

certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Act forbids EPA to base its actions concerning SIPs on such grounds. See *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, 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.

The 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 preexisting 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 this 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 July 29, 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.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental regulations, Ozone, Reporting and recordkeeping, and Volatile organic compounds.

Dated: February 12, 1997.

Jerry Clifford,

Acting Regional Administrator.

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 SS—Texas

2. Section 52.2270 is amended by adding paragraph (c) (100) to read as follows:

§ 52.2270 Identification of Plan.

* * * * *

(c) * * *

(100) A revision to the Texas State Implementation Plan (SIP) to adopt an alternate control strategy for the surface coating processes at the Bell Helicopter Textron, Incorporated (Bell) Plant 1 Facility.

(i) Incorporation by reference.

(a) Texas Natural Resource Conservation Commission Agreed Order for Docket No. 95-1642-SIP, issued and effective April 2, 1996, for Bell's Plant 1 facility.

(b) A letter from the Governor of Texas dated April 18, 1996, submitting to the EPA the Agreed Order and the site-specific SIP revision for Bell.

(ii) Additional material.

(a) The site-specific revision to the Texas State Implementation Plan for Bell, dated January 16, 1996.

(b) The alternate reasonably available control technology demonstration prepared by Bell, dated December 1995.

* * * * *

[FR Doc. 97-14196 Filed 5-29-97; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TN-160-9624a; FRL-5831-7]

Approval and Promulgation of Air Quality Implementation Plans, Tennessee; Approval of Revisions to Permit Requirements, Definitions, Exemptions, and Internal Combustion Engines Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the permit requirements for major sources of air pollution, definitions, exemptions, and internal combustion engine regulations for the Nashville/Davidson County portion of the Tennessee State Implementation Plan (SIP). On December 28, 1995, the State submitted revisions to the Nashville/Davidson portion of the Tennessee SIP on behalf of Nashville/Davidson County. These were revisions to the permit requirements for major sources of air pollution, including revisions to the general definitions, the permit requirements, and the exemption sections. Also included was a revision to the regulations for internal combustion engines. The purpose of these amendments was to satisfy the requirements of the 1990 Clean Air Act Amendments and the comments made by EPA on previous SIP submittals. EPA is approving all of the submitted revisions, except those which were withdrawn, as noted in the paragraphs below.

DATES: This final rule is effective July 29, 1997 unless adverse or critical comments are received by June 30, 1997. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments on this action should be addressed to Karen C. Borel at the Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303. Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day. Reference file TN160-01-9624. The Region 4 office may have additional background documents not available at the other locations.

Air and Radiation Docket and Information Center (Air Docket 6102),

U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.
Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303. Karen Borel, 404/562-9029.

Bureau of Environmental Health Services, Metropolitan Health Department, Nashville-Davidson County, 311—23rd Avenue, North, Nashville, Tennessee 37203. Phone number: 615/340-5653.

Tennessee Department of Environment and Conservation, Division of Air Pollution Control, 9th Floor L & C Annex, 401 Church Street, Nashville, Tennessee 37243-1531. Phone number: 615/532-0554.

FOR FURTHER INFORMATION CONTACT:
Karen C. Borel at 404/562-9029.

SUPPLEMENTARY INFORMATION: The State of Tennessee submitted revisions to the Nashville/Davidson County portion of the Tennessee SIP to EPA on December 28, 1995. EPA found these submittals to be complete on February 28, 1996.

A. SIP Revisions

The Nashville/Davidson County Board of Health, officially adopted proposed amendments to the Chapter 10.56, "Air Pollution Control" of the Metropolitan Code of Laws on December 14, 1995. These regulatory revisions to Chapter 10.56 add the definition of "Regulated Pollutant" to section 10.56.010, and revise sections 10.56.040 and .050 with general administrative amendments which support revisions to their title V program. Section 10.56.240 is revised to correct an administrative error. The revisions to section 10.56.080 and to paragraph (E) of section 10.56.050 were withdrawn by the State in a letter from Mr. John Walton to Ms. Linda Anderson-Carnahan, dated January 17, 1997, as previously requested by Ms. Anderson-Carnahan on September 17, 1996. The amendment to the definition of "volatile organic compound" in section 10.56.010 is currently being revised by Nashville in accordance with EPA comments, dated September 17, 1996, and therefore action will not be taken on this revision at this time. The remaining revisions were made to bring the SIP into compliance with title I requirements and to support title V requirements. EPA is also approving the following revisions as discussed in the paragraphs below.

