

regulations under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action, and therefore there will be no significant impact on a substantial number of small entities.

Under 801(a)(1)(A) of the Administrative Procedures Act (APAA) as amended 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) of the APAA as amended.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone.

Dated: November 4, 1996.

A. Stanley Meiburg,
Acting Regional Administrator.

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. 7401–7671q.

Subpart S—Kentucky

2. Section 52.920 is amended by adding paragraph (c)(85) to read as follows:

§ 52.920 Identification of plan.

* * * * *

(c) * * *

(85) The Commonwealth of Kentucky submitted revisions to the Kentucky SIP on June 19, 1996. These revisions involve changes to 401 KAR Chapters 50, 51, 59, 61, 63, and 65.

(i) Incorporation by reference. 401 KAR Chapters 50:010(62), 51:001(62), 59:001(63), 61:001(63), 63:001(62), and 65:001(31) of the Kentucky regulations effective on June 6, 1996.

(ii) Other material. None.

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40 CFR Part 52

[IL143–1a; FRL–5671–5]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On January 8, 1996, the State of Illinois submitted to EPA a site-specific State Implementation Plan (SIP) revision request for Reynolds Metals Company's (Reynolds) McCook Sheet and Plate Plant in McCook, Illinois (in Cook County). The purpose of this request is to amend the State's volatile organic material (VOM) reasonably available control technology (RACT) requirements for Reynolds' aluminum rolling operations to mirror the facility's RACT requirements promulgated under the Chicago area Federal Implementation Plan (FIP). VOM, as defined by the State of Illinois, is identical to "volatile organic compounds" (VOC), as defined by EPA. Emissions of VOC react with nitrogen oxides in sunlight to form ground-level ozone, commonly known as smog. Exposure to high ozone concentrations causes respiratory irritation, especially to children, seniors, and people with asthma and other respiratory problems. RACT rules establish the lowest VOC emission limitation that major stationary sources are capable of meeting by the application of control technology that is reasonably available, considering technological and economic feasibility. In this action, EPA is approving the requested SIP revision through a "direct final" rulemaking; the rationale for this approval is set forth in the "supplementary information" section of this rulemaking. Elsewhere in this Federal Register, EPA is proposing approval and soliciting comment on this direct final action; if adverse comments are received, EPA will withdraw the direct final and address the comments received in a new final rule; otherwise, no further rulemaking will occur on this requested SIP revision.

DATES: This final rule is effective March 24, 1997 unless adverse comments are received by February 20, 1997. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments can be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), Air and Radiation Division, U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

Copies of the SIP revision request are available for inspection at the following address: (It is recommended that you telephone Mark J. Palermo at (312) 886–6082, before visiting the Region 5 office.) U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

FOR FURTHER INFORMATION CONTACT: Mark J. Palermo, Air Programs Branch (AR–18J) at (312) 886–6082.

SUPPLEMENTARY INFORMATION:

I. Background

On June 29, 1990, the EPA promulgated a FIP which contained RACT regulations for stationary sources located in six northeastern Illinois (Chicago area) counties: Cook, DuPage, Kane, Lake, McHenry, and Will.¹ Included in EPA's rules was a requirement that major non-Control Techniques Guideline (CTG) sources be subject to 40 CFR 52.741 (s), (u), (v), (w), or (x).² The major non-CTG limits in 40 CFR 52.741(x) applied to the hot and cold aluminum rolling operations at the Reynolds McCook facility, and required the facility's rolling mills to meet an 81 percent (%) reduction in uncontrolled VOM emissions. On August 19, 1991, Reynolds requested that EPA reconsider the application of 40 CFR 52.741(x) to the facility, and on October 17, 1991, Reynolds requested that EPA promulgate site-specific RACT limits for the facility's hot and cold rolling mills. EPA agreed to reconsider the RACT control requirements for Reynolds' aluminum rolling operations, and on March 10, 1995, revised the FIP as it applied to Reynolds by promulgating site-specific lubricant selection and temperature control requirements as RACT for the facility (60 FR at 3042). On November 15, 1990, Congress enacted amendments to the 1977 Clean Air Act; Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q (Act). Section 182(b)(2) of the Act requires states with moderate and above ozone nonattainment areas to adopt RACT rules covering "major" sources not already covered by a CTG for all areas designated nonattainment for ozone and classified as moderate or

¹ A definition of RACT is cited in a General Preamble-Supplement on CTGs, published at 44 FR at 53761 (September 17, 1979). RACT is defined 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.

