

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 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 action 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 April 10, 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, Volatile organic compounds.

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

Dated: January 15, 1998.

**David P. Howekamp,**

*Acting Regional Administrator, Region IX.*

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 *et seq.*

**Subpart D—Arizona**

2. Section 52.120 is amended by adding paragraph (c)(83)(i)(B) to read as follows:

**§ 52.120 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(83) \* \* \*

(i) \* \* \*

(B) Rule 336, adopted on July 13, 1988 and revised on June 19, 1996.

\* \* \* \* \*

[FR Doc. 98-3023 Filed 2-6-98; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[AZ 017-0007; FRL-5956-8]

**Approval and Promulgation of Implementation Plans; Arizona State Implementation Plan Revision, Maricopa County**

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

**ACTION:** Final rule.

**SUMMARY:** EPA is finalizing the approval of revisions to the Arizona State Implementation Plan (SIP) proposed in the **Federal Register** on December 17, 1997. The revisions concern rules from the Maricopa County Environmental Services Department, Technical Services Division (MCESD). This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The revised rules control VOC emissions from solvent cleaning, petroleum solvent dry cleaning, rubber sports ball manufacturing, graphic arts, semiconductor manufacturing, vegetable oil extraction processes, wood furniture and fixture coating, wood millwork coating, and loading of organic liquids. Thus, EPA is finalizing the approval of these revisions into the Arizona 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.

**EFFECTIVE DATE:** This action is effective on March 11, 1998.

**ADDRESSES:** Copies of the rule revisions and EPA's evaluation report for each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revisions are 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, SW., Washington, DC 20460.

Arizona Department of Environmental Quality, 3003 North Central Avenue, Phoenix, AZ 85012.

Maricopa County Environmental Services Department, 2406 S. 24th Street, suite E-214, Phoenix, AZ 85034.

**FOR FURTHER INFORMATION CONTACT:** Andrew Steckel, Rulemaking Office, (AIR-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1185.

**SUPPLEMENTARY INFORMATION:**

**I. Applicability**

The rules being approved into the Arizona SIP include: MCESD's Rules 331-Solvent Cleaning, 333-Petroleum Solvent Dry Cleaning, 334-Rubber Sports Ball Manufacturing, 337-Graphic Arts, 338-Semiconductor Manufacturing, 339-Vegetable Oil Extraction Processes, 342-Coating Wood Furniture and Fixture, 346-Coating Wood Millwork, and 351-Loading of Organic Liquids. These rules were submitted by the Arizona Department of Environmental Quality (ADEQ) to EPA on February 4, 1993 (Rule 339), August 31, 1995 (Rule 351), February 26, 1997 (Rules 331, 333, 334, 336, and 338) and March 4, 1997 (Rules 342, 337, and 346) respectively.

**II. Background**

On December 17, 1997 in 62 FR 66043, EPA proposed to approve the following rules into the Arizona SIP: MCESD's Rules 331-Solvent Cleaning, 333-Petroleum Solvent Dry Cleaning, 334-Rubber Sports Ball Manufacturing, 337-Graphic Arts, 338-Semiconductor Manufacturing, 339-Vegetable Oil Extraction Processes, 342-Coating Wood Furniture and Fixture, 346-Coating Wood Millwork, and 351-Loading of Organic Liquids. Rules 331, 333, 334, 338, were adopted by MCESD on June 19, 1996, Rule 339 on November 16, 1992, Rules 337, 342 and 346 on November 20, 1996, and Rule 351 on February 15, 1995. These rules were submitted by ADEQ to EPA on February 4, 1993 (Rule 339), August 31, 1995 (Rule 351), February 26, 1997 (Rules 331, 333, 334, 336, and 338) and March 4, 1997 (Rules 342, 337, and 346) respectively. These rules were submitted in response to EPA's 1988 SIP-Call and the CAA section 182(a)(2)(A) requirement that nonattainment areas fix their reasonably available control technology (RACT) rules for ozone in accordance with EPA guidance that interpreted the requirements of the pre-amendment Act. A detailed discussion of the background for each of the above rules and nonattainment areas is provided in the NPRM cited above.

EPA has evaluated all of the above rules for consistency with the requirements of the CAA and EPA regulations and EPA interpretation of

these requirements as expressed in the various EPA policy guidance documents referenced in the NPRM cited above. EPA has found that the rules meet the applicable EPA requirements. A detailed discussion of the rule provisions and evaluations has been provided in 62 FR 66043 and in technical support documents (TSDs) available at EPA's Region IX office (TSDs dated September 1997 (Rules 333 and 351), October 1997 (Rules 334, 338, 339, 342, 346), and November 1997 (Rules 331 and 337)).

