Plan for New Mexico: General Conformity Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: This action approves a revision to the New Mexico State Implementation Plan (SIP) that contains regulations for implementing and enforcing the general conformity rules which the EPA promulgated on November 30, 1993. Specifically, the general conformity rules enable the New Mexico Environment Department to review conformity of all Federal actions (See 40 CFR part 51, subpart W—Determining Conformity of General Federal Actions to State or Federal Implementation Plans) with the control strategy SIPs submitted for the nonattainment and maintenance areas within the State except for actions within the boundaries of Bernalillo County. This approval action is intended to streamline the conformity process and allow direct consultation among agencies at the local levels. The Federal actions by the Federal Highway Administration and Federal Transit Administration (under Title 23 U.S.C. or the Federal Transit Act) are covered by the transportation conformity rules under 40 CFR part 51, subpart T—Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act. The EPA will act on the New Mexico transportation conformity SIP under a separate action.

The EPA is approving this SIP revision under sections 110(k) and 176 of the Clean Air Act (the Act). The rationale for the approval and other information are provided in this document.

DATES: This action is effective on May 27, 1997, unless adverse or critical comments concerning this action are submitted and postmarked by April 25, 1997. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Copies of the State general conformity SIP and other relevant information are available for inspection during normal business hours at the following locations. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air Planning Section (6PDL), Multimedia Planning and Permitting Division, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202, telephone: (214) 665–7214.

Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Air Quality Bureau, New Mexico Environment Department, 1190 St. Francis Drive, Santa Fe, NM 87502, telephone: (505) 827–0042.

FOR FURTHER INFORMATION CONTACT: Mr. J. Behnam, P.E., Air Planning Section (6PDL), Multimedia Planning and Permitting Division , Environmental Protection Agency, Region 6, 1445 Ross