

115.129(5), 115.129(6), 115.129(7), 125.129(8), 115.132(a)(4), 115.132(a)(4)(A), 115.132(a)(4)(B), 115.139(a)(1), 115.139(a)(2), New Subchapter B: General Volatile Organic Compound Sources, Industrial Wastewater, Sections 115.140, 115.142, 115.143, 115.144, 115.145, 115.146, 115.147, 115.148, 115.149. Revised 115.152(a), 115.152(a)(1), 115.153, 115.155(2), 115.155(3), 115.155(8), 115.156 Introductory paragraph, 115.156(2), 115.156(2)(A)–115.156(G), 115.156(3), 115.156(3)(A), 115.157 Introductory Paragraph, 115.157(1), 115.157(2), 115.159(a), 115.159(b), 115.159(c), 115.211(a)(1)(A), 115.211(a)(1)(B), 115.211(a)(2), 115.211(a)(3), 115.212(a)(5), 115.212(a)(8), 115.212(a)(9), 115.212(a)(10), 115.212(a)(10)(A)–115.212(a)(10)(C), 115.212(a)(11), 115.212(a)(11)(A), 115.212(a)(11)(B), 115.212(a)(12), 115.212(c), 115.213(c), 115.214(a)(1), 115.214(a)(2), 115.214(a)(3), 115.214(a)(4), 115.214(a)(5), 115.214(a)(5)(A)–115.214(a)(5)(E), 115.214(a)(6), 115.215(a), 115.215(a)(7), 115.215(a)(8), 115.215(a)(9), 115.215(a)(10), 115.216(a)(4), 115.216(a)(5)(A), 115.216(a)(6), 115.216(a)(6)(A), 115.216(a)(6)(A)(i)–115.216(a)(6)(A)(iii), 115.216(a)(6)(B), 115.216(a)(6)(C), 115.216(a)(6)(D), 115.216(a)(7), 115.216(a)(8), 115.217(a)(3), 115.217(a)(3)(B), 115.217(a)(3)(C), 115.217(a)(4), 115.217(a)(5), 115.217(a)(6), 115.217(a)(6)(A), 115.217(a)(6)(B), 115.217(a)(7), 115.217(a)(8), 115.217(a)(8)(D), 115.217(a)(9), 115.217(a)(9)(C), 115.217(a)(10), 115.217(a)(10)(A)–115.217(a)(10)(E), 115.217(a)(11), 115.217(a)(11)(A)–115.217(a)(11)(C), 115.217(b)(2), 115.217(c)(2), 115.219(a)(1), 115.219(a)(2), 115.219(a)(3), 115.219(a)(4), 115.219(a)(5), 115.219(a)(6), new Sections 115.252, 115.253, 115.255, 115.256, 115.257, 115.259, revised 115.352 introductory paragraph, 115.353, 115.354 introductory paragraph, 115.355 introductory paragraph, 115.356 introductory paragraph, 115.357 introductory paragraph, 115.357(2), 115.357(9), 115.359, 115.415(a)(1)(A), 115.415(b)(1)(A), 115.416(a), 115.421(a), 115.421(a)(13), 115.421(a)(13)(A), 115.421(a)(13)(A)(I)–115.421(a)(13)(A)(vii), 115.421(a)(13)(A)(viii), 115.421(a)(13)(A)(viii)(I), 115.421(a)(13)(A)(viii)(II), 115.421(a)(13)(A)(ix), 115.421(a)(13)(A)(x), 115.421(a)(13)(B), 115.421(a)(13)(C), 115.421(a)(13)(C)(I),

