

received, the public is advised that this action will be effective January 3, 1997.

Regulatory Process

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 population of less than 50,000.

SIP approvals under sections 110 and 301(a) 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. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S. Ct. 1976); 42 U.S.C. 7410 (a)(2).

Unfunded Mandates

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector or to State, local, or tribal governments in the aggregate.

Through submission of this state implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under Part D of the Clean Air Act. These rules may bind State, local, and tribal governments to perform certain actions and also require the private sector to perform certain duties. The rule being approved by this action will impose no new requirements because affected sources are already subject to these regulations under State law. Therefore, no additional costs to State, local, or tribal governments or to the private sector result from this action. EPA has also determined that this final action does not include a mandate that may result in estimated costs of \$100

million or more to State, local, or tribal governments in the aggregate or to the private sector.

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).

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 Executive Order 12866 review.

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: October 17, 1996.
Felicia Marcus,
Regional Administrator.

Subpart F of 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) (193) (i)(A)(3) to read as follows:

§ 52.220 Identification of Plan.

* * * * *

(c) * * *

(193) * * *

(i) * * *

(A) * * *

(3) Rule 1122, adopted on April 5, 1991.

* * * * *

[FR Doc. 96-28061 Filed 11-1-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[CA 009-0013a; FRL-5610-9]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Glenn County and Siskiyou County Air Pollution Control Districts

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on revisions to the California State Implementation Plan (SIP). The revisions concern rules submitted by the State of California on behalf of the Air Pollution Control Districts of Glenn and Siskiyou Counties (the Counties) for the purpose of meeting requirements of the Clean Air Act, as amended in 1990 (CAA or the Act) with regard to general preconstruction permitting. This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to control air pollution in accordance with the requirements of the Act. The Counties' rules control emissions from new stationary sources. Thus, EPA is finalizing the approval of these revisions into the California SIP under provisions of the CAA regarding EPA action on SIP submittals.

DATES: This direct final rule is effective on January 3, 1997, unless adverse or critical comments are received by December 4, 1996. If the effective date is delayed, a timely notice will be published in the Federal Register.

ADDRESSES: Copies of the rule revisions and EPA's evaluation report for each rule 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:

New Source Section (A-5-1), Air and Toxics 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 92123-1095.

Glenn County Air Pollution Control District, PO Box 351, Willows, CA 95988.

Siskiyou County Air Pollution Control District, 525 S. Foothill Drive, Yreka, CA 96097.

FOR FURTHER INFORMATION CONTACT: Steve Ringer at (415) 744-1260, New Source Section, Air & Toxics Division (A-5-1), EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105.

SUPPLEMENTARY INFORMATION:

Applicability

The rules that EPA is approving into the SIP include: Glenn County Air Pollution Control District Regulations: Section 51—New Source Review. Adopted on March 16, 1993. Siskiyou County Air Pollution Control District Rules and Regulations: Rule 1.2—Definitions (except section V1, Variance); Rule 1.4—Enforcement; Rule 2.1—Permits Required; Rule 2.2—Exemptions; Rule 2.10—Further Information; Rule 4.1—Visible Emissions; Rule 4.6—Circumvention; Rule 6.1—Standards for Permits to Construct; Appendix A—List/Criteria for Permit Applications. Adopted on January 24, 1989.

On March 26, 1990, the Siskiyou County rules were submitted to EPA as revision to the SIP. EPA found this submittal to be complete on June 20, 1990. On May 13, 1993, the Glenn County rules were submitted to EPA as a revision to the SIP. EPA found this submittal to be complete on July 19, 1993.

Background

The Counties are currently designated as in attainment of the national ambient air quality standards (NAAQS) for carbon monoxide, ozone, nitrogen dioxide, lead, sulfur dioxide, and particulate matter (PM₁₀).

EPA is taking this action to approve the rules identified above into the SIP for the purpose of meeting the general permitting requirements of 40 CFR 51.160 through 51.164, implementing section 110(a)(2)(C) of the Act. These provisions apply to sources whose emissions are below the major source thresholds regulated under Parts C and D of the Act. This action does not approve the Counties' rules for the purposes of meeting the nonattainment or prevention of significant deterioration (PSD) preconstruction permitting requirements of 40 CFR 51.165 and 51.166, nor does it approve the Counties' rules for the purposes of satisfying Title V of the Act.

The Counties' existing SIP approved preconstruction permitting rules were approved in several separate EPA actions occurring between May 31, 1972 and June 18, 1982. The changes

contained in the submitted rules are improvements to the current SIP versions of these rules. These changes improve the rules because they either introduce needed language, or alter language so that the rules are in compliance with the Act and EPA regulations.

General preconstruction permitting requirements for sources with emissions below the major source thresholds regulated under Parts C and D of the Act are set out in 40 CFR 51.160 through 51.164, implementing section 110(a)(2)(C) of the Act.

