

TABLE 52.1525.—EPA—APPROVED RULES AND REGULATIONS—NEW HAMPSHIRE

Title/subject	State citation chapter	Date adopted by State	Date approved by EPA	Federal Register citation	52.1520	Comments
* Source specific order.	* Order ARD-97-001.	* 04/14/97	* 5/13/98	* [Insert FR citation from published date].	(c)(54)	* Source specific NO _x RACT order for Public Service of New Hampshire in Bow, NH.
Source specific order.	Order ARD-95-011.	05/06/97	5/13/98	[Insert FR citation from published date].	(c)(54)	Source specific NO _x RACT order for Hampshire Chemical Corporation in Nashua, NH.
Source specific order.	Order ARD-97-003.	9/24/97	5/13/98	[Insert FR citation from published date].	(c)(54)	Source specific NO _x RACT order for Crown Vantage in Berlin, NH.
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[FR Doc. 98-12716 Filed 5-12-98; 8:45 am]
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OR 66-7281a; FRL-6006-8]

Approval and Promulgation of Implementation Plans: Oregon

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: Environmental Protection Agency (EPA) approves Oregon Department of Environmental Quality's (ODEQ) new sections to Division 30 as submitted on June 1, 1995, and revisions to Divisions 20, 21, 22, 25, and 30, as submitted on January 22, 1997, for inclusion into their State Implementation Plan (SIP).

DATES: This rule is effective without further notice on July 13, 1998, unless the Agency receives relevant adverse comment by June 12, 1998. Should the Agency receive such comments, it will publish a timely withdrawal informing the public that this rule will not take effect.

ADDRESSES: Written comments should be addressed to: Montel Livingston, SIP Manager, Office of Air Quality (OAQ-107), EPA, 1200 Sixth Avenue, Seattle, Washington 98101. Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. Copies of material submitted to EPA may be examined during normal business hours at the following locations: EPA, Region 10, Office of Air Quality, 1200 Sixth

Avenue (OAQ-107), Seattle, Washington 98101, and ODEQ, 811 S.W. Sixth Avenue, Portland, OR 97204.

FOR FURTHER INFORMATION CONTACT: Catherine Woo, Office of Air Quality (OAQ-107), EPA, Seattle, Washington 98101, (206) 553-1814.

SUPPLEMENTARY INFORMATION:

I. Background

On June 1, 1995, the ODEQ submitted two new sections under Division 30 of the SIP. These included: OAR-340-030-0320, Requirement for Operation and Maintenance Plans, and OAR-340-030-0330, Source Testing, which were originally adopted on April 14, 1995 and state effective on May 1, 1995. However, they were subsequently revised and adopted by ODEQ on October 11, 1996, and submitted to EPA for inclusion into the SIP on January 22, 1997. The contents of both the new sections for Division 30 and their subsequent revisions have been reviewed, with no adverse concerns regarding their content or changes. OAR-340-030-0320 and -0330 are approved as well as their subsequent revisions.

On January 22, 1997, the ODEQ submitted revisions to the SIP, which included: OAR-340-020-0047, State of Oregon Clean Air Act Implementation Plan; OAR-340-022-0170, Surface Coating in Manufacturing; OAR-340-022-0840, Innovative Products; OAR-340-022-0930, Requirements for Manufacture, Sale and Use of Spray Paint; OART-340-022-0055, Fuel Burning Equipment; OAR-340-028-0110, Definitions; OAR-340-028-0400, Information Exempt From Disclosure; OAR-340-028-0630, Typically Achievable Control Technology; OAR-340-028-1010, Requirement for Plant Site Emission Limits; OAR-340-028-1720, Permit Required; OAR-340-030-0015, Wood Waste Boilers; OAR-340-

030-0044, Requirement for Operation and Maintenance Plans (Medford-Ashland AQMA Only); OAR-340-030-0050, Continuous Monitoring; and OAR-340-030-0055, Source Testing. All of these revisions, with the exception of OAR-340-022-0170, -028-0630, -021-0025 and -021-0027, are editorial and housekeeping in nature and are approved. OAR-340-022-0170 reflects a correction to delete a reference to "metal" parts of section (4) and a revision to say "Miscellaneous Metal Parts and Products" as the rule's title in in 5(j). OAR-340-028-0630 reflects a revision that would exempt sources from the Typically Achievable Control Technology only when specific design or performance standards in Division 30 apply. This corrects a previous state rule which exempts sources covered by any emission standard in Division 30. OAR-340-021-0025 and -0027 have been superseded by more specific incinerator rules in Division 25; therefore, they are repealed from the SIP. The revisions to all the above rules are approved.

II. Summary of Action

EPA is approving ODEQ's new sections to Division 30, as submitted on June 1, 1995, and revisions to Divisions 20, 21, 22, 25, and 30, as submitted on January 22, 1997. OAR-340-021-0025 and -0027 are repealed from the 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.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial

amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should relevant adverse comments be filed. This rule will be effective July 13, 1998, without further notice unless the Agency receives relevant adverse comments by June 12, 1998.

If the EPA receives such comments, then EPA will publish a timely withdrawal of the direct final rule and informing the public that the rule did not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on the proposed rule. Only parties interested in commenting on the proposed rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on July 13, 1998, and no further action will be taken on the proposed rule.

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 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 regulatory 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. E.P.A.*, 427 U.S.

246, 256-66 (S.Ct. 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 Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit 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 United States prior to publication of the rule in the **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 July 13, 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), 42 U.S.C. 7607(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: April 20, 1998.

Chuck Clark,

Regional Administrator, Region X.

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 MM—Oregon

2. Section 52.1970 is amended by adding paragraph (c) (125) to read as follows:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

(125) On June 1, 1995 and January 22, 1997, the Director of ODEQ submitted to the Regional Administrator of EPA new sections to Division 30 and revisions to Divisions 20, 21, 22, 25, and 30.

(i) Incorporation by reference.

(A) OAR-340-020-0047; OAR-340-022-0170; OAR-340-022-0840; OAR-340-022-0930; OAR-340-022-0055; OAR-340-028-0110; OAR-340-028-0400; OAR-340-028-0630; OAR-340-028-1010; OAR-340-028-1720; OAR-340-030-0015; OAR-340-030-0044; OAR-340-030-0050; OAR-340-030-0055; OAR-340-030-0320; OAR-340-030-0330: These rules were all state adopted on October 11, 1996.

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