(i) The Administrator disapproves the provisions for implementing RACM and BACM for the significant source categories of agricultural fields, agricultural aprons, vacant lands, unpaved parking lots, and unpaved roads.

(ii) The Administrator disapproves the attainment and reasonable further progress demonstrations for the Gilbert PM–10 monitoring site and West Chandler PM–10 monitoring site.

(iii) The disapprovals in paragraphs (f)(1)(i) and (ii) of this section are applicable only to the plan identified in paragraph (f)(1) of this section and do not constitute the Administrator's final decision as to the State's full compliance with the requirements of Clean Air Act sections 189(a)(1)(C) and 189(b)(1)(B) for RACM and BACM and sections 189(a)(1)(B), 189(b)(1)(A) and 189(c)(1) for attainment and reasonable further progress. Therefore such disapprovals do not constitute state failures for the purpose of triggering sanctions under § 179(a) of the Clean Air Act.

[FR Doc. 97–20470 Filed 8–1–97; 8:45 am]
BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 179–0045a; FRL–5863–4]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Bay Area Air Quality Management 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. This action is an administrative change which revises the definition of volatile organic compounds (VOC) and updates the Exempt Compound list in rules from the Bay Area Air Quality Management District (BAAQMD). The intended effect of approving this action is to incorporate changes to the definition of VOC and to update the Exempt Compound list in BAAQMD rules to be consistent with the revised federal and state VOC definitions.

DATES: This action is effective on October 3, 1997 unless adverse or critical comments are received by September 3, 1997. If the effective date is delayed, a timely notice will be published in the **Federal Register**.

ADDRESSES: Copies of the rules and EPA's evaluation report for these rules are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rules 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.

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

Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, CA 94109.

FOR FURTHER INFORMATION CONTACT: Christine Vineyard, Rulemaking Office (Air–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1197.

SUPPLEMENTARY INFORMATION:

Applicability

The rules with definition revisions being approved into the California SIP include the following Bay Area Air Quality Management District Rules (BAAQMD): Rule 8–4, General Solvent and Surface Coating Operations; Rule 8–11, Metal Container, Closure and Coil Coating; Rule 8–12, Paper, Fabric, and Film Coating; Rule 8–13, Light and Medium Duty Motor Vehicle Assembly Plants; Rule 8–14, Surface Coating of Large Appliance and Metal Furniture; Rule 8–19, Surface Coating of Miscellaneous Metal Parts and Products; Rule 8-20, Graphic Arts Printing and Coating; Rule 8–23, Coating of Flat Wood Paneling and Wood Flat Stock; Rule 8–29, Aerospace Assembly and Component Coating Operations; 8–31, Surface Coating of Plastic Parts and Products; Rule 8–32, Wood Products; Rule 8–38, Flexible and Rigid Disc Manufacturing; Rule 8–43, Surface Coating of Marine Vessels; Rule 8–45, Motor Vehicle and Mobile Equipment Coating Operations; and 8–50, Polyester Resin Operations. These rules were submitted by the California Air Resources Board to EPA on July 23, 1996.

Background

On June 16, 1995 (60 FR 31633) EPA published a final rule excluding acetone from the definition of VOC. On February 7, 1996 (61 FR 4588) EPA published a final rule excluding perchloroethylene from the definition of VOC. On May 1, 1996 (61 FR 19231) EPA published a proposed rule excluding HFC 43–10mee and HCFC 225ca and cb from the definition of VOC. These compounds were determined to have negligible photochemical reactivity and thus, were added to the Agency's list of Exempt Compounds.

The State of California submitted many revised rules for incorporation into its SIP on July 23, 1996, including the rules being acted on in this administrative action. This action addresses EPA's direct-final action for BAAQMD Rule 8–4, General Solvent and Surface Coating Operations; Rule 8–11, Metal Container, Closure and Coil Coating; Rule 8–12, Paper, Fabric, and Film Coating; Rule 8–13, Light and Medium Duty Motor Vehicle Assembly Plants; Rule 8–14, Surface Coating of Large Appliance and Metal Furniture; Rule 8–19, Surface Coating of Miscellaneous Metal Parts and Products; Rule 8–20, Graphic Arts Printing and Coating; Rule 8–23, Coating of Flat Wood Paneling and Wood Flat Stock; Rule 8–29, Aerospace Assembly and Component Coating Operations; 8–31, Surface Coating of Plastic Parts and Products; Rule 8–32, Wood Products; Rule 8–38, Flexible and Rigid Disc Manufacturing; Rule 8–43, Surface Coating of Marine Vessels; Rule 8–45, Motor Vehicle and Mobile Equipment Coating Operations; and 8–50, Polyester Resin Operations. These rules were adopted by the BAAQMD on December 20, 1995 and were found to be complete on October 30, 1996, pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51 Appendix V [1] and are being finalized for approval into the SIP.