115.421(a)(13)(C)(ii), 115.422(1)(A)–115.422(1)(C), 115.422(3), 115.422(3)(A), 115.422(3)(B), 115.429(d), 115.432(a), 115.432(a)(2), 115.432(a)(2)(A), 115.432(a)(2)(B), 115.442 introductory paragraph, 115.443, 115.445 introductory paragraph, 115.446 introductory paragraph, 115.446(5), 115.449(a), 115.449(b), 115.449(c), 115.532(a)(5), 115.532(a)(5)(A), 115.532(a)(5)(B), 115.541(a), 115.541(b), 115.541(b)(1), 115.541(b)(2), 115.541(b)(3), 115.541(b)(4), 115.541(b)(5), 115.542(a), 115.543, 115.544 introductory paragraph, 115.545 introductory paragraph, 115.546 introductory paragraph, 115.547 introductory paragraph, 115.549(a), 115.549(b), 115.549(c), new sections 115.552, 115.553, 115.555, 115.556, 115.557, 115.559, repeal of sections 115.612, 115.613, 115.614, 115.615, 115.617, 115.619, new sections 115.600, 115.610, 115.612, 115.613, 115.614, 115.615, 115.616, 115.617, and 115.619.

(F) Texas Natural Resource Conservation Commission Order No. 94–06 as adopted May 4, 1994.

(G) Revision to Regulation V as adopted by the Commission on July 13, 1994; new sections 115.901, 115.910, 115.911, 115.912, 115.913, 115.914, 115.915, 115.916, 115.920, 115.923.

(H) Texas Natural Resource Conservation Commission Order No. 94–26 as adopted July 13, 1994.

(I) Texas Natural Resource Conservation Commission Order No. 94–0676-SIP as adopted November 9, 1994.

(ii) Additional material.

(A) Appendix A of the Revision to the Texas SIP adopted by the Commission on November 9, 1994 concerning alternate means of control.

[FR Doc. 97–13487 Filed 5–21–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL–5828–6]

Approval and Promulgation of Air Quality Implementation Plans; Revised Format of 40 CFR Part 52 for Materials Being Incorporated by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of administrative change.

SUMMARY: EPA is revising the format of 40 CFR part 52 for materials submitted by states that are incorporated by reference into their respective state

implementation plans (SIPs). This format revision will primarily affect the “Identification of plan” sections assigned to each subpart (i.e., state or territory) of 40 CFR part 52, as well as the format of the SIP materials that will be available for public inspection at the Office of the **Federal Register**, the Air and Radiation Docket and Information Center located in Waterside Mall, Washington, D.C., and the originating Regional Offices. The revised format will; better serve to help the public in determining the applicable state provisions, rules and regulations that comprise the respective Federally-enforceable SIP’s; streamline the format of the documents that will be available for public inspection at the above-mentioned locations; streamline the IBR review process followed by the Office of the **Federal Register** in reviewing state material for incorporation by reference into 40 CFR part 52; and assure continued compliance with the provisions of the Clean Air Act, which requires EPA to periodically publish comprehensive SIP documents for each state. The sections of 40 CFR part 52 pertaining to provisions promulgated by EPA or state-submitted materials not subject to IBR review remain unchanged.

EFFECTIVE DATE: This action is effective May 22, 1997.

ADDRESSES: SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at (1) the Office of Air and Radiation, Docket and Information Center (Air Docket), EPA, 401 M Street, SW., Room M1500, Washington, DC 20460; and (2) the Office of the **Federal Register**, 800 North Capitol Street, NW., Suite 700, Washington, DC.

In addition, all SIP materials listed in the “Identification of plan” sections of each 40 CFR part 52 subpart are available at the appropriate EPA Regional Office as listed below:

(i) Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. Environmental Protection Agency, Region 1, One Congress Street, Boston, MA 02203.

(ii) New York, New Jersey, Puerto Rico, and Virgin Islands. Environmental Protection Agency, Region 2, 290 Broadway, New York, NY 10007–1866.

(iii) Delaware, District of Columbia, Pennsylvania, Maryland, Virginia, and West Virginia. Environmental Protection Agency, Region 3, 841 Chestnut Building, Philadelphia, PA 19107.

(iv) Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee. Environmental Protection

Agency, Region 4, 61 Forsyth Street, S.W., Atlanta, GA 30303.

(v) Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, IL 60604-3507.

(vi) Arkansas, Louisiana, New Mexico, Oklahoma, and Texas. Environmental Protection Agency, Region 6, Fountain Place, 1445 Ross Avenue, Suite 700, Dallas TX 75202-2733.

