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).

EPA's disapproval of the State request under section 110 and subchapter I, part D of the CAA does not affect any existing requirements applicable to small entities. Any pre-existing federal requirements remain in place after this disapproval. Federal disapproval of the state submittal does not affect its state-enforceability. Moreover, EPA's disapproval of the submittal does not impose any new Federal requirements. Therefore, EPA certifies that this disapproval action does not have a significant impact on a substantial number of small entities because it does not remove existing requirements and impose any new Federal requirements.

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 August 18, 1997. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements

Dated: May 14, 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)(153) to read as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) * * *

(153) Revisions to Nashville/Davidson County portion of the Tennessee state implementation plan submitted to EPA by the State of Tennessee on December 17, 1993, April 2, 1996, September 18, 1996, and November 14, 1996, concerning new source review (NSR), control of volatile organic compounds (VOC), and emergency episodes with the exception of the revisions to 7–17(c)(4)(ii) and 7–17(c)(4)(iii) which were disapproved.

(i) Incorporation by reference.

(A) Nashville/Davidson County Air Pollution Control Regulation number 3 ''New Source Review'' sections 3–1(y), 3–1(hh), 3–1(jj), and 3–2(f), effective November 13, 1996.

(B) Nashville/Davidson County Air Pollution Control Regulation number 7 ''Regulation for the Control of Volatile Organic Compounds'' sections 7–1(mm), 7–2, 7–4, 7–5, 7–6, 7–7, 7–8, 7–9, 7–10, 7–16(a), 7–16(c) {except section 7–16(c)(11)}, 7–16(d), 7–17(a)(9), 7–17(c) {except 7–17(c)(4)(ii), and 7–17(c)(4)(iii)}, 7–20, 7–21, 7–22, 7–23, 7–24, 7–26, 7–27, and 7–28, effective November 13, 1996.

(C) Nashville/Davidson County Air Pollution Control Regulation number 11 ''Emergency Episode Regulation'' effective November 13, 1996.

(ii) Other material. None.

[FR Doc. 97–15851 Filed 6–16–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA105–0037a; FRL–5842–6]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; San Diego County Air Pollution Control District; Yolo-Solano Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the California State Implementation Plan (SIP). The revisions concern rules from the following Districts: San Diego County Air Pollution Control District (SDCAPCD), and Yolo-Solano Air Quality Management District (YSAQMD). These revisions concern the control of oxides of nitrogen (NO_X) from stationary gas turbine engines, industrial, institutional, and commercial boilers, steam generators, and process heaters. This approval action will

incorporate these rules into the Federally approved SIP. The intended effect of approving these rules is to regulate emissions of NO_X in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). EPA is finalizing the approval of these revisions into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

DATES: This action is effective on August 18, 1997 unless adverse or critical comments are received by July 17, 1997. If the effective date is delayed, a timely notice will be published in the **Federal Register**.

ADDRESSES: Comments must be submitted to Amy Beckberger at the Region IV office listed below. Copies of the rules and EPA's evaluation report of each rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rules are also available for inspection at the following locations:

Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Environmental Protection Agency, Air Docket (6102), 401 ''M'' Street, S.W., Washington, D.C. 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95812.

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

Yolo-Solano Air Quality Management District 1947 Galileo Court, Suite 103 Davis, CA 95616.

FOR FURTHER INFORMATION CONTACT: Amy Beckberger, Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1191.

SUPPLEMENTARY INFORMATION:

I. Applicability

The rules being approved into the California SIP include: SDCAPCD's Rule 69.3, Stationary Gas Turbine Engines; and YSAQMD's Rule 2.27, Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters. These rules were submitted by the California Air Resources Board (CARB) to EPA on October 19, 1994 (Rule 69.3), and October 18, 1996 (Rule 2.27).

II. Background

On November 15, 1990, the Clean Air Act Amendments of 1990 (CAA or the Act) were enacted. Pub. L. 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. The air quality planning requirements for the reduction of NO_X emissions through reasonably available control technology (RACT) are set out in section 182(f) of the CAA. On November 25, 1992, EPA published a proposed rulemaking entitled ''State Implementation Plans; Nitrogen Oxides Supplement to the General Preamble; Clean Air Act Amendments of 1990 Implementation of Title I; Proposed Rule,'' (the NO_X Supplement) which describes the requirements of section 182(f). The November 25, 1992, NO_X Supplement should be referred to for further information on the NO_X requirements and is incorporated into this document by reference.