EPA Evaluation and Action

To satisfy 40 CFR 51.160 through 51.164, the rules must (a) require sources to obtain legally enforceable permits before commencing construction or modification of a facility; and (b) contain procedures to prevent construction or modification of a facility that will interfere with attainment of the NAAQS. The rules must also ensure the availability of pertinent information to the public during the permitting process, and the opportunity for and consideration of public comments prior to permit issuance. EPA has reviewed the submitted rules and determined that they contain these elements. For a detailed description of how the submitted rules meet the applicable requirements, please refer to EPA's Technical Support Document (TSD) for this action.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. However, should adverse or critical comments be filed, EPA is proposing approval of the submitted rules in a separate document in this Federal Register publication.

If EPA receives adverse or critical 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 then be addressed in a subsequent final rule with this action serving as the proposed rule. EPA will not institute a second comment period. 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 January 3, 1997.

Administrative Review

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.

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 of the Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because this 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 Act, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of State action. The Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S.Ct 1976); 42 U.S.C. 7410(a) (2).

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 has exempted this action from review under Executive Order 12866.

Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 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. EPA has determined that the approval promulgated in this notice does not include such a federal mandate, as this proposed federal action would approve pre-existing requirements under state or local law, and would impose no new federal requirements. Accordingly, no

additional costs to state, local, or tribal governments, or to the private section, will result from this action.

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).

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate matter, and Sulfur dioxide.

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

Dated: August 9, 1996.

Felicia Marcus,

Regional Administration.

Subpart F of 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:

Subpart F—California

Authority: 42 U.S.C. 7401–7671q.

1. Section 52.220 is amended by adding paragraphs (c)(179)(i)(E) and (c)(193)(i)(D) to read as follows:

§ 52.220 Identification of Plan.

* * * * *

- (c) * * *
- (179) * * *
- (i) * * *

(E) Siskiyou County Air Pollution Control District.

(I) Rules 1.2 (except section V1), 1.4, 2.1, 2.2, 2.10, 4.1, 4.6, 6.1, and Appendix A, adopted on January 24, 1989.

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- (193) * * *
- (i) * * *

(D) Glenn County Air Pollution Control District.

(I) Section 51, adopted on March 16, 1993.

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[FR Doc. 96–28195 Filed 11–1–96; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 70

[AD–FRL–5643–5]

Withdrawal of Direct Final Rule for Interim Approval of Operating Permits Program; South Coast Air Quality Management District, California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Due to an adverse comment, EPA is withdrawing the direct final rule for the interim approval of the South Coast Air Quality Management District title V operating permits program. EPA published the direct final rule on August 29, 1996, 61 FR 45330. As stated in that Federal Register document, if adverse or critical comments were received by September 30, 1996, the effective date would be delayed and notice would be published in the Federal Register. EPA subsequently received adverse comments on that direct final rule. EPA will address the comments received in a subsequent final action in the near future. EPA will not institute a second comment period on this document.

EFFECTIVE DATE: Withdrawal of the direct final rule becomes effective on November 4, 1996.

FOR FURTHER INFORMATION CONTACT: Ginger Vagenas, Operating Permits Section (A–5–2), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1252.

SUPPLEMENTARY INFORMATION: See the information provided in the direct final rule located in the final rules section of the August 29, 1996 Federal Register, and in the short informational document located in the proposed rule section of the August 29, 1996 Federal Register.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: October 21, 1996.

Felicia Marcus,

Regional Administrator.

Therefore, the amendment to 40 CFR part 70, appendix A which added paragraph (dd) to the California entry is withdrawn.

[FR Doc. 96–28245 Filed 11–1–96; 8:45 am]

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40 CFR Part 266

Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities

CFR Correction

In Title 40 of the Code of Federal Regulations, parts 260 to 299, revised as of July 1, 1996, § 266.100 is corrected by adding paragraphs (c)(3)(i)(B)–(D) as follows:

§ 266.100 Applicability.

* * * * *

- (c) * * *
- (3) * * *
- (i) * * *
- (A) * * *

(B) The waste does not exhibit the Toxicity Characteristic of § 261.24 of this chapter for an organic constituent; and

(C) The waste is not a hazardous waste listed in subpart D of part 261 of this chapter because it is listed for an organic constituent as identified in appendix VII of part 261 of this chapter; and

(D) The owner or operator certifies in the one-time notice that hazardous waste is burned under the provisions of paragraph (c)(3) of this section and that sampling and analysis will be conducted or other information will be obtained as necessary to ensure continued compliance with these requirements. Sampling and analysis shall be conducted according to paragraph (c)(1)(ii) of this section and records to document compliance with paragraph (c)(3) of this section shall be kept for at least three years.

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BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 50

Policies of General Applicability

CFR Correction

In title 42 of the Code of Federal Regulations, parts 1 to 399, revised as of October 1, 1995, page 171, §§ 50.604 through 50.606 are added as follows:

§ 50.604 Institutional responsibility regarding conflicting interests of investigators.

Each Institution must:

(a) Maintain an appropriate written, enforced policy on conflict of interest