(vii) Iowa, Kansas, Missouri, and Nebraska. Environmental Protection Agency, Region 7, 726 Minnesota Avenue, Kansas City, KS 66101.

(viii) Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming. Environmental Protection Agency, Region 8, 999 18th Street, Suite 500, Denver, CO 80202-2466.

(ix) Arizona, California, Hawaii, Nevada, American Samoa, and Guam. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105.

(x) Alaska, Idaho, Oregon, and Washington. Environmental Protection Agency, Region 10, 1200 6th Avenue Seattle, WA 98101.

FOR FURTHER INFORMATION CONTACT: Ms. Montel Livingston, Chair, Agency SIP Workgroup Steering Committee at (206) 553-0180, or Mr. Harold A. Frankford, Leader, IBR Reform Team at (215) 566-2108.

SUPPLEMENTARY INFORMATION:

Background

Each state is required to have a SIP which contains the control measures and strategies which will be used to attain and maintain the national ambient air quality standards (NAAQS). The SIP is extensive, containing such elements as emission inventories, monitoring network, attainment demonstrations, and enforcement mechanisms. The control measures and strategies must be formally adopted by each state after the public has had an opportunity to comment on them. They are then submitted to EPA as SIP revisions on which EPA must formally act.

Once these control measures are approved by EPA after notice and comment, they are incorporated into the SIP and are identified in part 52 (Approval and Promulgation of Implementation Plans), Title 40 of the Code of Federal Regulations (40 CFR part 52). The actual state regulations which are approved by EPA are not reproduced in their entirety in 40 CFR part 52, but are "incorporated by reference," which means that the

citation of a given state regulation with a specific effective date has been approved by EPA. This format allows both EPA and the public to know which measures are contained in a given SIP and insure that the state is enforcing the regulations. It also allows EPA and the public to take enforcement action, should a state not enforce its SIP-approved regulations.

The SIP is a living document which can be revised by the state as necessary to address the unique air pollution problems in the state. Therefore, EPA from time to time must take action on SIP revisions which may contain new and/or revised regulations as being part of the SIP. On May 31, 1972 (37 FR 10842), EPA approved, with certain exceptions, the initial SIPs for 50 states, four territories and the District of Columbia.

(**Note:** EPA approved an additional SIP—for the Northern Mariana Islands—on November 10, 1986 (51 FR 40799)).

Since 1972, each state and territory has submitted numerous SIP revisions, either on their own initiative, or because they were required to as a result of various amendments to the Clean Air Act (CAA).

Within 40 CFR part 52, there are 58 subparts (subparts A through FFF). Subpart A contains general requirements applicable to all states and territories, while subparts B through DDD and FFF contain requirements that are specific to a given state or territory. Subpart EEE contains historical information pertaining to EPA action on SIP material originally submitted by states to the National Air Pollution Control Administration, Department of Health Education and Welfare in 1970.

The first or second section of each state-submitted subpart within 40 CFR part 52 (other than subparts A and EEE) is called "Identification of plan." This section summarizes state-developed requirements which EPA has approved as part of a given SIP since May 31, 1972. The state material became federally-enforceable at the time of EPA approval through a procedure known as incorporation by reference (IBR) under procedures prescribed in 1 CFR part 51. Originally, this "Identification of plan" section contained descriptions of both regulatory and non-regulatory state requirements that were applicable to a state SIP. However, state submittals that were approved by EPA on or after July 1, 1982 were required to undergo a different type of IBR review before they could be listed in the "Identification of plan" section. Under these procedures, EPA was required to provide the Office of the **Federal Register** (OFR) the

following documentation associated with each SIP revision:

(1) A crossout/underlined version of the state document showing all of the revisions being acted upon by EPA. All material that was extraneous to the IBR documents was to be crossed out.

(2) The specific cross-reference in the respective Identification of plan sections of all state citations or the individual source of the documents being IBR'ed.

