

Plan (SIP) revision submitted by Pennsylvania on March 22, 1996 consisting of the 15% Rate-of-Progress Plan and the 1990 Volatile Organic Compound 1990 Emission Inventory (the 15% Plan SIP) for the Pittsburgh-Beaver Valley ozone nonattainment area.

DATES: March 7, 1997.

FOR FURTHER INFORMATION CONTACT: Marcia L. Spink, (215)566-2104.

SUPPLEMENTARY INFORMATION:

Background

On January 22, 1997 (62 FR 3254-3260), EPA published a notice of proposed rulemaking proposing conditional approval of the 15% Plan SIP revision submitted by the Pennsylvania Department of Environmental Protection (PADEP) on March 22, 1996 consisting of the 15% Plan and 1990 Volatile Organic Compound (VOC) Emission Inventory for the Pittsburgh-Beaver Valley ozone nonattainment area (the Pittsburgh area).

Need for Correction/Clarification

As published, the January 22, 1997 proposal notice states that EPA is proposing conditional approval of the 15% Plan SIP revision for the Pittsburgh area. In fact, the notice should read that EPA is proposing conditional interim approval of this SIP revision. The error is typographical in nature; the notice clearly indicates and fully explains that this 15% Plan SIP relies upon reductions from the enhanced Inspection & Maintenance (I/M) SIP submitted by Pennsylvania. Therefore, as indicated in the January 22, 1997 proposal notice, approval of the 15% Plan SIP for the Pittsburgh area approval is dependent upon approval of Pennsylvania's enhanced I/M SIP. On October 3, 1996 (61 FR 51638), EPA proposed conditional interim approval of Pennsylvania's enhanced I/M SIP. On January 28, 1997 (62 FR 4019), EPA promulgated final conditional interim approval of Pennsylvania's enhanced I/M SIP. Given that full final approval of the 15% Plan SIP is dependent and conditioned upon full final approval of enhanced I/M SIP, EPA must keep its actions on both SIP revisions consistent.

Correction/Clarification of Publication

Accordingly, the notice of proposed rulemaking published on January 22, 1997 (62 FR 3254-3260, FR Doc. 97-1493), is being corrected throughout its text to read that EPA is proposing conditional interim approval of the 15% Plan SIP for the Pittsburgh area.

Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is 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), or require prior consultation with State officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

EPA does not believe that it is necessary to subject this corrective action pertaining to the 15% Plan SIP for the Pittsburgh area 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.*).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: February 25, 1997.
Stanley L. Laskowski,
Acting Regional Administrator, Region III.
[FR Doc. 97-5621 Filed 3-6-97; 8:45 am]
BILLING CODE 6560-50-P

40 CFR Part 52

[OR59-7274b, OR60-7275b; FRL-5696-7]

Approval and Promulgation of State Implementation Plans: Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve the State Implementation Plan (SIP) revisions submitted by the State of Oregon for the purpose of approving two source-specific Reasonably Available Control Technology (RACT) volatile organic compound (VOC) emissions standards: Cascade General, Inc., a ship repair yard in Portland, Oregon; and, White Consolidated, Inc. (doing business as Schrock Cabinet Co.) a wood cabinet manufacturing facility in Hillsboro, Oregon. These SIP revisions are required by the Clean Air Act (CAA) and were submitted by the State. In the Final Rules Section of this Federal

Register, the EPA is approving the State's SIP revisions as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action.

DATES: Comments on this proposed rule must be received in writing by April 7, 1997.

ADDRESSES: Written comments should be addressed to Montel Livingston, Environmental Protection Specialist (OAQ-107), Office of Air Quality, at the EPA Regional Office listed below. Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.
Environmental Protection Agency,
Region 10, Office of Air Quality, 1200 6th Avenue, Seattle, WA 98101.
Oregon Department of Environmental Quality, 811 S.W. Sixth Avenue, Portland, OR 97204-1390.

FOR FURTHER INFORMATION CONTACT: Denise Baker, Office of Air Quality (OAQ-107), EPA, 1200 6th Avenue, Seattle, WA 98101, (206) 553-8087.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action which is located in the Rules Section of this Federal Register.

