

responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

##### § 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

**AD 97-24-10 Burkhardt Grob Luft-und Raumfahrt, GMBH:** Amendment 39-10217; Docket No. 95-CE-96-AD.

**Applicability:** Model G 103 Twin Astir Sailplanes, (serial numbers 3000 through 3291, with or without the suffix "T"), certificated in any category.

**Note 1:** This AD applies to each sailplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For sailplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not

been eliminated, the request should include specific proposed actions to address it.

**Compliance:** Required within the next 50 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished.

To prevent an asymmetrical airbrake deployment, which could result in an uncontrollable roll and possible loss of control of the sailplane, accomplish the following:

(a) Replace the airbrake over-center lever (Grob part number (P/N) 103-4123 (left) and 103-4124 (right), or FAA-approved equivalent part numbers) with a new part of improved design (Grob P/N 103B-4123 (left), and 103B-4124 (right), or FAA-approved equivalent part numbers) in accordance with the Procedures section of Grob Service Bulletin (SB) TM 315-47/2, dated January 20, 1993, and Grob Repair Instructions No. 315-45/2, dated October 11, 1991. Use the dimension called out in the materials list on page one of the Repair Instructions for the correct dimension of the composite sheet.

(b) Install inspection holes in accordance with the Procedure section of Grob Repair Instructions No. 315-45/2, dated October 11, 1991.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the sailplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(e) The modification and replacement required by this AD shall be done in accordance with Burkhardt Grob Luft-und Raumfahrt, GmbH G 103 Service Bulletin TM 315-47/2, dated January 20, 1993, and Burkhardt Grob Luft-und Raumfahrt, GmbH Repair Instructions No. 315-45/2, dated October 11, 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may also be obtained from Grob Luft-und Raumfahrt, GmbH., D-8939, Mattsies-am Flugplatz, Germany. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**Note 3:** The subject of this AD addresses German AD 92-309/2 Grob, dated February 26, 1993.

(f) This amendment (39-10217) becomes effective on December 29, 1997.

Issued in Kansas City, Missouri, on November 18, 1997.

**Larry E. Werth,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 97-30870 Filed 11-25-97; 8:45 am]

BILLING CODE 4910-13-P

#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Parts 52 and 70

[CA-002-PP; FRL-5926-2]

#### Clean Air Act Approval and Promulgation of Title V Operating Permits Program Revisions; State Implementation Plan Revision, Santa Barbara County Air Pollution Control District, California

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA is finalizing the approval of a revision to Rule 1301 of Regulation XIII proposed in the **Federal Register** on September 3, 1997, both as a revision to the federally-approved State Implementation Plan (SIP) and as a revision to the title V operating permit program adopted by the Santa Barbara County Air Pollution Control District (Santa Barbara, SBCAPCD, or District) on September 18, 1997. This approval action will incorporate this rule into the federally approved SIP. The intended effect of approving this revision is to allow Department of Defense (DoD) facilities to become exempt from title V of the Clean Air Act permit requirements, if the source implements an emission reduction plan that achieves a minimum reduction of 10 tons per year of ozone precursors.

Thus, EPA is finalizing the approval of this rule as a revision to the title V operating permit program, and as a revision into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

**EFFECTIVE DATE:** This action is effective on December 26, 1997.

**ADDRESSES:** Copies of the rule revision and EPA's evaluation report is available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revision is available for inspection during normal business hours at the following locations:

Permits Office (AIR-3), Air Division,  
U.S. Environmental Protection

Agency, Region IX, 75 Hawthorne Street, 17th Floor, San Francisco, CA 94105

Santa Barbara County Air Pollution Control District, 26 Castilian Drive B-23, Goleta, CA 93117

California Air Resources Board, 2020 L Street, Sacramento, CA 95814

U.S. Environmental Protection Agency, Air Docket (6102), 401 "M" Street, S.W., Washington, D.C. 20460

**FOR FURTHER INFORMATION CONTACT:** John Walser (telephone 415/744-1257), Permits Office (AIR-3), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Applicability**

The following rule is being approved into the California SIP: SBCAPCD Rule 1301—Part 70 Operating Permit Program—General Information.

##### **II. Background**

On September 3, 1997, in 62 FR 46451, EPA proposed to approve the following rule in the California SIP and as a revision to the title V program: SBCAPCD Rule 1301—Part 70 Operating Permit Program—General Information. On behalf of the District, Rule 1301 was submitted by the California Air Resources Board to EPA on October 10, 1997 as a revision to the title V program, and on October 31, 1997 as a SIP-submittal. A detailed discussion of the background for the above rule is provided in the Proposed Rulemaking (NPRM) cited above.

EPA has evaluated the above rule for consistency with the requirements of the CAA and EPA regulations and EPA interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in the NPRM cited above. EPA has found that the rule meets the applicable EPA requirements. On October 31, 1997, EPA reviewed this rule for completeness and found that the rule conformed to the completeness criteria in 40 CFR part 51, Appendix V.

##### **III. Response to Comments**

A 30 day public comment period was provided in 62 FR 46451. EPA received no comments.

##### **IV. EPA Action**

EPA is finalizing action to approve the above rule as a revision to the title V Operating Permit Program and for inclusion into the California SIP. EPA is approving the submittal under section 110(k)(3) as meeting requirements of section 110(a) and part D of the CAA.

This approval action will incorporate this rule into the federally approved SIP and revise the title V program. These revisions apply to any source under jurisdiction of the SBCAPCD that qualifies as a Part 70 source and meets the requirements for exclusion of military tactical support and/or infrastructure building maintenance equipment at a Department of Defense facility. In Santa Barbara County, only Vandenberg Air Force Base (VAFB) meets these requirements.

