

Dated: February 27, 1997.

U. Gale Hutton,

Acting 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 CC—Nebraska

2. Section 52.1420 is amended by adding paragraph (c)(45) to read as follows:

§ 52.1420 Identification of plan.

* * * * *

(c) * * *

(45) A revision to the Nebraska SIP to reduce lead emissions in the Omaha lead nonattainment area sufficient to bring that area back into attainment with the lead National Ambient Air Quality Standard.

(i) Incorporation by reference.

(A) Amended Complaint and Compliance Order Case No. 1520, signed June 6, 1996, except for paragraph 19 and accompanying work practice manual in Appendix A.

(ii) Additional material.

(A) Supplemental document entitled, "Methods for Determining Compliance" submitted by the state to provide additional detail regarding the compliance methods for this Order.

[FR Doc. 97-7097 Filed 3-19-97; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[WA59-7134a; FRL-5708-3]

Approval and Promulgation of Implementation Plans: Washington State

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving in part several minor revisions to the State of Washington Implementation Plan (SIP) and, at the same time, taking no action on one section of this revision which is unrelated to the purpose of the SIP. Pursuant to section 110(a) of the Clean Air Act (CAA), the Director of the Washington Department of Ecology (WDOE) submitted a request to EPA dated August 6, 1996 to revise certain regulations of a local air pollution control agency, namely, the Puget

Sound Air Pollution Control Agency (PSAPCA).

DATES: This action is effective on May 19, 1997 unless adverse or critical comments are received by April 21, 1997. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be addressed to: Montel Livingston, SIP Manager, Office of Air Quality (OAQ-107), EPA, 1200 Sixth Avenue, Seattle, Washington 98101. Copies of the SIP revision request and other information supporting this action are available for inspection during normal business hours at the following locations: EPA, Office of Air Quality (OAQ-107), 1200 Sixth Avenue, Seattle, Washington 98101; and Washington State Department of Ecology, 300 Desmond Drive, Lacey, Washington 98504.

FOR FURTHER INFORMATION CONTACT: Montel Livingston, Office of Air Quality, EPA, (206) 553-0180.

SUPPLEMENTARY INFORMATION:

I. Background

The August 6, 1996 submittal from WDOE consisted of minor amendments to PSAPCA Regulations I, II, and III. No action will be taken on Regulation I because it is unrelated to the purpose of the SIP and unassociated with criteria pollutants regulated under the SIP.

Regulation II, section 3.11, Coatings and Ink Manufacturing, is amended to maintain the stringency of the current standard, while allowing those operations consisting solely of manufacturing low vapor pressure coatings and inks to be exempt from regulation. Manufacturers of low vapor pressure coatings and inks contribute an insignificant quantity of air pollutants to the environment. This will have no adverse impact upon air quality and is approved as such. The amendments to Regulation II were adopted by PSAPCA on April 11, 1996 and became effective on May 16, 1996.

Regulation III is being amended to provide the regulated community with a simpler, more concise chromium electroplating and anodizing regulation while incorporating the federal National Emission Standards for Hazardous Air Pollutants (NESHAP) requirements. This amendment revises the format of the emission limit regulation and specifies operating and maintenance procedures, monitoring, recordkeeping, and reporting for chromium electroplating and anodizing facilities. The amendments to Regulation III were adopted by PSAPCA on June 13, 1996 and became effective on July 18, 1996.

The PSAPCA amendments submitted by WDOE as SIP revisions are local air pollution regulations which are at least as stringent as the statewide rules of WDOE. EPA has determined that these minor SIP revisions comply with all applicable requirements of the Clean Air Act Amendments of 1990.

II. Summary of Today's Action

EPA is, by today's action, approving the following revisions submitted by WDOE on August 6, 1996 as amendments to the regulations of PSAPCA and for inclusion into the SIP:

Regulation II, Section 3.11, Coatings and Ink Manufacturing.

Regulation III, section 3.01, Hard and Decorative Chromium Electroplating and Chromium Anodizing.

EPA is taking no action on Regulation I, section 3.03, General Regulatory Orders, because it is unrelated to the purpose of the SIP and unassociated with criteria pollutants regulated under the SIP.

The EPA is publishing this action without prior proposal because the Agency views this as noncontroversial amendments and anticipates no adverse comments. However, in a separate document in this Federal Register publication, the EPA is proposing to approve the SIP revisions should adverse or critical comments be filed. This action will be effective May 19, 1997 unless, by April 21, 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 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 May 19, 1997.

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.

III. 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 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 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 May 19, 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), 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, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: February 24, 1997.

Chuck Clarke,
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 WW—Washington

2. Section 52.2470 is amended by adding paragraph (c) (71) to read as follows:

§ 52.2470 Identification of plan.

* * * * *

(c) * * *

(71) On March 6, 1996, the Director of the Washington State Department of Ecology (Ecology) submitted to the Regional Administrator of EPA a revision to the Puget Sound Air Pollution Control Agency Regulations, Regulations I, II, and III.

(i) Incorporation by reference.

(A) Letter dated August 6, 1996 from the Department of Ecology to EPA revising the Puget Sound Air Pollution Control Agency Regulations; Regulation II Section 3.11 (Coatings and Ink Manufacturing), effective on May 16, 1996; and Regulation III Section 3.01 (Hard and Decorative Chromium Electroplating and Chromium Anodizing), effective on July 18, 1996.

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40 CFR Parts 52 and 81

[CO-001-0015a; FRL-5700-3]

Clean Air Act Approval and Promulgation of State Implementation Plan; Colorado; Prevention of Significant Deterioration; Designation of Areas for Air Quality Planning Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: In this document, EPA is approving revisions to Colorado's prevention of significant deterioration (PSD) permitting requirements in Regulation No. 3, which were submitted as revisions to the State Implementation Plan (SIP) by the Governor on August 1, 1996. The revisions were submitted mainly to address the replacement of the total suspended particulate (TSP) increments with increments for particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers (PM-10). EPA is also deleting the TSP area designation table and revising the PM-10 area designation table in 40 CFR part 81 for Colorado. With the PM-10 increments becoming