Dated: February 21, 1997.
Jane S. Moore,
Acting Regional Administrator.
[FR Doc. 97-5643 Filed 3-6-97; 8:45 am]
BILLING CODE 6560-50-P

40 CFR Part 52

[OR65-7280; FRL-5700-8]

Approval and Promulgation of Air Quality Implementation Plans: Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a revision to the State of Oregon

Implementation Plan. This revision establishes and requires a source-specific Reasonably Available Control Technology (RACT) volatile organic compound (VOC) emissions standard for PCC Structurals, Inc., Large Parts Campus, at 4600 SE Harney Drive, Portland, Oregon. This action is being taken under Part D of the Clean Air Act.

DATES: Comments must be received on or before April 7, 1997.

ADDRESSES: Written comments should be addressed to: Montel Livingston, SIP Manager, Office of Air Quality (OAQ-107), U. S. Environmental Protection Agency (EPA), Region 10, 1200 Sixth Avenue, Seattle, Washington, 98101. Copies of the documents relevant to this action are available for public inspection during normal business hours at EPA Region 10, Office of Air Quality, 1200 Sixth Avenue, Seattle, Washington, 98101, and the Oregon Department of Environmental Quality, 811 S.W. Sixth Avenue, Portland, Oregon 97204-1390.

FOR FURTHER INFORMATION CONTACT: Denise Baker, Office of Air Quality (OAQ-107), EPA, Region 10, 1200 Sixth Avenue, Seattle, Washington, 98101, phone (206) 553-8087.

SUPPLEMENTARY INFORMATION:

Background

Section 172 (a)(2) and (b)(3) of the Clean Air Act (CAA), as amended in 1977 (1977 Act), required sources of VOC to install, at a minimum, RACT in order to reduce emissions of this pollutant. EPA has defined RACT as the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available, considering technological and economic feasibility (44 FR 53761, September 17, 1979). EPA has developed Control Technology Guidelines (CTGs) for the purpose of informing State and local air pollution control agencies of air pollution control techniques available for reducing emissions of VOC from various categories of sources. Each CTG contains recommendations to the States of what EPA calls the "presumptive norm" for RACT. This general statement of agency policy is based on EPA's evaluation of the capabilities of, and problems associated with, control technologies currently used by facilities within individual source categories. EPA has recommended that the States adopt requirements consistent with the presumptive norm level.

On March 3, 1978, the entire Portland-Vancouver Interstate Air Quality Maintenance Area was designated by EPA as a non-attainment

area for ozone. The Portland-Vancouver Interstate Air Quality Maintenance Area contains the urbanized portions of three counties in Oregon (Clackamas, Multnomah, and Washington) and one county (Clark) in the State of Washington.

The 1977 Act required States to submit plans to demonstrate how they would attain and maintain compliance with national ambient air standards for those areas designated non-attainment. The 1977 Act further required these plans to demonstrate compliance with primary standards no later than December 31, 1982. An extension up to December 31, 1987, was possible if the State could demonstrate that, despite implementation of all reasonably available control measures, the December 31, 1982, date could not be met.

On October 7, 1982, EPA approved the Portland-Vancouver area ozone attainment plan, including an extension of the attainment date to December 31, 1987 (47 FR 44262).

On June 15, 1988, pursuant to Section 110(a)(2)(H) of the pre-amended CAA, former EPA Regional Administrator Robie Russell notified the State of Oregon by letter that the State Implementation Plan (SIP) for the Portland-Vancouver area was substantially inadequate to provide for timely attainment of the National Ambient Air Quality Standards (NAAQS). In that letter, EPA identified specific actions needed to correct deficiencies in State regulations to require RACT for sources of VOC. When the CAA was amended in 1990, it required States to correct deficiencies. In amended Section 182(a)(2)(A), Congress statutorily adopted the requirement that ozone non-attainment areas fix their deficient RACT rules for ozone. Areas designated non-attainment before the effective date of the amendments, and which retained that designation and were classified as marginal or above as of the effective date, are required to meet the RACT fix-up requirement. Under Section 182(a)(2)(A), States with such non-attainment areas were mandated to correct their RACT requirements by May 15, 1991. The corrected requirements were to be in compliance with Section 172(b), as it existed before the amendments, and as that section was interpreted in the pre-amendment guidance. The Portland part of the Portland-Vancouver non-attainment area is classified as marginal. Therefore, this area is subject to the RACT fix-up requirement and the May 15, 1991, deadline.

On May 15, 1991, the State of Oregon submitted Oregon Administrative Rules (OAR) 340-22-100 through 340-22-220, General Emission Standards for Volatile Organic Compounds, as an amendment to the Oregon SIP. On September 29, 1993, EPA approved these revisions to the Oregon SIP (58 FR 50848). Part of these amended rules included a requirement for RACT for non-CTG sources.

