

regulations amending Part 203 of its regulations to implement the EFOIA, Pub. L. No. 104-231, 110 Stat. 3048 (1996), which amended the FOIA, 5 U.S.C. *et seq.* The Office is subject to the FOIA, which is part of the Administrative Procedure Act, under section 701(d) of title 17, U.S.C. Copyright Office regulations describe records and documents available for public inspection under the Copyright Act, the Privacy Act of 1974, and the FOIA. See 37 CFR 201.2, 203, 204.

The EFOIA, signed into law on October 2, 1996, contains amendments that address methods required to make agency records available to the public by electronic means and in electronic formats. This regulation revises several provisions of the Office's FOIA regulations under 37 CFR 203 to comply with provisions of the EFOIA. The final regulation also establishes a response period of 30 days within which appeals to denials for information must be made. Interim regulations with a request for comments were issued October 28, 1997. 62 FR 55740 (October 28, 1997). No comments were received. The interim regulations, together with the addition of the response period for appeals, are adopted as final regulations.

#### List of Subjects in 37 CFR Part 203

Freedom of Information Act, Policies and procedures.

#### Final Regulations

In consideration of the foregoing, the Copyright Office adopts the interim rule amending part 203 of 37 CFR, as published at 62 FR 55740 on October 28, 1997, with the following changes:

#### PART 203—FREEDOM OF INFORMATION ACT: POLICIES AND PROCEDURES

1. The authority citation for part 203 is revised to read as follows:

**Authority:** 17 U.S.C 702; 5 U.S.C 552, as amended.

2. Section 203.4 is amended by adding two new sentences at the end of paragraph (f) and revising the last sentence of paragraph (i)(2) to read as follows:

#### § 203.4 Methods of operation.

\* \* \* \* \*

(f) \* \* \* If a requestor wishes to appeal a denial of some or all of his or her request for information, he or she must make an appeal in writing within 30 calendar days of the date of the Office's denial. The request should be

directed to the General Counsel of the United States Copyright Office.

\* \* \* \* \*

(i) \* \* \*  
(2) \* \* \* Denials of requests for expedited processing may be appealed to the Office of the General Counsel.

Dated: January 7, 1998.

**David O. Carson,**

*General Counsel.*

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#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 82

[FRL-5949-4]

#### Protection of Stratospheric Ozone: Notice of Revocation of Certification of Refrigerant Reclamation Organization

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

**ACTION:** Notice of revocation.

**SUMMARY:** Through this action, EPA is announcing the revocation of certification of Omega Refrigerant Reclamation, an organization previously certified to reclaim refrigerant in accordance with the regulations promulgated at 40 CFR part 82, subpart F. Omega has locations in Whittier, CA; Irwindale, CA; and North Las Vegas, NV. Omega was issued a letter of revocation on December 18, 1997, that explained the basis for EPA's decision.

Omega has not complied with the requirements established for refrigerant reclaimers pursuant to section 608 of the Clean Air Act Amendments (the Act). In accordance with 40 CFR 164 of those requirements, no person may sell or offer for sale for use as a refrigerant any class I or class II substance consisting wholly or in part of used refrigerant unless the substance has been reclaimed to at least the purity specified in the Air-Conditioning and Refrigeration Institute (ARI) Standard 700-1993, and that person has verified such purity using the analytical methodology prescribed in ARI 700-1993, set forth in 40 CFR 82.152(r) and 82.154(g)(1). Section 82.164(g) provides that failure to abide by any of the requirements of 40 CFR part 82, subpart F, including failure to meet the purity standard, may result in revocation of certification. Dennis R. O'Meara, President of Omega Refrigerant Reclamation, has been convicted of a criminal felony for selling and offering for sale a class I controlled substance for use as a refrigerant without reclaiming

the substance to at least the purity specified in ARI Standard 700-1993 and without verifying the stated purity using the analytical methodology prescribed in ARI 700-1993, as set forth in the Clean Air Act, Title 42, United States Code, section 7671c, and the regulations promulgated thereunder in 40 CFR 82.152 and 82.154(g)(1).