This administrative revision adds acetone, perchloroethylene, HFC 43–10mee and HCFC 225ca and cb to the list of compounds which make a negligible contribution to tropospheric ozone formulation. Thus, EPA is finalizing the approval of the revised definitions to be incorporated into the California SIP for the attainment of the national ambient air quality standards (NAAQS) for ozone under title I of the Clean Air Act (CAA or the Act).

EPA Evaluation and Action

This administrative action is necessary to make the VOC definition in BAAQMD rules consistent with federal and state definitions of VOC. This action will result in more accurate assessment of ozone formation potential, will remove unnecessary control requirements and will assist States in avoiding exceedences of the

[1] EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

ozone health standard by focusing control efforts on compounds which are actual ozone precursors.

The BAAQMD rules being affected by this action to revise the definition of VOC include:

- Rule 8–4 General Solvent and Surface Coating Operations
- Rule 8–11 Metal Container, Closure and Coil Coating;
- Rule 8–12 Paper, Fabric, and Film Coating
- Rule 8–13 Light and Medium Duty Motor Vehicle Assembly Plants
- Rule 8–14 Surface Coating of Large Appliance and Metal Furniture
- Rule 8–19 Surface Coating of Miscellaneous Metal Parts and Products
- Rule 8–20 Graphic Arts Printing and Coating
- Rule 8–23 Coating of Flat Wood Paneling and Wood Flat Stock
- Rule 8–29 Aerospace Assembly and Component Coating Operations
- Rule 8–31 Surface Coating of Plastic Parts and Products
- Rule 8–32 Wood Products
- Rule 8–38 Flexible and Rigid Disc Manufacturing
- Rule 8–43 Surface Coating of Marine Vessels
- Rule 8–45 Motor Vehicle and Mobile Equipment Coating Operations
- Rule 8–50 Polyester Resin Operations

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future 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 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 October 3, 1997 unless, within 30 days of its publication, 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 action that will withdraw the final action. All public comments received will then 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 October 3, 1997.

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 section 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 section 804(2) of the APA as amended.

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 October 3, 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, 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: July 10, 1997.

Felicia Marcus,

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 F—California

2. Section 52.220 is amended by adding paragraph (c)(239)(i)(D) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(239) * * *

(i) * * *

(D) Bay Area Air Quality Management District.

(*1*) Rule 8–4, Rule 8–11, Rule 8–12, Rule 8–13, Rule 8–14, Rule 8–19, Rule 8–20, Rule 8–23, Rule 8–29, Rule 8–31, Rule 8–32, Rule 8–38, Rule 8–43, Rule 8–45, 8–50, and 8–51 adopted on December 20, 1995.

* * * * *

[FR Doc. 97–20363 Filed 8–1–97; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[VT–01–015–01–1217(a); A–1–FRL–5859–9]

Clean Air Act Approval and Promulgation of State Implementation Plans; Vermont: PM10 Prevention of Significant Deterioration Increments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is fully approving a State Implementation Plan (SIP) revision submitted by the State of Vermont, which replaces the total suspended particulate (TSP) prevention of significant (PSD) increments with increments for PM10 (particulate matter with an aerodynamic diameter smaller than or equal to a nominal 10 micrometers). This action is being taken under the Clean Air Act.