Section 182(f) of the Clean Air Act requires States to apply the same requirements to major stationary sources of NO_X (''major'' as defined in section 302 and section 182(c), (d), and (e)) as are applied to major stationary sources of volatile organic compounds (VOCs), in moderate or above ozone nonattainment areas. The San Diego Area is classified as a serious nonattainment area for ozone, and the Sacramento Metro Area, in which the YSAQMD is located, is classified as a serious nonattainment area for ozone.[1] Therefore, these areas are subject to the RACT requirements of section 182(b)(2), cited below, and the November 15, 1992 deadline.

Section 182(b)(2) requires submittal of RACT rules for major stationary sources of VOC emissions (not covered by a pre-enactment control techniques guidelines (CTG) document or a post-enactment CTG document) by November 15, 1992. There were no NO_X CTGs issued before enactment and EPA has not issued a CTG document for any NO_X sources since enactment of the CAA. The RACT rules covering NO_X sources and submitted as SIP revisions, are expected to require final installation of the actual NO_X controls as expeditiously as practicable, but no later than May 31, 1995.

On October 19, 1994, the State of California submitted to EPA SDCAPCD's Rule 69.3, Stationary Gas Turbine Engines, which was adopted by SDCAPCD on September 27, 1994. On October 18, 1996, the State of California submitted to EPA YSAQMD's Rule 2.27, Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters, which was revised by YSAQMD on August 14, 1996. On October 21, 1994 (Rule 69.3), and December 19, 1996 (Rule 2.27) these submitted rules were found to be complete pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51, appendix V.[2] In today's document, EPA is taking direct final action to approve these submittals. This final action will incorporate these rules into the Federally approved SIP.

NO_X emissions contribute to the production of ground level ozone and smog. The two rules control emissions of NO_X from various industrial, institutional, and commercial sources. The rules were adopted as part of SDCAPCD's and YSAQMD's efforts to achieve the National Ambient Air Quality Standards (NAAQS) for ozone and in response to the CAA requirements cited above. The following is EPA's evaluation and final action for these rules.

III. EPA Evaluation and Action

In determining the approvability of a NO_X rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110, and part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for this action, appears in various EPA policy guidance documents.[3] Among these provisions is the requirement that a NO_X rule must, at a minimum, provide for the implementation of RACT for stationary sources of NO_X emissions.

For the purposes of assisting State and local agencies in developing NO_X RACT rules, EPA prepared the NO_X Supplement to the General Preamble, cited above (57 FR 55620). In the NO_X Supplement, EPA provides guidance on how RACT will be determined for stationary sources of NO_X emissions. While most of the guidance issued by

[1] The San Diego Area and the Sacramento Metro Area retained their designations of nonattainment and were classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. See 56 FR 56694 (November 6, 1991). The San Diego Area was reclassified from severe to serious on February 21, 1995. See 60 FR 3771 (January 19, 1995).

[2] EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

[3] Among other things, the pre-amendment guidance consists of those portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 **Federal Register** notice'' (Blue Book) (notice of availability was published in the **Federal Register** on May 25, 1988).

EPA on what constitutes RACT for stationary sources has been directed towards application for VOC sources, much of the guidance is also applicable to RACT for stationary sources of NO_X (see section 4.5 of the NO_X Supplement). In addition, pursuant to section 183(c), EPA is issuing alternative control technique documents (ACTs), that identify alternative controls for categories of stationary sources of NO_X. The ACT documents will provide information on control technology for stationary sources that emit or have the potential to emit 25 tons per year or more of NO_X. However, the ACTs will not establish a presumptive norm for what is considered RACT for stationary sources of NO_X. In general, the guidance documents cited above, as well as other relevant and applicable guidance documents, have been set forth to ensure that submitted NO_X RACT rules meet Federal RACT requirements and are fully enforceable and strengthen or maintain the SIP.

There is currently no version of SDCAPCD's Rule 69.3, Stationary Gas Turbine Engines, in the SIP. Rule 69.3 applies to any existing or new stationary gas turbine with a power rating greater than or equal to 1.0 megawatt (MW) or 0.3 MW, respectively. CARB has published a RACT/BARCT guidance document for gas turbines entitled, ''Determination of Reasonably Available Control Technology and Best Available Retrofit Control Technology for the Control of Oxides of Nitrogen from Stationary Gas Turbines'' (May 18, 1992). The guidance document defines RACT as an emission limit of 42 ppmv at 15% O_2 for gas-fired units and an emission limit of 65 ppmv at 15% O_2 for oil-fired units. The SDCAPCD's Rule 69.3 incorporates the RACT limits for gas turbines and is consistent with all of the guideline's other requirements. The rule contains adequate recordkeeping requirements, and the appropriate test methods for compliance determinations are referenced. The exemptions provided in the rule are consistent with EPA guidelines. The rule required final compliance by May 31, 1995. A more detailed discussion of the sources controlled, the controls required, and the justification for why these controls represent RACT can be found in the Technical Support Document (TSD) for Rule 69.3, dated April 3, 1997.