On February 3, 1997, the Oregon Department of Environmental Quality (ODEQ) submitted to EPA a proposed revision to its SIP. This proposed revision was a draft source-specific revision to the State of Oregon Clean Air Act Implementation Plan, OAR 340-020-0047, and was submitted pursuant to 40 CFR 51.103.

The proposed revision consists of a RACT determination for PCC Structurals, Inc., Large Parts Campus, at 4600 SE Harney Drive, Portland, Oregon. This RACT determination establishes requirements that are part of the Portland-Vancouver Air Quality Maintenance Plan which EPA is proposing to approve in a separate action. As this RACT determination is still in draft, ODEQ has requested that it be approved through the parallel processing procedures contained in 40 CFR Part 51, Appendix V.

The proposed RACT determination for PCC Structurals, Inc., would modify existing operating permit #26-1867 by: 1) requiring (within one year of approval of RACT determination by EPA) that PCC Structurals, Inc., provide controls to reduce the VOC emissions from the Large Parts Campus Steel and Titanium (LPC-S and LPC-T) investment casting operations by a minimum of 90 percent; 2) requiring PCC Structurals, Inc., to submit (within 90 days of EPA approval) to ODEQ a final control strategy concerning the VOC emissions from the investment casting operations. [This plan would include a schedule and dates of the project interim steps leading up to compliance with 1, above.]; and 3) stipulating the method by which PCC Structurals, Inc., may demonstrate compliance with 1, above. (For more information, see conditions 12, 13, and 19 through 22, of addendum #2 to operating permit #26-1867, issued by ODEQ.)

This Federal Register document proposes to approve these permit conditions as amendments to the SIP. EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rule-making

procedure by submitting written comments to the EPA Regional Office listed in the **ADDRESSES** section of this notice.

This revision is being proposed under a procedure called parallel processing, whereby EPA proposes rule-making action concurrently with the State's procedures for amending its regulations. If the proposed revision is substantially changed in areas other than those identified in this notice, EPA will evaluate those changes and may publish another notice of proposed rule-making. If no substantial changes are made other than those areas cited in this notice, ODEQ will publish a Final Rule-making Notice on the revisions. The final rule-making action by EPA will occur only after the SIP revision has been adopted by ODEQ and submitted formally to EPA for incorporation into the SIP.

Proposed Action

EPA is proposing to approve the revisions to the State of Oregon Implementation Plan submitted on February 3, 1997, that establish RACT requirements for PCC Structurals, Inc. EPA is proposing this rule-making action concurrently with the State's procedures for amending its regulations. EPA will take final action on this proposal after ODEQ submits its RACT determination to EPA for approval.

Nothing in this action should be construed as permitting or 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.

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, EPA 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

The EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR Part 70. Because this action does not impose any new requirements, it does

not have a significant impact on a substantial number of small entities.

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 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 on by the rule.

EPA has determined that the approval action proposed 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.

The Administrator's decision to approve the SIP revision will be based on whether it meets the requirements of section 110(a)(2) (A)-(K) and part D of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401-7671q.

Dated: February 27, 1997.

Charles E. Findley,

Acting Regional Administrator.

[FR Doc. 97-5873 Filed 3-6-97; 8:45 am]

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40 CFR Parts 52 and 81

[OR64-7279b, OR36-1-6298b, OR46-1-6802b; FRL-5696-9]

Approval and Promulgation of State Implementation Plans and Designation of Areas for Air Quality Planning Purposes: Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve numerous amendments to the Oregon Department of Environmental Quality's (ODEQ's) rules for stationary sources, including new source review and prevention of significant deterioration rules, as revisions to the Oregon State Implementation Plan (SIP). These revisions were submitted by the Director of the ODEQ on May 20, 1988, January 20, 1989, September 14, 1989, October 13, 1989, November 15, 1991, August 26, 1992, November 16, 1992, May 28, 1993, November 15, 1993, December 14, 1993, November 14, 1994, June 1, 1995, September 27, 1995, October 8, 1996, and January 22, 1997, in accordance with the requirements of section 110, Part C and Part D, of the Clean Air Act. EPA is also proposing to remove the listings for total suspended particulates nonattainment areas in 40 CFR Part 81. In the Final Rules Section of this Federal Register, the EPA is approving the State's SIP revisions and removing the total suspended particulate nonattainment area listings as a direct final rule without prior proposal because the Agency views these as noncontroversial revisions and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in