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).

If the conditional approval is converted to a disapproval under section 110(k), based on the State's failure to meet the commitment, it will not affect any existing state requirements applicable to small entities. Federal disapproval of the state submittal does not affect its state-enforceability. Moreover, EPA's disapproval of the submittal does not impose a new federal requirement.

Therefore, EPA certifies that this disapproval action does not have a significant impact on a substantial number of small entities because it does not remove existing requirements nor does it substitute a new federal requirement.

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 requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

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).

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 August 8, 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, pertaining to the final conditional interim approval of the 15% plan for the Pennsylvania portion of the Philadelphia ozone nonattainment area and the approval of the 1990 VOC emission inventory (with the exception of the revisions to the inventory of emissions for selected sources at USX—Fairless) for the same area, 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, Ozone, Reporting and record keeping requirements.

Dated: May 30, 1997.

W. Michael McCabe,

Regional Administrator, Region III.

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 NN—PENNSYLVANIA

2. Section 52.2026 is amended by adding paragraph (c) to read as follows:

§ 52.2026 Conditional Approval.

* * * * *

(c) The Commonwealth of Pennsylvania's September 12, 1996 submittal for the 15 Percent Rate of Progress Plan (15% plan) for the Pennsylvania portion of the Philadelphia ozone nonattainment area, is conditionally approved based on certain contingencies, for an interim period. The condition for approvability is as follows:

Pennsylvania must meet the conditions listed in the January 28, 1997 conditional interim Inspection and Maintenance Plan (I/M) rulemaking notice, remodel the I/M reductions using the EPA guidance memo: ''Modeling 15 Percent VOC Reductions from I/M in 1999—Supplemental Guidance'', memorandum from Gay MacGregor and Sally Shaver, dated December 23, 1996.

3. Section 52.2036 is amended by adding paragraph (i) to read as follows:

§ 52.2036 1990 Base year Emission Inventory

* * * * *

(i) The 1990 VOC emission inventory for the Philadelphia ozone nonattainment area, submitted on September 12, 1996 by Pennsylvania Department of Environmental Protection, is approved, with the exception of the revisions to the emission inventory for those sources at United States Steel—Fairless that were approved in § 52.2036 (b) on April 9, 1996.

[FR Doc. 97–14987 Filed 6–6–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[UT–NHA–02; FRL–5834–9]

Approval and Promulgation of Air Quality Implementation Plans; Utah; Improved Motor Vehicle Inspection and Maintenance Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final rule.

SUMMARY: EPA is granting interim approval of a State Implementation Plan (SIP) revision submitted by the State of Utah. This revision establishes and requires the implementation of an improved basic inspection and maintenance (I/M) program in Utah County. The intended effect of this action is to approve the State's proposed I/M program for an interim period to last 18 months, based upon the State's good faith estimate of the program's performance. This action is being taken under section 110 of the Clean Air Act and section 348 of the National Highway Systems Designation Act.

EFFECTIVE DATE: This final rule is effective on July 9, 1997.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the USEPA Region VIII (P2–A), 999 18th Street—Suite 500, Denver, Colorado 80202–2466. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

FOR FURTHER INFORMATION CONTACT: Scott P. Lee, at (303) 312–6736 or via e-

mail at lee.scott@epamail.epa.gov. The mailing address is, USEPA Region VIII (P2–A), 999 18th Street—Suite 500, Denver, Colorado 80202–2466.

SUPPLEMENTARY INFORMATION:

I. Background

On October 10, 1996 (61 FR 53180), EPA published a notice of proposed rulemaking (NPR) for the State of Utah. The NPR proposed interim approval of Utah's improved basic inspection and maintenance program for Utah County, submitted to satisfy the applicable requirements of both the Clean Air Act (CAA) and the National Highway Safety Designation Act (NHDSA). The formal SIP revision was submitted by Utah's Governor, Michael O. Leavitt, on March 15, 1996.

As described in the NPR, the NHSDA directs EPA to grant interim approval for a period of 18 months to approvable I/M submittals under the NHSDA. The NHSDA also directs EPA and the states to review the interim program results at the end of that 18-month period, and to make a determination as to the effectiveness of the interim program. Following this demonstration, EPA will adjust any credit claims made by the state in its good faith effort, to reflect the emissions reductions actually measured by the State during the program evaluation period. The NHSDA is clear that the interim approval shall last for only 18 months, and that the program evaluation is due to EPA at the end of that period. Therefore, EPA believes Congress intended for these programs to start up as soon as possible, which EPA believes should be on or before November 15, 1997, so that at least six months of operational program data can be collected to evaluate the interim programs. EPA believes that in setting such a strict timetable for program evaluations under the NHSDA, Congress recognized and attempted to mitigate any further delay with the start-up of this program. If Utah County fails to start its program according to this schedule, this interim approval granted under the provisions of the NHSDA will convert to a disapproval after a finding letter is sent to the State. The start date provision will only trigger a disapproval upon EPA's notification to the State by letter that the start date has been missed. Because the start date condition is not imposed pursuant to a commitment to correct a deficient SIP under 110(k)(4), EPA does not believe it is necessary to have the SIP approval convert to a disapproval automatically if the start date is missed. EPA is imposing the start date condition under its general SIP approval authority of section 110(k)(3), which does not require automatic conversion.