There is currently no version of YSAQMD's Rule 2.27, Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters, in the SIP. Rule 2.27 regulates NO_X emissions from boilers, steam generators, and process heaters with rated heat inputs greater than or equal to 5 million BTU per hour. CARB has developed a RACT/BARCT guidance document entitled, ''Determination of Reasonably Available Control Technology and Best Available Retrofit Control Technology for Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters.'' (July 18, 1991). The RACT limits specified in CARB's guidance document are 70 ppm or 0.084 lb/MMBtu of heat input and 115 ppm or 0.150 lb/MMBtu of heat input for units fired with gaseous and nongaseous fuels. Rule 2.27's emission limits of 30 ppm for gas-fired and 40 ppm for nongaseous-fired units are representative of CARB's BARCT limits, thereby meeting the CAA requirements for RACT. The May 31, 1995 implementation requirements are fulfilled by requiring that BARCT be implemented by June 1, 1998, and that interim measures, including submission of compliance plans and application for authority to construct, be met to ensure final compliance with the rule. The rule meets EPA's RACT requirements, and the exemptions provided in the rule are consistent with EPA guidelines. The rule contains adequate recordkeeping requirements, and references the appropriate test methods for determining compliance. A more detailed discussion of the sources controlled, the controls required, and the justification for why these controls represent RACT can be found in the Technical Support Document (TSD) for Rule 2.27, dated April 3, 1997.

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations and EPA policy. Therefore, SDCAPCD's Rule 69.3, Stationary Gas Turbine Engines; and YSAQMD's Rule 2.27, Industrial, institutional, and Commercial Boilers, Steam Generators, and Process Heaters are being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a), section 182(b)(2), section 182(f) and the NO_X Supplement to the General Preamble.

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.

EPA is publishing this document 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 August 18, 1997, unless, by July 17, 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 August 18, 1997.

IV. 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 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 must be filed in the United States Court of Appeals for the appropriate circuit by August 18, 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, Volatile organic compound.

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

Dated: June 4, 1997.

Felicia Marcus,

Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c)(202)(i)(C)(*6*) and (241)(i)(B) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(202) * * *

(i) * * *

(C) * * *

(*6*) Rule 69.3, adopted on September 27, 1994.

* * * * *

(241) * * *

(i) * * *

(B) Yolo-Solano Air Quality Management District.

(*1*) Rule 2.27, revised on August 14, 1996.

[FR Doc. 97–15846 Filed 6–16–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL127–1a; FRL–5841–1]

Approval and Promulgation of Implementation Plan; Illinois

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: On May 5, 1995, and May 26, 1995, the State of Illinois submitted a State Implementation Plan (SIP) revision request to the United States Environmental Protection Agency (EPA) for reactor processes and distillation operation processes in the Synthetic Organic Chemical Manufacturing Industry (SOCMI) as part of the State's control measures for Volatile Organic Material (VOM) emissions for the Chicago and Metro-East (East St. Louis) areas. VOM, as defined by the State of Illinois, is identical to ''volatile organic compounds'' (VOC), as defined by EPA. VOC is one of the air pollutants which combine on hot summer days to form ground-level ozone, commonly known as smog. Ozone pollution is of particular concern because of its harmful effects upon lung tissue and breathing passages. This plan was submitted to meet the Clean Air Act (Act) requirement for States to adopt Reasonably Available Control Technology (RACT) rules for sources that are covered by Control Techniques Guideline (CTG) documents. The control measures specified in this SOCMI SIP revision are not expected by Illinois to further reduce VOC (VOM) emissions in the Chicago area, or in the Metro-East area, because Illinois has identified only two sources which meet the applicability criteria, and Illinois states that the sources are already in compliance with the State's SOCMI rules. This rulemaking action only addresses compliance with the RACT requirement for one source, Stepan Company's Millsdale facility. The EPA is approving the State Implementation Plan (SIP) revision request submitted by the State of Illinois as it applies to Stepan Company's Millsdale Facility. Action on the revision request as it applies to other subject facilities, and on the overall revision request, will be taken at a future time.

EFFECTIVE DATE: The ''direct final'' approval shall be effective on August 18, 1997, unless EPA receives adverse or critical comments by July 17, 1997. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Copies of the revision request and EPA's analysis are available for inspection at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone David Pohlman at (312) 886–3299 before visiting the Region 5 Office.)

Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental