

**Authority:** 7 U.S.C. 135 *et seq.*, 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.*, 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

2. Section 9.1 is amended by adding in numerical order the new entries to the table under the indicated heading to read as follows:

**§ 9.1 OMB approvals under the Paperwork Reduction Act.**

40 CFR citation	OMB control no.
* * * * *	* * * * *
National Emission Standards for Hazardous Air Pollutants for Source Categories <sup>3</sup>	
* * * * *	* * * * *
63.480–63.506 .....	2060–0356
* * * * *	* * * * *

<sup>3</sup>The ICRs referenced in this section of the table encompass the applicable general provisions contained in 40 CFR part 63, subpart A, which are not independent information collection requirements.

\* \* \* \* \*

**PART 63—[AMENDED]**

3. The authority citation for part 63 continues to read as follows:

**Authority:** 42 U.S.C. 7401, *et seq.*

**Subpart U—[Amended]**

4. Section 63.485 is amended by revising paragraph (o) introductory text to read as follows:

**§ 63.485 Continuous front-end process vent provisions.**

\* \* \* \* \*

(o) Group 1 halogenated continuous front-end process vents at affected existing sources producing butyl rubber, halobutyl rubber, or ethylene propylene rubber are exempt from the requirements to control hydrogen halides and halogens from the outlet of combustion devices contained in § 63.113(c) of subpart G and are exempt from the prohibition against flaring halogenated vent streams, which is contained in § 63.113(a)(1)(ii) of subpart G, if the conditions in paragraphs (o)(1) and (o)(2) of this section are met. Affected new sources are not exempt from these provisions.

\* \* \* \* \*

5. Section 63.502 is amended by revising paragraph (a) and by adding paragraph (j) to read as follows:

**§ 63.502 Equipment leak provisions.**

(a) The owner or operator of each affected source shall comply with the requirements of subpart H of this part for all equipment in organic HAP service, with the exceptions noted in paragraphs (b) through (j) of this section.

\* \* \* \* \*

(j) The owner or operator of each affected source shall substitute the phrase “the provisions of subparts F, I, or U of this part” for both the phrases “the provisions of subparts F or I of this part” and the phrase “the provisions of subpart F or I of this part” throughout §§ 63.163 and 63.168, for the purposes of this subpart. In addition, the owner or operator of each affected source shall substitute the phrase “subparts F, I, and U” for the phrase “subparts F and I” in § 63.174(c)(2)(iii), for the purposes of this subpart.

**Subpart JJJ—[Amended]**

6. Section 63.1331 is amended by revising paragraph (a) introductory text and adding paragraph (a)(10) to read as follows:

**§ 63.1331 Equipment leak provisions.**

(a) Except as provided in paragraphs (b) and (c) of this section, the owner or operator of each affected source shall comply with the requirements of subpart H of this part, with the differences noted in paragraphs (a)(1) through (a)(10) of this section.

\* \* \* \* \*

(10) The owner or operator of each affected source shall substitute the phrase “the provisions of subparts F, I, or JJJ of this part” for both the phrases “the provisions of subparts F or I of this part” and the phrase “the provisions of subpart F or I of this part” throughout §§ 63.163 and 63.168, for the purposes of this subpart. In addition, the owner or operator of each affected source shall substitute the phrase “subparts F, I, and JJJ” for the phrase “subparts F and I” in § 63.174(c)(2)(iii), for the purposes of this subpart.

\* \* \* \* \*

[FR Doc. 97–18566 Filed 7–14–97; 8:45 am]

BILLING CODE 6560–50–P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[DE030–1008a; FRL–5856–1]

**Approval and Promulgation of Air Quality Implementation Plans; Delaware—General Conformity Rule**

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Delaware. This revision consists of Delaware’s regulation for General Conformity which sets forth policy, criteria, and procedures for demonstrating and assuring conformity of non-transportation related federal projects to all applicable implementation plans. The intended effect of this action is to approve Delaware’s General Conformity regulation as a SIP revision.

**DATES:** This action is effective September 15, 1997 unless notice is received on or before September 14, 1997 that adverse or critical comments will be submitted. 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, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460; Delaware Department of Natural Resources & Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19903.

**FOR FURTHER INFORMATION CONTACT:** Rose Quinto, (215) 566–2182, at the EPA Region III office or via e-mail at quinto.rose@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 October 2, 1996, the Delaware Department of Natural Resources & Environmental Control (DNREC) submitted a formal revision to its State Implementation Plan (SIP) to EPA for

the purpose of meeting the requirements of 40 CFR 51.851, State Implementation Plans, found under 40 CFR part 51, subpart W, Determining Conformity of General Federal Actions to State and Federal Implementation Plans. Part 51, subpart W is commonly referred to as the federal General Conformity Rule. The DNREC SIP revision which is the subject of this approval action consists of Delaware Regulation 35—Conformity of General Federal Actions to the State Implementation Plans (General Conformity). This action to approve Delaware's General Conformity regulation as a SIP revision is being taken under section 110 of the Clean Air Act (CAA).

The revision to Regulation 26—Motor Vehicle Emission Inspection Program, that was also submitted by DNREC on October 2, 1996 is the subject of a separate rulemaking document.