The program evaluation to be used by the State during the 18-month interim period must be acceptable to EPA. The Environmental Council of States (ECOS) group has developed such a program evaluation process which includes both qualitative and quantitative measures, and this process has been deemed acceptable to EPA. The core requirement for the quantitative measure is that a mass emission transient test (METT) be performed on 0.1% of the subject fleet, as required by the I/M Rule at 40 CFR 51.353 and 51.366.

As per the NHSDA requirements, this interim rulemaking will expire on January 11, 1999. A full approval of Utah's final I/M SIP revision for Utah County (which will include the State/County program evaluation and final adopted County/State regulations) is still necessary under section 110 and under section 182, 184 or 187 of the CAA. After EPA reviews the State/County's submitted program evaluation and regulations, final rulemaking on the State/County's SIP revision will occur.

Specific requirements of the Utah improved basic I/M SIP for Utah County and the rationale for EPA's proposed action are explained in the NPR and will not be restated here.

II. Public Comment/Response to Comments

No comments were received.

III. Final Rulemaking Action

EPA is approving the improved basic I/M program for Utah County as a revision to the Utah SIP. The State's I/M program revisions for Utah County meet requirements pursuant to sections 182 and 187 of the Act and 40 CFR part 51, subpart S and section 348 of the NHSDA for interim approval. This approval is being granted on an interim basis for a period of 18 months, under the authority of section 348 of the National Highway Systems Designation Act of 1995. At the end of this period, the approval will lapse.

Following this interim period, full approval of the State's plan and associated program credit will only be granted if the following criteria are met:

(1) EPA's review of the State/County's program evaluation confirms that the appropriate amount of program credit was claimed by the State/County and achieved with the interim program,

(2) Final program regulations are submitted to EPA.

Following a review of the State/County's credit evaluation and final rules, EPA will proceed with further rulemaking action under section 110 of the Clean Air Act.

VI. Administrative Requirements

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.

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 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.

Approvals of SIP submittals under section 110 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 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).

If this approval is converted to a disapproval, it will not affect any existing state requirements applicable to small entities. Federal disapproval of the state submittal would not affect its

state-enforceability. Moreover, EPA's disapproval of the submittal would not impose a new Federal requirement. Therefore, EPA certifies future conversion to a disapproval would not have a significant impact on a substantial number of small entities because it does not remove existing requirements nor would it substitute a new federal requirement.

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 proposed/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 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).

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 August 8, 1997.

Filing a petition for reconsideration by the Administrator of this final interim 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 Administrative Procedures Act).

List of Subjects in 40 CFR part 52

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

Dated: May 21, 1997.

Patricia D. Hull,

For Acting Regional Administrator, Region VIII.

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 TT–UTAH

2. Section 52.2348 is added to Subpart TT to read as follows:

§ 52.2348 National Highway Systems Designation Act Motor Vehicle Inspection and Maintenance (I/M) Programs

On March 15, 1996 the Governor of Utah submitted a revised I/M program for Utah County which included a credit claim, a basis in fact for the credit claimed, a description of the County's program, draft County ordinances, and authorizing legislation for the program. Approval is granted on an interim basis for a period of 18 months, under the authority of section 348 of the National Highway Systems Designation Act of 1995. If Utah County fails to start its program by November 15, 1997 at the latest, this approval will convert to a disapproval after EPA sends a letter to the State. At the end of the eighteen month period, the approval will lapse. At that time, EPA must take final rulemaking action upon the State's SIP, under the authority of section 110 of the Clean Air Act. Final action on the State/County's plan will be taken following EPA's review of the State/County's credit evaluation and final regulations (State and County) as submitted to EPA.

[FR Doc. 97–14986 Filed 6–6–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[IL–64–2–5807; FRL–5836–2]

RIN 2060–AG33

Standards of Performance for New Stationary Sources; Standards of Performance for Nonmetallic Mineral Processing Plants; Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action promulgates revisions and clarifications to several provisions of the standards of performance for nonmetallic mineral processing plants, which were proposed in the **Federal Register** on June 27, 1996 (61 FR 33415). This action presents the final revisions to the applicability, definitions, test methods and procedures, and reporting and recordkeeping requirements of the standards, and the basis for those revisions. The affected industries and numerical emission limits remain unchanged.

EFFECTIVE DATE: June 9, 1997. See the Supplementary Information section concerning judicial review.

ADDRESSES: *Docket.* Docket No. A–95–46, containing information considered by the EPA in development of the promulgated revisions to the new source performance standards (NSPS) is available for public inspection and copying between 8 a.m. and 4 p.m., Monday through Friday, at the Air and Radiation Docket and Information Center (MC–6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; telephone (202) 260–7548, fax (202) 260–4000. A reasonable fee may be charged for copying docket materials.

FOR FURTHER INFORMATION CONTACT: Mr. William Neuffer at (919) 541–5435, Emission Standards Division (MD–13), U.S. EPA, Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION:

Regulated Entities

Entities potentially regulated by EPA's final action on this promulgated rule are new, modified, or reconstructed affected facilities in nonmetallic mineral processing plants that process any of the 18 nonmetallic minerals listed in Table 1.