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SUPPLEMENTARY INFORMATION: See the information provided in the direct final rule located in the final rules section of the April 17, 1997 **Federal Register**, and in the short document located in the proposed rule section of the April 17, 1997 **Federal Register**.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Oxides of Nitrogen, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: June 4, 1997.

Felicia Marcus,

Regional Administrator.

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 removing paragraph (c)(239)(i)(D).

[FR Doc. 97-15855 Filed 6-16-97; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TN-128-6763a; TN-166-9634a; TN-180-9712a; TN-182-9713a; FRL-5841-4]

Approval and Promulgation of Implementation Plans Tennessee: Approval of Revisions to the Nashville/Davidson County Portion of the Tennessee SIP Regarding New Source Review, Volatile Organic Compounds and Emergency Episodes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: In this document, EPA is acting on revisions to the Nashville/Davidson County (Nashville) portion of the Tennessee State Implementation Plan (SIP) which were submitted to EPA by Tennessee, through the Tennessee Department of Air Pollution Control (TDAPC), on December 17, 1993, April 2, 1996, September 20, 1996, and November 14, 1996. The EPA is approving these revisions to the

Nashville regulations regarding new source review (NSR), volatile organic compounds (VOC) and emergency episodes with the exception of revisions to 7-17(c)(4)(ii) and 7-17(c)(4)(iii) which are being disapproved. The revisions to sections 7-17(c)(4)(ii) and 7-17(c)(4)(iii) are being disapproved because the revisions contain emission limits which would relax the currently approved emission limits for certain operations in the manufacture of pneumatic rubber tires.

DATES: This final rule is effective August 18, 1997 unless adverse or critical comments are received by July 17, 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 William Denman at the Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth 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 files TN128-01-6763, TN166-01-9634, TN180-01-9712, and TN182-01-9713. 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, 61 Forsyth Street, SW, Atlanta, Georgia 30303, William Denman, 404/562-9030.

Tennessee Department of Environment and Conservation, Division of Air Pollution Control, L & C Annex, 9th Floor, 401 Church Street, Nashville, Tennessee 37243-1531, 615/532-0554.

FOR FURTHER INFORMATION CONTACT: William Denman 404/562-9030.

SUPPLEMENTARY INFORMATION:

Amendments to Nashville Regulation Number 3 "New Source Review"

On April 2, 1996, (reference file TN166), September 18, 1996, (reference file TN180), and November 14, 1996, (reference file TN182), Tennessee submitted revisions to regulation number 3 "New Source Review" of the Nashville/Davidson County portion of the Tennessee SIP (Nashville SIP).

These revisions amended regulation number 3 as follows.

Section 3-1 "Definitions"

The definition of "municipal solid waste (MSW) landfill emissions" was added and the definition of "significant" was revised to contain an MSW landfill emissions level of 50 tons per year (tpy). In addition, the definition of "volatile organic compound" was revised to incorporate by reference the definition contained in 40 CFR part 51, subpart F.

Section 3-3 "Prevention of Significant Deterioration (PSD) Review"

Section 3-3(f) was revised by deleting references to supplements to Appendix W of 40 CFR part 51 which contain the "Guideline on Air Quality Models." This revision was prompted by the addition of a third supplement to this appendix. The intention of the Nashville agency is to utilize the entire guideline including all present and future supplements.

Amendments to Nashville Regulation Number 7 "Regulation for the Control of Volatile Organic Compounds"

On October 30, 1996, EPA approved the State of Tennessee's request to redesignate the five county Nashville ozone nonattainment area to attainment. One of the requirements for this approval was for the State to have a fully approved SIP for ozone control in the five county area. By approving the ozone redesignation request EPA determined that the State of Tennessee had a SIP in place which was applicable in the entire five county area, including Davidson County, and met all EPA ozone requirements. The revisions which follow revise only Nashville/Davidson County's portion of the Tennessee SIP, not the State's SIP. In any areas where the Nashville/Davidson County SIP is less stringent or has been disapproved, the State SIP applies.

