

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 contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4). 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.*).

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 this 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

##### 40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

##### 40 CFR Part 80

Environmental protection, Fuel additives, Gasoline, Imports, Labeling, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements.

Dated: April 7, 1997.

**Mary D. Nichols,**

*Assistant Administrator, Office of Air and Radiation.*

For the reasons set forth in the preamble, 40 CFR Chapter I is amended as follows:

#### PART 9—[AMENDED]

1. The authority citation for part 9 continues to read as follows:

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

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

40 CFR citation	OMB control No.
* * * *	*
Regulation of Fuels and Fuel Additives	
* * * *	*
80.161 .....	2060-0275
80.162 .....	2060-0275
80.163(d)(3) .....	2060-0275
80.164 .....	2060-0275
80.165 .....	2060-0275
80.166 .....	2060-0275
80.167(d) .....	2060-0275
80.170 .....	2060-0275
80.171 .....	2060-0275
80.173 .....	2060-0275
* * * *	*

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#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 52

[WA60-7135a; WA61-7136a; and WA63-7138a; FRL -5812-7]

#### Approval and Promulgation of Implementation Plans: State of Washington

**AGENCY:** Environmental Protection Agency.

**ACTION:** Direct final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) approves three revisions to the Washington State Implementation Plan (SIP). EPA is approving the December 3, 1996, revision consisting of an amendment of the State of Washington Department of Ecology (Washington) regulations addressing the use of oxygenated fuel in the Central Puget Sound carbon monoxide (CO) maintenance area in the Motor Fuel Specifications for Oxygenated Gasoline, Chapter 173-492 WAC (Docket # WA60-7135). EPA is also approving in this action that portion of a November 26, 1996, revision to the Washington State Implementation Plan consisting of an amendment of local air pollution control regulations submitted by Washington from the Puget Sound Air Pollution Control Agency (PSAPCA) which addresses motor fuel specifications for oxygenated gasoline in the Central Puget Sound CO maintenance area, PSAPCA Regulation II, Section 2.09 (Docket # WA61-7136).

EPA is further approving in this action that portion of a December 11, 1996, revision to the Washington State Implementation Plan consisting of an amendment of local air pollution control regulations submitted by Washington from the Southwest Air Pollution Control Authority (SWAPCA) which addresses motor fuel specifications for oxygenated gasoline in the Vancouver, Washington CO maintenance area, SWAPCA 492 (Docket #WA63-7138).

**DATES:** This action is effective on June 30, 1997 unless adverse or critical comments are received by May 30, 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.

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 Washington Department of Ecology, 300 Desmond Drive, Lacey, Washington 98504-8711.

**FOR FURTHER INFORMATION CONTACT:** William M. Hedgebeth, Office of Air Quality (OAQ-107), EPA, Seattle, Washington 98101, (206) 553-7369.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On October 21, 1996, EPA formally redesignated the Vancouver, Washington CO nonattainment area to attainment, and approved a maintenance plan which will ensure that the Vancouver area remains in attainment for CO. On October 11, 1996, EPA formally redesignated the Central Puget Sound CO nonattainment area to attainment, and approved a maintenance plan which will ensure that the Central Puget Sound area remains in attainment for CO. Each of the approved maintenance plans for the Vancouver and Central Puget Sound CO maintenance areas removes the requirement for oxygenated fuel during the CO season but incorporates the requirement for the use of oxygenated fuel as a contingency measure in the event of a violation of the CO national ambient air quality standard. The Clean

Air Act (CAA) does not require continued use of oxygenated fuel in these CO maintenance areas. Therefore, Washington has submitted three revisions to the Washington State Implementation Plan: an amendment to the Washington regulations removing the requirement for oxygenated fuel in the Vancouver and Central Puget Sound areas; an amendment to the PSAPCA regulations, removing the PSAPCA requirement for oxygenated fuel in the Central Puget Sound area; and an amendment to the SWAPCA regulations, removing the SWAPCA requirement for oxygenated fuel in the Vancouver area. A Technical Support Document providing further information in this action is available at the address listed above.

## II. Summary of Action

EPA is approving the revision to the Washington State Implementation Plan consisting of an amendment to Washington regulation Chapter 173-492 WAC, Motor Fuel Specifications for Oxygenated Gasoline, removing the requirement for oxygenated fuel in the Vancouver and Central Puget Sound areas.

EPA is also approving in this action that portion of a November 26, 1996, revision to the Washington State Implementation Plan consisting of an amendment to PSAPCA regulations (Regulation II) which removes the requirement for oxygenated fuel in the Central Puget Sound area. Those other portions of the November 26, 1996, SIP revision related to PSAPCA Regulations I and III will be acted upon in a separate EPA action.