During a given year, EPA usually requests the OFR to perform between 150 and 200 IBR reviews per year. While the use of the IBR review process and the detailed citation descriptions found in 40 CFR part 52 has helped interested parties keep track of the revised SIP provisions for each subpart, both the EPA and the OFR have found the IBR process for SIP revisions (as it currently exists) to be inefficient and time consuming, given the frequency of the part 52 revisions subject to IBR. The necessary OFR review often has resulted in a delay of three weeks or more before the final EPA action was published in the **Federal Register**. In addition, the amount of IBR material that EPA has been required to submit to the OFR and maintain at the Air and Radiation Docket and Information Center at Waterside Mall is voluminous in comparison to its overall utility. While the interested public has access to all material that is IBR'ed in 40 CFR part 52, the available material, in many cases, consists of a piecemeal series of plan *revisions* (emphasis added) rather than integrated amendments. Thus, EPA has found that it is no longer conducive for providing the public with a sense of what comprises the comprehensive SIP for each state, district and territory whose Federally-enforceable regulations are listed in 40 CFR part 52.

Furthermore, the current format of the "Identification of plan" sections in 40 CFR part 52 is inconsistent with the intent of section 110(h)(1) of the CAA which requires EPA to "assemble and publish a comprehensive document for each state setting forth the requirements of the applicable implementation plan of such State" at periodic intervals. The initial comprehensive compilation was due November 15, 1995, with updates required every three years thereafter.

Revised Part 52 Format/IBR Document

As a result of consultations between EPA and OFR, EPA has begun the process of developing (1) a revised SIP document for each state that would be incorporated by reference under the provisions of 1 CFR part 51; (2) a revised mechanism for announcing EPA approval of revisions to an applicable SIP and updating both the IBR

document and the CFR, and (3) a revised format of the "Identification of plan" sections for each applicable subpart to reflect these revised approval and IBR procedures. The description of the revised SIP document, IBR procedures and "Identification of plan" format are listed below in more detail.

Content of Revised IBR Document

The new SIP compilations will contain the Federally-approved portion of regulations submitted by the various state agencies. The compilations will be stored in 3-ring binders and updated primarily on an annual basis. If no significant changes are made for any state to the SIP during the year, an update will not be made during that year. On the other hand, if significant changes occur during the year an update could be done on a more frequent basis, as applicable. Typically, only the revised section of the compilation will be updated. Complete resubmittals of a state SIP compilation will be done on an as-needed basis.

Each compilation will contain a table of contents identifying each section of the regulations, including an adoption or effective date for the regulations. The table of contents in the compilation will correspond to the table of contents published in 40 CFR part 52 for that particular state. A copy of the full text of each state's current compilation will be maintained at the Office of Federal Register and EPA's Air Docket and Information Center. Each EPA Regional Office will maintain a compilation for the states within its jurisdiction. The EPA Regional Offices will have the primary responsibility for ensuring accuracy and updating the compilations.

EPA will publish an informational document in the rules section of the **Federal Register** when updates are made to the SIP compilations. These updates will generally be done on an annual basis, or more frequently if needed. This notice will identify the specific sections of the compilations being updated. It is envisioned that updates may be for only one section, or for up to the whole compilation, depending on the extent of revisions done during that year.

EPA will now begin phasing in SIP compilations for individual states, and expects to complete the conversion of the revised "Identification of plan" format and IBR documentation for all states by May 24, 1999. This revised format is consistent with the SIP compilation requirements of section 110(h)(1) of the CAA; however, EPA regards this part 52 reorganization as a separate streamlining effort with no

formal legal connection to the CAA section 110(h)(1) requirements.

Revised Format of the "Identification of Plan" Sections in Each Subpart

In order to better serve the public, EPA is revising the organization of the "Identification of plan" section and including additional information which will make it clearer as to what provisions constitute the enforceable elements of the SIP.

The revised Identification of Plan section will contain five subsections: (a) Purpose and scope, (b) Incorporation by reference, (c) EPA approved regulations, (d) EPA approved source specific permits, and (e) EPA approved nonregulatory provisions such as transportation control measures, statutory provisions, control strategies, monitoring networks, etc.

