

§ 943.16 [Amended]

3. Section 943.16 is amended by removing paragraphs (k), (l), (m), (n), (o), (p), and (q).

[FR Doc. 97-7533 Filed 3-25-97; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[TN-165-01-9633a; FRL-5709-8]

Approval and Promulgation of Air Quality Implementation Plans, Tennessee; Approval of Revisions to Knox County Regulations for Violations and General Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the permit requirements, definitions, and administrative requirements for the Knoxville/Knox County portion of the Tennessee State Implementation Plan (SIP). On March 4, 1996, the State submitted revisions to the Knoxville/Knox County portion of the Tennessee SIP on behalf of Knoxville/Knox County. These were revisions to the enforcement authority requirements in the Knoxville/Knox County portion of the SIP. At this time, EPA is acting on the SIP revisions submitted on March 4, 1996 and is approving all of the submitted revisions.

DATES: This final rule is effective May 27, 1997 unless adverse or critical comments are received by April 25, 1997. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments on this action should be addressed to Karen C. Borel, at the Environmental Protection Agency, Region 4 Air Planning Branch, 100 Alabama Street, SW, Atlanta, Georgia 30303. Copies of documents relative to this action 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. Reference file TN165-01-9633. The Region 4 office may have additional background documents not available at the other locations.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency,

401 M Street, SW, Washington, DC 20460.

Environmental Protection Agency, Region 4 Air Planning Branch, 100 Alabama Street, SW, Atlanta, Georgia 30303. [contact Karen Borel, 404/562-9029].

Tennessee Department of Environment and Conservation, Division of Air Pollution Control, 9th Floor L & C Annex, 401 Church Street, Nashville, Tennessee 37243-1531. Knox County Department of Air Pollution Control, City-County Building, Suite 339, 400 West Main Street, Knoxville, Tennessee, 37902.

FOR FURTHER INFORMATION CONTACT:

Karen C. Borel at (404) 562-9029.

SUPPLEMENTARY INFORMATION: The State of Tennessee submitted revisions to the Knoxville/Knox County portion of the Tennessee SIP to EPA on March 4, 1996. EPA found this submittal to be complete on April 17, 1996. These revisions to the Knoxville County portion of the SIP establish consistent regulatory authority between the title V Permit Program for major sources and the SIP for minor sources.

A. SIP Revisions

The Knoxville/Knox County Air Pollution Control Board officially adopted the proposed amendments to the Knoxville County Air Pollution Control Regulations affecting Sections 30.1.D, 30.1.F, and 30.1.G, *Violations*. These regulatory revisions to their Section 30 make changes which are required to establish consistent regulatory authority between the SIP (minor sources) and title V (major sources). These revisions are the remainder of their plan to bring the SIP into accordance with title I requirements and to support their title V program. EPA is approving the following revisions to Section 30, *Violations/General*.

Section 30.1.D

The following statement is added to this section:

These penalties shall be recoverable in a maximum amount of \$25,000 per day per violation as provided by State Law.

Section 30.1.F

The following statement is added to the end of this section:

Such actions may be taken by the Director without the necessity of a prior revocation of any permit."

Section 30.1.G

The following statement is added to the end of this section:

The Director has the authority to restrain or enjoin immediately and effectively any

person, by order or by suit in court, from engaging in any activity in violation of a permit or the Knox County Air Pollution Control Regulations that is presenting an imminent and substantial endangerment to the public health or welfare, or the environment.

Final Action

EPA is fully approving the submitted revisions to the Knoxville/Knox County portion of the Tennessee State Implementation Plan (SIP).

The Agency has reviewed this request for revision of the Federally-approved State implementation plan for conformance with the provisions of the 1990 amendments enacted on November 15, 1990.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial action 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 May 27, 1997 unless, by April 25, 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 document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the 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 May 27, 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 any 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.

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 economic impact on a substantial number of small entities. Small entities include small business, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under sections 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, 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 (1976); 42 U.S.C. 7410(a)(2) and 7410(k)(3).

C. 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 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 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 Act, 42 U.S.C. 7607 (b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 27, 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) of the Act, 42 U.S.C. 7607 (b)(2).]

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Reporting and recordkeeping requirements.

Dated: January 15, 1997.

A. Stanley Meiburg,
Acting Regional Administrator.

Part 52 of 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 RR—Tennessee

2. Section 52.2220 is amended by adding paragraph (c)(149) to read as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) * * *

(149) On March 4, 1996, the State submitted revisions to the Knoxville/

Knox County portion of the Tennessee SIP on behalf of Knoxville/Knox County. These were revisions to the enforcement authority requirements in the Knoxville/Knox County regulations. These revisions incorporate changes to Knoxville's Section 30.1 which are required in the Clean Air Act as amended in 1990 and 40 CFR part 51, subpart I.

(i) Incorporation by reference.

(A) Knox County Air Pollution Control Regulations, Sections 30.1.D, 30.1.F, and 30.1.G, adopted on January 10, 1996.

(ii) Other material. None.

[FR Doc. 97–7694 Filed 3–25–97; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[CT27–1–7200a; A–1–FRL–5667–4]

Clean Air Act Approval and Promulgation of State Implementation Plans; Connecticut: PM10 Prevention of Significant Deterioration Increments; and Approval of a Second 1-Year Extension of PM10 Attainment Date for New Haven

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 Connecticut, which replaces the total suspended particulate (TSP) prevention of significant (PSD) increments with increments for PM10 (particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers). EPA is also fully approving Connecticut's request for a second 1-year extension of the attainment date for the New Haven PM10 nonattainment area, based on monitored air quality data for the national ambient air quality standard for PM10 during the years 1993–95. These actions are being taken under the Clean Air Act.

DATES: This action is effective on May 27, 1997, unless adverse or critical comments are received by April 25, 1997. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments may be mailed to Susan Studlien, Deputy Director, Office of Ecosystem Protection, EPA-Region 1, JFK Federal Building (CAA), 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