EPA is further approving in this action that portion of a December 11, 1996, revision to the Washington State Implementation Plan consisting of an amendment to SWAPCA regulations (SWAPCA 492) which removes the requirement for oxygenated fuel in the Vancouver area. Those other portions of the December 11, 1996, SIP revision related to amendments to SWAPCA regulations will be acted upon in a separate EPA action, except that EPA will take no action on the SIP revision related to amendments of SWAPCA 476, Standards for Asbestos Control, Demolition, and Renovation, because it is unassociated with criteria pollutants regulated under the SIP.

EPA is 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 June 30, 1997 unless, by May 30, 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 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 June 30, 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 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 June 30, 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, Incorporation by reference, Intergovernmental relations.

Dated: April 3, 1997.

**Chuck Clarke,**

*Regional Administrator.*

**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.

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)(72) to read as follows:

##### § 52.2470 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(72) On November 26, December 3, and December 11, 1996, the Director of the Washington State Department of Ecology (Washington) submitted to the Regional Administrator of EPA revisions to the State Implementation Plan consisting of amendments to Washington regulations which remove the requirement for oxygenated gasoline in the Vancouver and Central Puget Sound areas.

(i) Incorporation by reference.

(A) Chapter 173–492, Washington Administrative Code (WAC), Motor Fuel Specifications for Oxygenated Gasoline, adopted December 5, 1996; Southwest Air Pollution Control Authority (SWAPCA) 492, Oxygenated Fuels, effective November 21, 1996; and Puget Sound Air Pollution Control Agency, Regulation II, Section 2.09, Oxygenated Gasoline Contingency Measure and Fee Schedule, revised July 11, 1996.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[CA 126–0032a FRL–5815–5]

#### Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Placer County Air Pollution Control District

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action on revisions to the California State Implementation Plan. The revisions concern rules for Placer County Air Pollution Control District (PCAPCD or District). 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), oxides of nitrogen (NO<sub>x</sub>) and other pollutants in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA of the Act). These revisions consist of administrative and minor changes to a wide range of rules that have been previously incorporated into the federally approved SIP. Thus, EPA is finalizing the approval of these revisions into the California 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.

**DATES:** This action is effective on June 30, 1997 unless adverse or critical comments are received by May 30, 1997. If the effective date is delayed, a timely notice will be published in the **Federal Register**.

**ADDRESSES:** Copies of the rule revisions 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, S.W., Washington, D.C. 20460

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 “L” Street, Sacramento, CA 95814.

Placer County Air Pollution Control District 11464 B Avenue, Auburn, CA 96503

#### FOR FURTHER INFORMATION CONTACT:

Cynthia G. Allen, Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1189.

#### SUPPLEMENTARY INFORMATION:

##### Applicability

The rules being approved into the California SIP include: PCAPCD Rule 101, Title; Rule 102, Definitions; Rule 103, Validity; Rule 201, Coverage; Rule 202, Visible Emissions; Rule 203, Exemptions to Rule 202; Rule 204, Wet Plumes; Rule 208, Orchard or Citrus Heaters; Rule 209, Fossil Fuel–Steam Facility; Rule 210, Specific Contaminants; Rule 211, Process Weight; Rule 213, Gasoline Transfer into Stationary Storage Containers; Rule 214, Transfer of Gasoline into Tank Trucks, Trailers and Railroad Cars at Loading Facilities; Rule 217, Cutback and Emulsified Asphalt Paving Materials; Rule 219, Organic Solvents; Rule 220, Abrasive Blasting; Rule 221, Compliance Tests; Rule 222, Reduction of Animal Matter; Rule 225, Wood Fired Appliances; Rule 226, Sulfur Content of Fuels—Lake Tahoe Basin; Rule 228, Fugitive Dust—Lake Tahoe Air Basin; Rule 406, Combination of Emissions; Rule 407, Circumvention; and Rule 408, Source Recordkeeping and Reporting. These rules were submitted by the California Air Resources Board to EPA on November 30, 1994.

##### Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 Act or pre-amended Act), that included the Placer County Air Pollution Control District. 43 FR 8964, 40 CFR 81.305. On May 26, 1988, EPA notified the Governor of California, pursuant to section 110(a)(2)(H) of the Act, that the PCAPCD portions of the California SIP were inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP Call). In response to the SIP call and other requirements, the PCAPCD submitted many rules for the Lake Tahoe, Mountain Counties, and Sacramento Valley Air Basins, which EPA approved into the SIP. On October 19, 1993, California consolidated the Lake Tahoe, Mountain Counties and Sacramento Valley Air Basins within the PCAPCD. Also on October 19, 1993, the District adopted many rules that reformatted and consolidated rules from the three subsumed air basins. The