On December 17, 1993, (reference file TN128), April 2, 1996, (reference file TN166), September 18, 1996, (reference file TN180), and November 14, 1996, (reference file TN182), Tennessee submitted revisions to regulation number 7 "Regulation for the Control of Volatile Organic Compounds" of the Nashville/Davidson County portion of the Tennessee SIP (Nashville SIP). Some of the proposed revisions were submitted to meet the 1990 Clean Air Act (CAA) requirements for VOC reasonably available control technology (RACT) commonly referred to as the "VOC RACT Catch-Ups." The four submittals revised Nashville's regulation number 7 as follows.

Section 7-1 "Definitions"

The definition of "volatile organic compound" was revised to incorporate by reference the definition contained in 40 CFR part 51, subpart F.

Section 7-2 "General Provisions and Applicability"

In the first submittal (reference file TN128), the section which was previously titled "Prohibited Act" was deleted in its entirety and replaced with the revised section 7-2 "General Provisions and Applicability." In a later submittal, paragraph (b) of this section was deleted in its entirety and replaced with a new paragraph (b) which more clearly provided the process for determining more restrictive emission limits upon mutual agreement of the Director and the source. In addition, the emission statement contained in paragraph (g) of this section was amended to require that an "official" of the company certify emission statement reports and to require reporting of both nitrogen oxide (NO_x) and VOC emissions.

Section 7-4 "Compliance, Certification, Recordkeeping and Reporting Requirements"

The revision to this section deleted the previous section 7-4 "Circumvention" and replaced it with section 7-4 "Compliance, Certification, Recordkeeping and Reporting Requirements" which provided requirements for sources to gather data demonstrating compliance and maintain records for a minimum of three years.

Section 7-5 "Emission Standards for Coil Coating"; Section 7-6 "Emission Standards for Paper Coating"; Section 7-7 "Emission Standards for Fabric and Vinyl Coating"; Section 7-8 "Emission Standards for Metal Furniture Coating"; and Section 7-9 "Emission Standards for Surface Coating of Large Appliances"

The proposed revisions to these sections add definitions for coil, coil coating line, coil coating operation, metal furniture, metal furniture coating line, and large appliance coating line. In addition, each of the above sections are revised to provide an emission limit which states that the regulation does not apply to sources with actual VOC emissions less than 15 pounds per day or potential VOC emissions less than 10 tons per year for each of the source categories. These revisions are consistent with EPA guidance and are therefore being approved.

Section 7-10 "Petroleum Liquid Storage"

This section was revised by changing all references of "petroleum liquid storage" to "volatile organic liquid storage." In addition, definitions for "storage vessel," "true vapor pressure," and "volatile organic liquid" were added and requirements for petroleum liquid storage were revised to be consistent with EPA guidance on volatile organic liquid storage.

Section 7-16 "Emission Standard for Surface Coating of Miscellaneous Metal Parts and Products"

The revisions to section 7-16 were to section 7-16(a), 7-16(c), and 7-16(d). The revisions are consistent with EPA guidance and are therefore being approved. The revisions are discussed as follows.

Section 7-16(a)

This section was revised to add definitions for drum, high performance architectural coating, miscellaneous parts and products, pail, and refinishing.

Section 7-16(c)

Nashville deleted the current paragraph 7-16(c) and replaced it with a new 7-16(c) adding an emission limit which states that the regulation does not apply to sources with actual VOC emissions less than 15 pounds per day or potential VOC emissions less than 10 tons per year and ten categories which may be exempt from this requirement.

Section 7-16(d)

This section was revised to specify emission limits for high performance architectural coating, clear coating, steel pail and drum interior, air-dried coating, extreme performance coating, and all other coatings.

Section 7-17 "Manufacture of Pneumatic Rubber Tires"

Paragraph (9) of section (a) was added to provide a definition for "sidewall cementing operation." Paragraphs (3) and (6) of section (c) were deleted and all paragraphs were renumbered accordingly. EPA is approving the above mentioned revisions because they are consistent with EPA guidance. In addition, it was proposed that paragraph (5) (renumbered as paragraph (4)) be deleted and replaced with a revised paragraph. However, because the limits specified in the revised paragraph were greater than the previous limits and therefore less stringent than the existing SIP and because Nashville has not provided a demonstration that this relaxation of the SIP would not

adversely affect their attainment and maintenance of the ozone standard, EPA is disapproving the revisions to the currently SIP approved limits specified in 7-17(c)(4)(ii) and 7-17(c)(4)(iii). EPA provided comments to Nashville concerning this deficiency in letters dated November 10, 1994, May 3, 1995, and August 29, 1995. However, to date EPA has not received an official submittal addressing this deficiency, and therefore, the emission limits as contained in the Nashville/Davidson County regulations are deficient and the current federally approved emission limits as contained in the SIP remain 4.6 grams per tire for tread-end cementing and 2.1 grams per tire for bead dipping.