² CTGs are documents published by EPA which contain information on available air pollution control techniques and provide recommendations on what the EPA considers the "presumptive norm" for RACT. Sources which are not covered by a CTG are called "non-CTG" sources.

above. The Chicago ozone nonattainment area (Cook, DuPage, Kane, Lake, McHenry, Will Counties and Aux Sable and Goose Lake Townships in Grundy County and Oswego Township in Kendall County) is classified as "severe" nonattainment for ozone, and, hence, is subject to the Act's non-CTG RACT requirement. Under Section 182(d), sources located in severe ozone nonattainment areas are considered "major" sources if they have the potential to emit 25 tons per year or more of VOC.

On October 21, 1993, and March 4, 1994, the State of Illinois submitted RACT rules covering major non-CTG sources in the Chicago severe ozone nonattainment area, which includes Subparts PP, QQ, RR, TT, and UU of Part 218 of the 35 Illinois Administrative Code (IAC), as a revision to the Illinois SIP. These State rules were based on the Chicago FIP as promulgated on June 29, 1990. The SIP revision was approved by EPA on October 21, 1996 (61 FR at 54556). Included in the SIP revision was section 218.103, which provided that if EPA amended the June 29, 1990 FIP for any source, Illinois would adopt and submit to EPA site-specific SIP revision corresponding to that amendment.

On June 9, 1995, Reynolds and the Illinois Environmental Protection Agency (IEPA) filed a joint petition for an adjusted standard with the Illinois Pollution Control Board (Board). The adjusted standard petition requested that Illinois revise its RACT requirements for Reynolds' aluminum rolling operations to mirror Reynolds' requirements under the March 10, 1995, FIP revision. A public hearing on the adjusted standard petition was held on July 18, 1995, in Chicago, Illinois. On September 21, 1995, the Board adopted a Final Opinion and Order, AS 91-8, granting the adjusted standard requested by Reynolds. The adjusted standard also became effective on September 21, 1995.

The IEPA formally submitted the adjusted standard for Reynolds on January 8, 1996, as a site-specific revision to the Illinois SIP for ozone. In doing so, IEPA intends to cover the Act's Section 182(b)(2) major non-CTG RACT requirement for Reynolds' McCook, Illinois facility.

II. Analysis of SIP Submittal

The adjusted standard's requirements for the Reynolds McCook facility are as follows:

A. Hot Rolling Mill

The Reynolds facility's hot rolling operations must use an oil/water emulsion rolling lubricant not to exceed

15 percent, by weight, of petroleum-based oil and additives. The hot rolling operations must also not exceed a maximum inlet sump rolling lubricant temperature of 200 degrees Fahrenheit (F). Compliance shall be demonstrated by a monthly analysis of a grab rolling lubricant sample from the hot mill and continuous temperature reading of the rolling lubricant temperature measured at or after the inlet sump but prior to the lubricant nozzles.

The lubricants at the hot mill must be sampled and tested, for the percentage of oil and water, on a monthly basis. ASTM Method D95-83 (Reapproved 1990), "Standard Test Method for Water in Petroleum Products and Bituminous Materials by Distillation," shall be used to determine the percent by weight for petroleum-based oil and additives.

B. Cold Rolling Mills

For the Reynolds McCook facility's cold rolling mills, the rolling lubricants used must have an initial and final boiling point between 460 and 635 degrees F. To demonstrate compliance, all incoming shipments of the oils to be used as lubricants must be sampled and tested using ASTM 86-90 "Standard Test Method for Distillation of Petroleum Products." Moreover, a grab sample of the as-applied rolling lubricant must be taken on a monthly basis during any month the mill is in operation, and tested using ASTM 86-90, as well.

Reynolds' cold rolling mills must also not exceed an inlet supply rolling lubricant temperature of 150 degrees F. Compliance with this temperature control shall be demonstrated through continuous temperature readings of the rolling lubricant temperature measured at or after the inlet sump but prior to the lubricant nozzles.