**III. Response to Public Comments**

A 30-day public comment period was provided in 62 FR 66043. EPA did not receive any comments.

**IV. EPA Action**

EPA is finalizing action to approve the above rules for inclusion into the Arizona SIP. EPA is approving the submittal under section 110(k)(3) as meeting the requirements of section 110(a) and part D of the CAA. This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of VOCs in accordance with the requirements of the CAA.

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.

**V. 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 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" 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 April 10, 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, Volatile organic compounds.

**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: January 15, 1998.

**David P. Howekamp,**

*Acting Regional Administrator, Region IX.*

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 *et seq.*

**Subpart D—Arizona**

2. Section 52.120 is amended by adding paragraphs (c)(78)(i)(C), (c)(82)(i)(C), (c)(83) and (c)(85) to read as follows:

**§ 52.120 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*  
(78) \* \* \*  
(i) \* \* \*

(C) Rule 339, adopted on November 16, 1992.

\* \* \* \* \*

(82) \* \* \*  
(i) \* \* \*

(C) Rule 351, revised on February 15, 1995.

\* \* \* \* \*

(83) New and revised rules and regulations for the Maricopa County Environmental Services Department-Air Pollution Control were submitted on February 26, 1997, by the Governor's designee.

(i) Incorporation by reference.

(A) Rules 331, 333, and 334, revised on June 19, 1996, and Rule 338, adopted on June 19, 1996.

\* \* \* \* \*

(85) New and revised rules and regulations for the Maricopa County Environmental Services Department-Air Pollution Control were submitted on March 4, 1997, by the Governor's designee.

(i) Incorporation by reference.

(A) Rule 337, revised on November 20, 1996, and Rules 342, and 346, adopted on November 20, 1996.

\* \* \* \* \*

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BILLING CODE 6560-50-F

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[TX-85-1-7344a; FRL-5955-8]

**Approval and Promulgation of Air Quality Plans, Texas; Revision to the Texas State Implementation Plan (SIP); Alternate Reasonably Available Control Technology (ARACT) Demonstration for Raytheon TI Systems, Inc.**

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

**ACTION:** Direct final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving an Alternate Reasonably Available Control Technology (ARACT) for Raytheon TI Systems, Inc. (RTIS). This action results from a request, on January 9, 1997, by the Texas Governor asking for an exemption for RTIS from Texas Regulation V, Section 115.421. This regulation requires that volatile organic compound (VOC) emissions from the coating of miscellaneous metal parts and products shall not exceed 6.7 pounds per gallon of solids (or 3.5 pounds per gallon of coating) delivered to the application system. The approval is granted based on the technical and economic infeasibility of meeting 115.421 and additional control requirements specified in the State submittal.

**DATES:** This action is effective on April 10, 1998, unless notice is postmarked by March 11, 1998, that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the **Federal Register**.

**ADDRESSES:** Comments should be mailed to Thomas H. Diggs, Chief, Air

Planning Section (6PD-L), EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733. Copies of the State's petition and other information relevant to this action are available for inspection during normal hours at the following locations:

Environmental Protection Agency, Region 6, Air Planning Section (6PD-L), 1445 Ross Avenue, suite 700, Dallas, Texas 75202-2733.

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

Texas Natural Resource Conservation Commission, Office of Air Quality, 12124 Park 35 Circle, Austin, TX 78753. Anyone wishing to review this petition at EPA office is asked to contact the person below to schedule an appointment 24 hours in advance.

**FOR FURTHER INFORMATION CONTACT:** Lt. Mick Cote, Air Planning Section (6PD-L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-7214.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Part D of the Clean Air Act (the Act) requires ozone nonattainment plans to include regulations providing for VOC emission reductions from existing sources through the adoption of Reasonably Available Control Technology (RACT). The EPA defined RACT in a September 17, 1979, **Federal Register** (FR) document (44 FR 53762) as:

The lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

Through the publication of Control Technique Guideline (CTG) documents, EPA has identified pollution control levels that EPA presumes to constitute RACT for various categories of sources. Where the State finds the presumptive norm applicable to an individual source or group of sources, the State typically adopts requirements consistent with the presumptive norm. However, States may develop case-by-case RACT determinations if a particular facility cannot meet the presumptive norm of RACT set forth in the CTG. These case-by-case determinations are called ARACT determinations and are approved with the understanding that they demonstrate that no equivalent alternative technology is available and that no emission control equipment is technically or economically feasible.