(a) *Purpose and scope*: Identifies the authority under which EPA is approving the SIP revisions.

(b) *Incorporation by reference*: Lets the public know that the OFR granted EPA approval to incorporate materials by reference which were submitted by the states to fulfill CAA requirements, after notice and comment. It also certifies that materials incorporated by reference are exact duplicates of the state regulations as submitted by EPA to the OFR.

(c) *EPA approved regulations*: This is a table that lists all of the state regulations which have been submitted for inclusion in the SIP by the state for the purpose of attaining and maintaining the NAAQS, and which have been approved by EPA for those purposes. These regulations have gone through state rulemaking process and the public was given an opportunity to participate in the rulemaking. A comment field is provided in the tables to describe any Agency limitations or qualifications on EPA's approval action. Several of EPA's Regional Offices have included similar tables as separate sections in part 52 in the past, see §§ 52.1031, 52.1605, and 52.1679. This format provides a single location where interested parties can locate the applicable state approved regulations which are included in the SIP. In the past, interested parties would have to search the "Identification of Plan" section to determine which state regulations were currently approved as part of the SIP. As EPA receives and acts on new SIP revisions which affect the entries in the tables, upon final approval the entry would be updated to reflect the latest state effective date and EPA's latest approval date along with the FR citation. The full text of approved regulations will not be included in the

CFR but will become part of those IBR documents described previously at the time of the next annual update.

(d) *EPA approved source specific permits*: This table lists all the source specific permits which have been submitted for inclusion in the SIP by the state. These permits have gone through state rulemaking process and the public was given an opportunity to participate in the rulemaking. EPA also took rulemaking action on these permits and those which have been approved or conditionally approved by EPA are listed along with any limitations on their approval, if any. This provides a single location where interested parties can locate the applicable source specific state and EPA approved permits which are included in the SIP. Should a permit be revised or a new permit submitted, after EPA rulemaking on such revision the table entry would be revised to reflect the new information.

(e) *EPA-approved nonregulatory control measures*: This table lists all of the nonregulatory control measures which have been submitted for inclusion in the SIP by the state. These control measures have gone through state rulemaking process and the public was given an opportunity to participate in the rulemaking. EPA also took rulemaking action on these control measures and those which have been EPA-approved or conditionally approved are listed along with any limitations on their approval, if any. This provides a single location where interested parties can locate the applicable nonregulatory control measures which are included in the SIP.

Note: Because the documents and materials listed in subsection (e) are nonregulatory, they will not undergo the IBR process under 1 CFR part 51. Therefore, these documents will be available for public inspection only at the Regional Offices listed in the ADDRESSES section above.

An example of the revised "Identification of plan" format appears below:

Subpart XX—State Name

§ 52.xxxx Identification of plan.

(a) Purpose and scope.

This section sets forth the applicable state implementation plan for [insert state name] under section 110 of the CAA, 42 U.S.C. 7401-7671q and 40 CFR part 51 to meet national ambient air quality standards.

(b) Incorporation by reference.

(1) Material listed as incorporated by reference in section 52.xxxx (c) and (d) was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C.

552(a) and 1 CFR part 51. Material incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the **Federal Register**.

(2) EPA Region ____ certifies that as of July 1, 1997 the rules/regulations provided by EPA at the addresses below are an exact duplicate of the officially promulgated state rules/regulations

which have been approved as part of the state implementation plan.

(3) Copies of the materials incorporated by reference may be inspected at the Office of Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC. Copies of the materials incorporated by reference may also be inspected at the EPA, Air and Radiation Docket and Information

Center, Air Docket (6102), 401 M Street, SW., Washington, DC. 20460 and the appropriate Environmental Protection Agency Regional Office listed in the **ADDRESSES** section of this document.

(c) EPA approved regulations.
[Insert table of approved regulations, see example below.]

EPA APPROVED [insert state name] REGULATIONS.

State citation	Title/subject	State effective date	EPA approval date	Comments
	The name of the state regulations which are approved are listed in This column.	A unique date that the state uses to identify different versions of their regulations.	The date EPA publishes its approval and the FR citation.	