### Summary of the SIP Revision

Delaware Regulation 35, Conformity of General Federal Actions to the State Implementation Plans (General Conformity), establishes standards and procedures to follow when evaluating the conformity of non-transportation related federal projects to all applicable implementation plans developed pursuant to section 110 and Part D of the CAA.

At 40 CFR part 51, subpart W, EPA promulgated the federal rule for General Conformity to implement section 176(c) of the CAA. This federal rule sets forth policy, criteria, and procedures for demonstrating and assuring the conformity of federal actions to all applicable implementation plans developed pursuant to section 110 and part D of the CAA. The rule generally applies to federal actions except:

- (1) Those required under the transportation conformity rule (40 CFR part 93, subpart A);
- (2) Actions with associated emissions below specified de minimis levels; and
- (3) Certain other actions which are exempt or presumed to conform to applicable air quality implementation plans.

At 40 CFR 51.851, State Implementation Plans, EPA promulgated the requirements that must be adopted by a state and submitted as a SIP revision to implement the General Conformity provisions. The provisions adopted by Delaware for General Conformity are those contained in and required by the federal rule. EPA has reviewed Delaware Regulation 35, for General Conformity, and has determined that it satisfies the requirements of 40 CFR 51.851. A Technical Support Document (TSD) has been prepared which details the EPA's

evaluation of Delaware Regulation 35. Interested parties may obtain a copy of the TSD by contacting the EPA Regional Office listed in the ADDRESSES section of this document.

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 and critical comments be filed. This action will be effective September 14, 1997, unless, by August 14, 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 September 15, 1997.

### Final Action

EPA is approving Delaware Regulation 35, for General Conformity, submitted by the State of Delaware on October 2, 1996 as a revision to the Delaware SIP.

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

The Office of Management and Budget (OMB) has exempted this action from review under Executive Order 12866.

#### 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 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 CAA 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 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 the publication of the rule of 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 CAA, petitions for judicial review of this action to approve a revision to the Delaware SIP for General Conformity must be filed in the United States Court of Appeals for the appropriate circuit by September 15, 1997. Filing a petition for reconsideration by the Administrator of this 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 a rule or action.

This action pertaining to the approval of Delaware Regulation 35 for General Conformity Rule may not be challenged later in the proceedings to enforce its requirements. (See section (b)(2).)

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

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations.

Dated: June 30, 1997.

**Thomas Voltaggio,**

*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 I—Delaware**

2. Section 52.420 is amended by adding paragraphs (c)(58) to read as follows:

**§ 52.420 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(58) Revisions to the Delaware State Implementation Plan on October 2, 1996 by the Delaware Department of Natural Resources & Environmental Control:

(i) Incorporation by reference.

(A) A letter of October 2, 1996 from the Delaware Department of Natural Resources & Environmental Control transmitting the General Conformity Rule.

(B) Delaware Regulation 35—Conformity of General Federal Actions to the State Implementation Plans (General Conformity), effective August 14, 1996.

(ii) Additional Material from the Delaware's October 2, 1996 submittal pertaining to Regulation 35.

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[MN43-02-7268; FRL-5855-8]

**Approval and Promulgation of Implementation Plan; Minnesota; Correction**

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

**ACTION:** Final rule correction.

**SUMMARY:** This document contains corrections to a final rule preamble which was published Wednesday, April 23, 1997 (62 FR 19674). The final rule approved the general conformity regulation which was incorporated by reference into the Minnesota State Implementation Plan (SIP).

**EFFECTIVE DATE:** This action is effective July 15, 1997.

**FOR FURTHER INFORMATION CONTACT:** Michael G. Leslie, Regulation Development Section (AR-18J), Air Programs Branch, Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, Telephone Number (312) 353-6680.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On April 23, 1997 (62 FR 19674), the EPA approved a revision to the Minnesota SIP containing the general conformity regulation that contains criteria and procedures for assessing conformity of Federal actions to applicable SIPs. However, in the EPA final rulemaking, EPA inadvertently stated that Benton, Sherburne, and Stearns Counties are designated Carbon Monoxide (CO) maintenance areas, when in fact only a portion of each of these counties, namely the city of St. Cloud, are CO maintenance areas. The EPA apologizes for any inconvenience this action may have caused interested parties.

**II. Miscellaneous**

*A. Executive Order 12866*

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is, therefore not subject to review by the Office of Management and Budget. In

addition, this action does not impose any enforceable duty or contains any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), or requires prior consultation with State officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

*B. Regulatory Flexibility Act*

Because this action is not subject to notice and comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

*C. 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).

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

Environmental protection, Air pollution control, General conformity, Hydrocarbons, Intergovernmental relations, Sulfur dioxide, Ozone, Volatile organic compounds.

**Authority:** 42 U.S.C. 7401-7671q.

Dated: June 23, 1997.

**David A. Ullrich,**

*Acting Regional Administrator.*

[FR Doc. 97-18568 Filed 7-14-97; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[MS21-1-9718a; MS22-1-9719a: FRL-5857-5]

**Clean Air Act Approval and Promulgation of Revisions to the Mississippi State Implementation Plan (SIP)**

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving revisions to the Mississippi State implementation plan (SIP) submitted on September 30,