Section 10.56.010—Definitions

The definition of "potential emissions" is amended by adding the following phrase to the end of the definition:

* * * unless otherwise provided in the Metropolitan Health Department, Pollution Control Division's Regulation No. 13, "Part 70—Operating Permit Program".

The definition of "Regulated Pollutant" is added, as follows:

"Regulated Pollutant" means each of the following:

1. Nitrogen oxides or any volatile organic compound;
2. Any pollutant regulated under section 111 or 112 of the Clean Air Act as amended;
3. Any pollutant for which a national primary ambient air quality standard has been promulgated;
4. Any Class I or Class II substance listed pursuant to section 602 of the Clean Air Act as amended.

Section 10.56.040—Operating Permits

This paragraph has been amended by adding the following phrase to the end of the second sentence of subsection B: except as otherwise provided in the Metropolitan Health Department, Pollution Control Division's Regulation No. 13, "Part 70—Operating Permit Program".

Section 10.56.050—Exemptions

Paragraph A has been revised to add a phrase which was inadvertently omitted from an earlier submittal. This is done by adding a new subsection "7" which reads as follows:

7. Mobile sources, such as automobiles, trucks, buses, locomotives, airplanes and boats.

A new paragraph F has been added which shall state as follows:

F. Notwithstanding any exemption in this section, and application submitted in accordance with section 10.56.020 and section 10.56.040 of this Chapter shall include all emission sources and quantify emissions if needed to determine major source status, to determine compliance with an applicable requirement, and/or the applicability of any applicable requirement such as NSPS, NESHAPS, or MACT standard, etc., or in calculation permit fees in accordance with section 10.56.080.

Section 10.56.240.—Internal Combustion Engines

Subparagraph "C" was amended by deleting the term "Department of Health, Education and Welfare" and replacing it with "Environmental Protection Agency."

Final Action

EPA is fully approving the submitted revisions to the Nashville/Davidson County portion of the Tennessee State

Implementation Plan (SIP) as discussed in the previous paragraphs.

The Agency has reviewed this request for revision of the Federally-approved State implementation plan for conformance with the provisions of the 1990 amendments enacted on November 15, 1990. The Agency has determined that this action conforms with those requirements.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial action 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 July 29, 1997 unless, by June 30, 1997, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on July 29, 1997.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to any SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Administrative Requirements

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 section 110 and subchapter I, part D of the Clean Air 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 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 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 section 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 section 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 July 29, 1997. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: April 22, 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)(152) to read as follows:

§ 52.2220 Identification of plan.

* * * * *

(C) * * *

(152) On December 28, 1995, the State submitted revisions to the Nashville/Davidson portion of the Tennessee SIP on behalf of Nashville/Davidson County. These were revisions to the permit requirements for major sources of air pollution, including revisions to the general definitions, the permit requirements, and the exemptions. Also included was a revision to the regulations for internal combustion engines. These revisions incorporate changes to Nashville's Chapter 10.56

which are required in the Clean Air Act as amended in 1990 and 40 CFR part 51, subpart I.

(i) Incorporation by reference.

(A) Code of Laws of the Metropolitan Government of Nashville and Davidson County, Tennessee, Chapter 10.56 Air Pollution Control, approved on December 14, 1995.

(I) Section 10.56.010, definitions for "Potential Emissions," "Regulated Pollutant," and "Volatile Organic Compound."

(II) Section 10.56.040, Paragraph B.

(III) Section 10.56.050, Paragraphs A and F.

(IV) Section 110.56.240, Paragraph C.

(ii) Other material. None.

[FR Doc. 97-14194 Filed 5-29-97; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL-5832-8]

Final Authorization of State Hazardous Waste Management Program; Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: Missouri has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act of 1976, as amended (hereinafter RCRA). The Environmental Protection Agency (EPA) has reviewed Missouri's application and has made a decision, subject to review and comment, that Missouri's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Missouri's hazardous waste program revisions, subject to authority retained by EPA under the Hazardous and Solid Waste Amendments of 1984 (hereinafter HSWA). Missouri's application for program revision is available for public review and comment.

DATES: Final authorization for Missouri shall be effective July 29, 1997, unless the EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on the Missouri program revision application must be received by the close of business June 30, 1997.

ADDRESSES: Written comments should be sent to Mr. Aaron Zimmerman, Iowa RCRA and State Programs Branch, U.S. Environmental Protection Agency,