(d) EPA-approved State Source specific permits.

[Insert table of approved source specific permits, see example below.]

EPA-APPROVED [Insert state name] SOURCE-SPECIFIC PERMITS.

Name of source	Permit number	State effective date	EPA approval date	Comments
Name of source requesting and receiving specific limitations.	Unique state identifying number.	The date state approved the permit.	The date EPA publishes its approval and the FR citation.	

(e) EPA approved nonregulatory provisions and quasi-regulatory measures. Examples of nonregulatory SIP provisions include, but are not limited to, the following subject matter:

- SIP Narratives
- PM10 Plans
- CO Plans
- Ozone Plans
- Maintenance plans

- I/M SIP's
- Emissions Inventories
- Monitoring Networks
- State Statutes
- Part D plans
- Attainment demonstrations
- Transportation control measures (TCM's)
- Committal measures
- Contingency Measures

- Nonregulatory & Non-TCM Control Measures
- 15% Rate of Progress Plans
- Emergency episode plans
- Visibility plans

[Insert table of approved nonregulatory measures, etc., see example below.]
EPA-APPROVED [insert state name] NONREGULATORY PROVISIONS.

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approved date	Comments
Name of control measures	The geographic and/or nonattainment area were the control measure applicable.	The date state approved the control measure.	The date EPA publishes its approval and the CFR citation.	

Revised Mechanism for EPA Approval

Under the current EPA approval/IBR procedures, EPA utilizes the following procedure to revise 40 CFR part 52:

EPA revises subsection (c) of the appropriate Identification of plan section found in each subpart by adding or amending a numbered paragraph. Each paragraph contains two major subparagraphs: An "Incorporation by reference" portion which describes the submittal date, state agency/official, effective date of the rule in the pertinent state, and a description of the rule (either section citation or source name), and an "Additional materials" portion, which references the remaining pertinent material (e.g., public hearing information, control strategy demonstration, etc.) of that particular state submittal. A copy of the official

state document which reflects the "Incorporation by reference" materials is sent to the OFR for review. Each revision must undergo a thorough IBR review by the OFR.

Under the revised mechanism, EPA will indicate approval action of a state submittal by amending the appropriate charts (see above) describing the title of the regulation at the time of final EPA approval of the submittal as published in the **Federal Register**. At the outset under the revised mechanism, EPA will provide the full text of the comprehensive SIP compilation described above for each state and territory to the Office of Federal Register, along with a master table of contents, which will constitute the base IBR document. Supplements to this comprehensive IBR document will be

submitted to the OFR for IBR review approximately once per year, reflecting the changes made over the course of the year to the individual tables, including the full text of the currently approved SIP through the separate EPA rulemaking actions. If no significant changes are made during the year, no updates will be submitted to the OFR for IBR review.

Enforceability and Legal Effect

This change to the procedures for incorporation by reference announced today will not alter in any way the enforceability or legal effect of approved SIP materials, including both those approved in the past or to be approved in the future. All material identified in the Code of Federal Regulations (CFR) and approved by EPA into a SIP after

notice-and-comment rulemaking is federally enforceable, both by EPA under CAA section 113 and by citizens under CAA section 304, where applicable. This includes all materials listed for incorporation by reference in the new section (c) (all federally-approved state regulations) and new section (d) (all source-specific SIP revisions), as well as those identified in new section (e) (all non-regulatory SIP provisions and quasi-regulatory measures). With respect to the documents listed in section (e), since no regulatory material is associated with these revisions these provisions are fully enforceable upon EPA approval into the SIP, without any incorporation by reference. To facilitate enforcement of previously approved SIP provisions and provide a smooth transition to the new SIP processing system, EPA will be retaining the current Identification of Plan section, previously appearing in the CFR as the first or second section of part 52 for each state, in an appendix to each state CFR section for a period of at least two years. This appendix will include the Identification of Plan section as it appeared in part 52 prior to adoption of the new system; it will not add any newly submitted SIP revisions to the appendix. After the initial two year period, EPA will review its experience with the new system and enforceability of previously approved SIP measures, and will decide whether or not to retain the Identification of Plan appendices for some further period.