In accordance with 40 CFR 82.164(g), EPA revoked approval of all previously certified facilities of Omega Refrigerant Reclamation to reclaim refrigerants on December 18, 1997. In accordance with 40 CFR 154(h), class I or class II substances that consist in whole or in part of used refrigerant and that are reclaimed after December 18, 1997, by this reclaimer are prohibited from being sold or offered for sale for use as a refrigerant.

**DATES:** Omega Refrigerant Reclamation had its certification as a refrigerant reclaimer revoked, effective December 18, 1997.

**FOR FURTHER INFORMATION CONTACT:** Jake Johns, Program Implementation Branch, Stratospheric Protection Division, Office of Atmospheric Programs, Office of Air and Radiation (6205J), 401 M Street, SW., Washington, DC 20460, 202-564-9870. The Stratospheric Ozone Hotline at 800-296-1996 can also be contacted for further information.

Dated: December 23, 1997.

**Paul M. Stolpman,**

*Director, Office of Atmospheric Programs.*

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#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[KY-96-9801a; FRL-5946-8]

#### Approval and Promulgation of Implementation Plans; Commonwealth of Kentucky

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving a source specific revision to the Commonwealth of Kentucky's State implementation plan (SIP) for the Reynolds Metals Company. The revision was submitted to EPA on May 20, 1997, by the Commonwealth of Kentucky through the Kentucky Natural Resources and Environmental Protection Cabinet (KNREPC). The Reynolds Metals Company currently has a source-specific SIP that was approved on May 16, 1990.

This revision removes the limit on the operating speed for each of the nine machines while lowering the actual emissions of volatile organic compounds (VOCs) through the use of water-based inks and coatings.

**DATES:** This final rule is effective March 16, 1998 unless adverse or critical comments are received by February 12, 1998. 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 Joey LeVasseur at the Environmental Protection Agency, Region 4, Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303. Copies of 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 KY-96-9801. 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.

**FOR FURTHER INFORMATION CONTACT:** Joey LeVasseur at 404/562-9035.

**SUPPLEMENTARY INFORMATION:**

### I. Background

On May 16, 1990, EPA approved a source-specific SIP revision which allows nine rotogravure printing/coating machines at the Reynolds Metals plant (formerly Alcan Foil Products) to achieve compliance with the applicable VOC reasonably available control technology (RACT) regulations by using a plan which averages emissions and emission reduction credits within the facility. This bubble includes a daily and annual VOC limit and a limit on the number of days of operation. The limits are a maximum of 2,164 pounds of VOCs per day, 266.2 tons of VOCs per year and 246 operating days per year. The original SIP also contained a limit on the line speeds that the machines were allowed to operate. These limits were based on typical usage of each machine but had no regulatory significance.

On May 20, 1997, the Commonwealth of Kentucky through the Kentucky Natural Resources and Environmental

Protection Cabinet (KNREPC) submitted a revision to the Reynolds Metals source-specific SIP to the EPA. The SIP revision proposes to reduce the daily limit to 1,458 pounds of VOCs, to increase the operating days to 365 per year, and to keep the annual limit of 266.2 tons per year. This will reduce the daily limit by 706 pounds of VOCs per day while allowing the company the flexibility to operate more days per year. The company also proposes to have the operating speed limits of the machines rescinded as they will not cause an increase in emissions.

### II. Final Action

The EPA is approving and 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 March 16, 1998 unless, by February 12, 1998, 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 March 16, 1998.

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 the SIP 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

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 Regional 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) and 7410(k)(3).

#### 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 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 March 16, 1998. 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: October 29, 1997.

**A. Stanley Meiburg,**  
*Acting Regional Administrator, Region IV.*

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 *et seq.*

**Subpart S—Kentucky**

2. Section 52.920, is amended by adding paragraph (c)(86) to read as follows:

**§ 52.920 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(86) Revision to the Kentucky State Implementation Plan submitted by the Natural Resources and Environmental Protection Cabinet on May 20, 1997. The revision is for the Reynolds Metals Company.

(i) *Incorporation by reference.* Air Pollution Control District of Jefferson County Permit numbers 103-74, 104-74, 105-74, 106-74, 110-74, and 111-74, effective April 16, 1997.

(ii) Other material. None.

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