Section 7-19 "Perchloroethylene Dry Cleaning"

This section was deleted in its entirety after perchloroethylene was exempted from regulation as a VOC due to the determination by EPA (see 61 FR 4588—February 7, 1996) that perchloroethylene has negligible photochemical reactivity and does not significantly contribute to the formation of ozone. However, perchloroethylene continues to be regulated as a hazardous air pollutant and is subject to Maximum Available Control Technology (MACT) requirements under title III of the CAA.

Section 7-20 "Petroleum Solvent Dry Cleaners"

This new chapter was added to regulate petroleum solvent dry cleaners. EPA is approving the addition of this new section because the provisions of this rule are consistent with EPA requirements for petroleum solvent dry cleaners. This rule applies to all petroleum solvent dry cleaners in Davidson County. However, any petroleum solvent dry cleaner that consumes less than 32,500 gallons of petroleum solvent per year is only subject to the recordkeeping requirements.

Section 7-21 "Petroleum Liquid Storage in External Floating Roof Tanks"

This section was revised by changing all references of "petroleum liquid storage" to "volatile organic liquid storage." In addition, a definition for "volatile organic liquid" was added and requirements for petroleum liquid storage in external floating roof tanks were revised to be consistent with EPA guidance on volatile organic liquid storage in external floating roof tanks.

Section 7-22 "Leaks from Synthetic Organic Chemical, Polymer, and Resin Manufacturing Equipment"

EPA is approving the addition of this new section. This section regulates leaks from synthetic organic chemical, polymer, and resin manufacturing equipment. The chapter is consistent with EPA guidance for this source category and applies to all equipment in VOC service in any process unit at a synthetic organic chemical, polymer, and resin manufacturing facility.

Section 7-23 "Air Oxidation Processes in the Synthetic Organic Chemical Manufacturer's Industry"

EPA is approving the renumbering of the previously numbered section 7-23 titled "Special Provisions of New Volatile Organic Compound Sources and Modifications" to section 7-26. EPA is also approving the addition of this new section 7-23. The new section 7-23 entitled, "Air Oxidation Processes in the Synthetic Organic Chemical Manufacturer's Industry" has been determined to be consistent with EPA guidance for this source category. This section applies to the following oxidation facilities: each air oxidation reactor not discharging its vent stream into a recovery system; each combination of an air oxidation reactor and the recovery stream into which its vent stream is discharged; and each combination of two or more air oxidation reactors and the common recovery system into which their vent streams are discharged.

Section 7-24 "Test Methods and Procedures"

EPA is approving revisions to this section submitted on December 17, 1993, (reference file TN128) and September 18, 1996, (reference file TN180). These revisions contain internal and external quality assurance (QA) program requirements, on-site sampling test report requirements, additional procedures for determining VOC content, provisions for determination of alternative compliance methods for surface coating operations, and leak detection methods for VOCs and add provisions for determining capture efficiency consistent with the EPA guidance issued on January 9, 1995.

Section 7-25 "Record Keeping and Reporting Requirements"

EPA is approving the deletion of this section. All requirements previously contained in this section are now contained in section 7-4 "Compliance Certification, Recordkeeping and Reporting Requirements."

Section 7-27 "Handling, Storage, Use, and Disposal of Volatile Organic Compounds (VOC)"

EPA is approving the addition of this new section which contains provisions that minimize the emission of VOCs from handling, storage, use and disposal of VOCs. This section applies to facilities which contain any source subject to any other section of the VOC regulation with the exception of any VOC material containing VOC emitted in compliance with any other section of the VOC regulation and waste paint handling systems, water treatment systems, and other similar operations at coating and printing facilities using complying coatings and/or inks.