All SIP revisions approved in the future under the revised "Identification of plan" format and IBR procedure will be federally enforceable as of the effective date of the final rulemaking in which EPA approves the SIP revision. Specifically, as of the effective date of the final rule, all provisions identified in the **Federal Register** notice announcing the SIP approval will be fully enforceable under sections 110 and 113 of the CAA, although they may not yet appear in 40 CFR part 52. Such provisions will be included in the next annual update of the CFR described above. Thus, it is not necessary that regulatory language associated with a SIP requirement have been actually incorporated by reference into the CFR to render a SIP requirement enforceable from the time of EPA approval.

In conclusion, EPA believes that the revised SIP document/IBR procedures/40 CFR part 52 format described above represents an improvement that benefits both the Government (by streamlining the current procedures and reducing the size of the documents that must be kept on file) and the interested public (by

providing a clearer description as to what constitutes the applicable SIP for each state at any given moment in time). As explained above, the revised procedures do not affect federal enforceability of the SIP, while at the same time, is consistent with the requirements of section 110(h)(1) of the CAA concerning comprehensive SIP publication. In addition, these revised procedures are consistent with the goals of the Agency's national performance review (NPR) designed to streamline EPA's regulatory requirements.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: May 14, 1997.

Carol M. Browner,

Administrator

[FR Doc. 97-13484 Filed 5-21-97; 8:45 am]

BILLING CODE 6560-50-P

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-21

RIN 3090-AG35

Pricing Practices for Reimbursable Work Authorizations

AGENCY: Public Buildings Service, General Services Administration.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule modifies the Public Buildings Service's (PBS's) pricing practices for Reimbursable Work Authorizations (RWAs). Currently, our customer agencies are billed the actual costs for supplies, materials, labor, contract costs and overhead related to the RWA. This interim rule establishes a fixed price policy for one-time RWA's, such as painting, cleaning and alterations. A fixed price RWA is one in which the authorized amount is the billed amount including all project changes. The fixed price will change only if the work request is modified or unforeseen site conditions arise. Customers will not have to pay for delays caused by GSA. Fixed price reimbursables will help PBS: Act as a provider of choice with the new delegation of alterations authority to agencies for alterations up to \$100,000;

implement predominant commercial sector pricing practices; and enhance the satisfaction and quality of service to our customers by making the work faster through streamlined processes.

DATES: Effective date: May 22, 1997.

Comment date: July 21, 1997.

ADDRESSES: Comments should be submitted to the General Services Administration, Public Buildings Service, Office of Property Management, (PM), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Jeffrey Neely, Acting Deputy Assistant Commissioner, Office of Property Management at (202) 501-0971.

SUPPLEMENTARY INFORMATION: In the past, PBS was a mandatory source on all reimbursable work done in PBS controlled buildings. However, PBS is now entering a new era. The National Performance Review and the "Can't Beat GSA Alterations Program" envision a more competitive PBS. Fixed pricing facilitates this objective. The fixed price method of charging RWAs to our customers will make their budgeting for reimbursable work an easier and more accurate process, as well as enhance their ability to make informed choices about RWA services. Billing problems should be reduced or eliminated. Total costs and a payment schedule will be determined clearly at the outset. It should also serve as incentive to PBS to ensure that the job is done efficiently and to the customer's satisfaction.

The General Services Administration has determined that this rule is not a significant regulatory action for the purposes of Executive Order 12866 of September 30, 1993. This interim rule is not required to be published in the **Federal Register** for notice and comment. Therefore, the Regulatory Flexibility Act does not apply. The Paperwork Reduction Act does not apply to this action because the proposed changes to the Federal Property Management Regulations do not impose reporting, recordkeeping or information collection requirements which require the approval of the Office of Management and Budget pursuant to 44 U.S.C. 3501, *et seq.* This rule also is exempt from congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects in 41 CFR Part 101-21

Federal buildings and services, Government property management, Space and services.