C. Coolant Temperature Monitoring

Coolant temperature shall be monitored at all of the rolling mills by use of thermocouple probes and chart recorder or computer data system which automatically record values at least every five (5) minutes.

D. Recordkeeping and Reporting

The Reynolds McCook facility must maintain records of all emulsion formulations, percent oil tests, and rolling lubricant temperatures used in hot rolling operations for three years. Likewise, Reynolds must maintain records of rolling lubricant formulations, distillation range tests for incoming shipments of oils and as-applied rolling lubricants, and rolling lubricant temperatures for three years,

as well. These records shall be made available to IEPA or EPA upon request.

If Reynolds violates the control requirements specified in the adjusted standard for any reason, it must submit a written report providing a description of the deviation, along with a date and time, cause of the deviation, if known, and any corrective action taken. Such written report shall be submitted, for each calendar year, by May 1 of the following year, unless more frequent or detailed reporting is required under other provisions, including permit conditions.

E. Compliance Date

Reynolds shall comply with the above requirements listed above by November 20, 1995.

III. Final Action

The EPA has undertaken its analysis of the site-specific SIP revision request for Reynolds McCook facility and has determined that the VOM control measures specified for the facility's aluminum rolling mills is generally consistent with the March 10, 1995, site-specific FIP revision for the facility, and, therefore, constitutes RACT. On this basis, this site-specific SIP revision is approvable.

This site-specific SIP revision consists of adjusted standard AS 91-8, which was adopted on September 21, 1995, and became effective on September 21, 1995. This adjusted standard replaces the requirements of section 218.986 of the 35 IAC as they apply to Reynolds McCook facility's hot and cold aluminum rolling operations.

The EPA is publishing this action without prior proposal because EPA views this as a noncontroversial revision 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 on March 24, 1997 unless, by February 20, 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 rulemaking 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 on March 24, 1997.

Nothing in this action should be construed as permitting, 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.

IV. 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 D. Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

B. Regulatory Flexibility

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 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 Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. EPA.*, 427 U.S. 246, 256-66 (1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, EPA must undertake various actions in association with 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. 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 the private sector, result from this action.

D. Petitions for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 24, 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)).

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: December 17, 1996.

Michelle D. Jordan,

Acting Regional Administrator.

For the reasons stated in the preamble, 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 O—Illinois

2. Section 52.720 is amended by adding paragraph (c)(132) to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(132) On January 8, 1996, Illinois submitted a site-specific revision to the State Implementation Plan establishing lubricant selection and temperature control requirements for the hot and cold aluminum operations at Reynolds Metals Company's McCook Sheet and Plate Plant in McCook, Illinois (in Cook County), as part of the Ozone Control Plan for the Chicago area.

(i) Incorporation by reference. September 21, 1995, Opinion and Order of the Illinois Pollution Control Board AS 91-8, effective September 21, 1995.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 32 and 53

[CC Docket No. 96-150; FCC 96-490]

Accounting Safeguards Under the Telecommunications Act of 1996

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: On December 23, 1996, the Commission adopted a Report and Order ("Order") establishing accounting safeguards necessary to satisfy the requirements of Sections 260 and 271 through 276 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 ("1996 Act"). This Order prescribes the way incumbent local exchange carriers, including the Bell Operating Companies ("BOCs"), must account for transactions with affiliates involving, and allocate costs incurred in the provision of, both regulated telecommunications services and nonregulated services, including telemessaging, interLATA telecommunications, information, manufacturing, electronic publishing, alarm monitoring and payphone services, to ensure compliance with the 1996 Act.

EFFECTIVE DATE: The requirements and regulations established in this Order shall become effective upon approval by OMB of the new information collection requirements adopted herein, but no sooner than February 20, 1997. The Commission will publish a document at a later date establishing the effective date.

FOR FURTHER INFORMATION CONTACT: Mark Ehrlich, Attorney/Advisor, Accounting and Audits Division, Common Carrier Bureau, (202) 418-0385. For additional information concerning the information collections contained in this Report and Order contact Dorothy Conway at 202-418-0217, or via the Internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION: This Report and Order contains new or modified information collections subject to the Paperwork Reduction Act of 1995 (PRA). It has been submitted to the Office of Management and Budget