DATES: This action is effective on October 3, 1997, unless adverse or critical comments are received by September 3, 1997. If the effective date is delayed, timely notice will be published in the **Federal Register.**

ADDRESSES: Comments may be mailed to Susan Lancey, Office of Ecosystem Protection, EPA—Region 1, JFK Federal Building (CAP), Boston, MA 02203. Copies of the documents relevant to this action are available for public inspection by appointment during normal business hours at the following locations: Office of Ecosystem Protection, EPA—Region 1, One Congress Street, 11th Floor, Boston, MA 02203; Air Pollution Control Division, Agency of Natural Resources, Building 3 South, 103 South Main Street, Waterbury, VT 05676; and Air and Radiation Docket and Information Center, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Susan Lancey at (617) 565–3587 or lancey.susan@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

PM10 PSD Increments

Section 107(d) of the 1977 Amendments to the Clean Air Act authorized each State to submit to the Administrator a list identifying those areas which (1) do not meet a national ambient air quality standard (NAAQS) (nonattainment areas), (2) cannot be classified on the basis of available ambient data (unclassifiable areas), and (3) have ambient air quality levels better than the NAAQS (attainment areas). In 1978, the EPA published the original list of all area designations pursuant to section 107(d)(2) (commonly referred to as ''section 107 areas''), including those designations for total suspended particulates (TSP), in 40 CFR part 81.

One of the purposes stated in the Act for the section 107 areas is for implementation of the statutory requirements for PSD. The PSD provisions of Part C of the Act generally apply in all section 107 areas that are designated attainment or unclassifiable (40 CFR 52.21(i)(3)). Under the PSD program, the air quality in an attainment or unclassifiable area is not allowed to deteriorate beyond prescribed maximum allowable increases in pollutant concentrations (i.e., increments).

EPA revised the primary and secondary NAAQS for particulate matter on July 1, 1987 (52 FR 24634), eliminating TSP as the indicator for the NAAQS and replacing it with the PM10 indicator. However, EPA did not delete the section 107 areas for TSP listed in 40 CFR part 81 at that time because there were no increments for PM10 promulgated at that time.[1] States were required to continue implementing the TSP increments in order to prevent significant deterioration of particulate matter air quality until the PM10 increments replaced the TSP increments.

EPA promulgated PSD increments for PM10 on June 3, 1993 (see 58 FR 31622–31638). EPA promulgated revisions to the Federal PSD permitting regulations in 40 CFR 52.21, as well as the PSD permitting requirements that State programs must meet in order to be approved into the SIP in 40 CFR 51.166. Implementation of the increments by EPA or its delegated states under the Federal PSD program was required by June 3, 1994. The implementation date for SIP-approved State PSD programs (including Vermont) will be the date upon which a particular states' revised program, containing the new PM10 increments, is approved. In accordance with 40 CFR 51.166(a)(6)(i), each State with SIP-approved PSD programs was required to adopt the PM10 increment requirements within nine months of the effective date (or by March 3, 1995).

The PM10 PSD increments were set at the following levels: 4 μg/m^3 (annual arithmetic mean) and 8 μg/m^3 (24-hour maximum) for Class I areas, 17 μg/m^3 (annual arithmetic mean) and 30 μg/m^3 (24-hour maximum) for Class II areas, and 34 μg/m^3 (annual arithmetic mean) and 60 μg/m^3 (24-hour maximum) for Class III areas. At present all attainment areas of the state are Class II, except for the Lye Brook Wilderness Area which is Class I.

The implementation of the PM10 increments will utilize the existing baseline dates and areas for particulate matter. As such, particulate matter increments, measured as PM10, already consumed since the original baseline dates established for TSP will continue to be accounted for, but all future calculations of the amount of increments consumed will be based on PM10 emissions beginning on the implementation date of the PM10 increments (that is, today, the date of EPA approval for Vermont). For further information regarding the PM10 increments, see the June 3, 1993 **Federal Register.**

Summary of Vermont's PM10 PSD Increment SIP Revision

In this action, EPA is acting on revisions to the PSD permitting program for the State of Vermont. Specifically, the Vermont Agency of Natural Resources is amending Air Pollution Control Regulation 5–502(4)(c), Major Stationary Sources and Major Modifications, to replace the TSP increments with the federal increments for PM10. All other regulations and requirements necessary for full

[1] The EPA did not promulgate new PM10 increments simultaneously with the promulgation of the PM10 NAAQS. Under section 166(b) of the Act, EPA is authorized to promulgate new increments ''not more than 2 years after the date of promulgation of * * * standards.'' Consequently, EPA temporarily retained the TSP increments, as well as the Section 107 areas for TSP.