The revision enables VAFB to comply with Rule 370, the District's prohibitory rule, which limits the Base's potential to emit to below the title V applicability thresholds and requires VAFB to reduce its annual emissions rate of ozone precursors by at least 10 tons through the ENVVEST initiative. The rule revision also includes emission reduction plan requirements and milestones to be approved by the District and made federally-enforceable by the EPA by incorporating the rule revisions into the SIP for California, if EPA finds that the planned emission reductions are real, quantifiable, surplus, and enforceable.

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.

##### **V. Administrative Requirements**

###### **A. Docket**

Copies of Santa Barbara's submittal and other information relied upon for final actions are contained in docket number CA-002-PP maintained at the EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this final rulemaking. The docket is available for public inspection at the location listed under the ADDRESSES section of this document.

###### **B. Regulatory Flexibility Act**

The EPA's actions under section 502 of the Act do not create any new requirements, but simply address revisions to Santa Barbara's existing operating permits program that was submitted to satisfy the requirements of 40 CFR part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

##### **C. Unfunded Mandates**

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a federal mandate that may result in estimated costs to state, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated today 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 federal requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

##### **D. Executive Order 12866**

The Office of Management and Budget has exempted this action from review under Executive Order 12866.

##### **E. 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" as defined by 5 U.S.C. 804(2).

##### **F. 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 January 26, 1998. 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

##### 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Sulfur oxides, Volatile organic compounds.

##### 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

**Note:** Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Date Signed: November 14, 1997.

**Felicia Marcus,**

*Regional Administrator.*

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 adding and reserving paragraphs (c)(247) through (c)(249) and by adding paragraph (c)(250) to read as follows:

##### § 52.220 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(247) [Reserved]

(248) [Reserved]

(249) [Reserved]

(250) New regulations for the following APCD were submitted on October 31, 1997, by the Governor's designee.

(i) Incorporation by reference.

(A) Santa Barbara County Air Pollution Control District.

(I) Rule 1301 adopted on September 18, 1997.

#### PART 70—[AMENDED]

1. The authority citation for part 70 continues to read as follows:

**Authority:** 42 U.S.C. 7401, *et seq.*

2. Appendix A to part 70 is amended by revising paragraph (aa) to the entry for California to read as follows:

#### Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

\* \* \* \* \*

##### California

\* \* \* \* \*

(aa) Santa Barbara County Air Pollution Control District (APCD) submitted on November 15, 1993, as amended March 2, 1994, August 8, 1994, December 8, 1994, June 15, 1995, and September 18, 1997; interim approval effective on December 1, 1995; interim approval expires on October 1, 1998.

\* \* \* \* \*

[FR Doc. 97–30951 Filed 11–25–97; 8:45 am]

BILLING CODE 6560–50–P

#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 52

[IL162–1a; FRL–5926–6]

#### Approval and Promulgation of Implementation Plans; Illinois

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** On September 8, 1997, the State of Illinois submitted a State Implementation Plan (SIP) revision request to the Environmental Protection Agency (EPA) which tightens Volatile Organic Material (VOM) regulations for cold cleaning degreasing operations in the Chicago and Metro-East ozone nonattainment areas. VOM, as defined by the State of Illinois, is identical to “Volatile Organic Compounds” (VOC), as defined by EPA. VOM combines with oxides of nitrogen in the atmosphere to form ground-level ozone, commonly known as smog. Exposure to ozone is associated with a wide variety of human health effects, agricultural crop loss, and damage to forests and ecosystems. The State intends to include the tightened cold cleaning degreasing regulations as part of its 1999 and 2002 Rate-Of-Progress (ROP) Plans. Illinois expects that the control measures specified in this SIP revision will reduce VOM emissions by 11.35 tons per day (TPD) by 1999 in the Chicago area and 0.79 TPD by 1999 in the Metro-East area. This rulemaking action approves, through direct final, the Illinois SIP revision request.

**DATES:** The “direct final” is effective on January 26, 1998, unless EPA receives written adverse or critical comments by December 26, 1997. If the effective date is delayed, timely notice will be published in the **Federal Register**.

**ADDRESSES:** Copies of this SIP revision request is available for inspection at the following address:

U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Mark J. Palermo, Environmental Protection Specialist at (312) 886–6082 before visiting the Region 5 Office.)

Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** Mark J. Palermo, Environmental Protection Specialist, at (312) 886–6082.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Section 182(c)(2)(B) of the Clean Air Act (Act) requires any serious and above ozone nonattainment area to achieve post–1996 ROP reductions of 3 percent of VOC 1990 baseline emissions per year, averaged over each consecutive 3 year period, until the area has achieved attainment of the 1-hour ozone National Ambient Air Quality Standard. In Illinois, the Chicago area (Cook, DuPage, Kane, Lake, McHenry, Will Counties and Aux Sable and Goose Lake Townships in Grundy County and Oswego Township in Kendall County) is classified as “severe” nonattainment for the 1-hour ozone standard. As such, the Chicago nonattainment area is subject to the post–1996 ROP requirement.

The Act specifies under section 182(b)(1)(C) that emission reductions claimed under ROP plans must be achieved through the implementation of control measures through revisions to the SIP, the promulgation of Federal rules, or through permits under Title V of the Act. Control measures implemented before November 15, 1990, are precluded from counting toward ROP reduction.

Illinois has submitted tightened cold cleaning degreasing rules for the control of VOC as a revision to the SIP for the purpose of meeting post–1996 ROP requirements for the Chicago ozone nonattainment area. These tightened rules also apply to the Metro-East moderate ozone nonattainment area (Madison, Monroe, and St. Clair Counties), to help the area reach attainment.

A public hearing on the tightened rules was held on March 4, 1997, in Chicago, Illinois. The rules were adopted by the Illinois Pollution Control Board on June 5, 1997. The rules