Section 7-28 "Surface Coating of Plastic Parts"

EPA is approving the addition of this new section which contains emission limits, control requirements, and compliance, certification, recordkeeping, and reporting requirements for operations which perform the surface coating of plastic parts. The requirements of this section are consistent with the EPA Alternative Control Techniques Document for this source category. This section applies to any plastic parts coating line whose potential to emit VOCs from all plastic parts coating lines within the facility is greater than 25 tons of VOC per year and coats plastic components for automotive equipment, business machines, medical equipment housings, entertainment equipment housings, and miscellaneous plastic parts.

Addition of New Regulation Number 11 "Emergency Episode Regulation"

EPA is approving the addition of this new regulation which was submitted to EPA on November 14, 1996, (reference file TN182) because it is consistent with the requirements of 40 CFR part 51, subpart H "Prevention of Air Pollution Emergency Episodes." Regulation number 11 establishes criteria to prevent undesirable levels of air contaminants during adverse meteorological conditions. It provides the levels to determine air pollution alerts, air pollution warnings, and air pollution emergencies and requires emission reductions to achieve during these episodes.

Final Action

The EPA is approving the aforementioned revisions because they are consistent with federal requirements with the exception of the revisions to 7-17(c)(4)(ii) and 7-17(c)(4)(iii) which are being disapproved for the reasons stated in the Supplementary Section of this

notice. This rulemaking is being published without a prior proposal for approval because the Agency views this as a noncontroversial amendment 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 August 18, 1997 unless, by July 17, 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 notice that will withdraw the final action. All public comments received will be addressed in a subsequent final rule based on this action serving as a 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 August 18, 1997 unless, within 30 days of its publication, adverse or critical comments are received.

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.

I. 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 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).

EPA's disapproval of the State request under section 110 and subchapter I, part D of the CAA does not affect any existing requirements applicable to small entities. Any pre-existing federal requirements remain in place after this disapproval. Federal disapproval of the state submittal does not affect its state-enforceability. Moreover, EPA's disapproval of the submittal does not impose any new Federal requirements. 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 and impose any new Federal requirements.

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 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 18, 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).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements

Dated: May 14, 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)(153) to read as follows:

§ 52.2220 Identification of plan.

* * * * *
(c) * * *

(153) Revisions to Nashville/Davidson County portion of the Tennessee state implementation plan submitted to EPA by the State of Tennessee on December 17, 1993, April 2, 1996, September 18, 1996, and November 14, 1996, concerning new source review (NSR), control of volatile organic compounds (VOC), and emergency episodes with the exception of the revisions to 7-17(c)(4)(ii) and 7-17(c)(4)(iii) which were disapproved.

(i) Incorporation by reference.

(A) Nashville/Davidson County Air Pollution Control Regulation number 3 "New Source Review" sections 3-1(y), 3-1(hh), 3-1(jj), and 3-2(f), effective November 13, 1996.

(B) Nashville/Davidson County Air Pollution Control Regulation number 7 "Regulation for the Control of Volatile Organic Compounds" sections 7-1(mm), 7-2, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9, 7-10, 7-16(a), 7-16(c) {except section 7-16(c)(11)}, 7-16(d), 7-17(a)(9), 7-17(c) {except 7-17(c)(4)(ii), and 7-17(c)(4)(iii)}, 7-20, 7-21, 7-22, 7-23, 7-24, 7-26, 7-27, and 7-28, effective November 13, 1996.

(C) Nashville/Davidson County Air Pollution Control Regulation number 11 "Emergency Episode Regulation" effective November 13, 1996.

(ii) Other material. None.

[FR Doc. 97-15851 Filed 6-16-97; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA105-0037a; FRL-5842-6]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; San Diego County Air Pollution Control District; Yolo-Solano Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the California State Implementation Plan (SIP). The revisions concern rules from the following Districts: San Diego County Air Pollution Control District (SDCAPCD), and Yolo-Solano Air Quality Management District (YSAQMD). These revisions concern the control of oxides of nitrogen (NO_x) from stationary gas turbine engines, industrial, institutional, and commercial boilers, steam generators, and process heaters. This approval action will