Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because 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 create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of 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).

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 annual 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 annual 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 Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit 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 United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major'' rule as defined by 5 U.S.C. 804(2).

E. Petitions for Judicial Review

Under section 307(b)(1) of the 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 November 23, 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 in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 8, 1998.

Felicia Marcus,

Regional Administrator, Region IX.

Subpart F of 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 *et seq.*

Subpart F—California

2. Section 52.222 is being amended by adding paragraph (a)(5) to read as follows:

§ 52.222 Negative declarations.

(a) * * *

(5) San Diego County Air Pollution Control District. (i) Synthetic organic chemical manufacturing (distillation), synthetic organic chemical manufacturing (reactors), wood furniture, plastic parts coatings (business machines), plastic parts coatings (other), offset lithography, industrial wastewater, autobody refinishing, and volatile organic liquid storage were submitted on February 25, 1998 and adopted on October 22, 1997.

* * * * *

[FR Doc. 98–25328 Filed 9–22–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 206–0096a; FRL–6164–4]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Placer County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on revisions to the California State Implementation Plan. The revisions concern negative declarations from the Placer County Air Pollution Control District (PCAPCD) for seven source categories that emit volatile organic compounds (VOC) and five source categories that emit oxides of nitrogen (NO_X). The PCAPCD has certified that these source categories are not present in the District and this information is being added to the federally approved State Implementation Plan (SIP). The intended effect of approving these negative declarations is to meet the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). Thus, EPA is finalizing the approval of these revisions 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.

DATES: This rule is effective on November 23, 1998 without further notice, unless EPA receives adverse comments by October 23, 1998. If EPA receives such comments, it will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Written comments must be submitted to Andrew Steckel, Rulemaking Office, Air Division, (AIR–4) at the address below. Copies of the submitted negative declarations are available for public inspection at EPA's Region IX office and also at the following locations during normal business hours.

Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105

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

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95812

Placer County Air Pollution Control District, 11464 ''B'' Avenue, Auburn, CA 95603

FOR FURTHER INFORMATION CONTACT: Julie A. Rose, Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1184.

SUPPLEMENTARY INFORMATION:

I. Applicability

The revisions being approved as additional information for the California SIP include seven negative declarations for VOC source categories from the PCAPCD: (1) aerospace coatings, (2) industrial waste water treatment, (3) plastic parts coatings (business machines), (4) plastic parts coatings (other), (5) shipbuilding and repair, (6) synthetic organic chemical manufacturing (SOCMI)—batch plants, and (7) SOCMI—reactors. The revision also includes five negative declarations for NO_X source categories from the PCAPCD: (1) Nitric and Adipic Acid Manufacturing Plants, (2) Utility Boilers, (3) Cement Manufacturing Plants, (4) Glass Manufacturing Plants, and (5) Iron and Steel Manufacturing Plants. These negative declarations were submitted by the California Air Resources Board (CARB) to EPA on February 25, 1998.

II. Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 Act or pre-amended Act), that included the PCAPCD within the Sacramento Metropolitan Area (SMA). 43 FR 8964, 40 CFR 81.305. Because these areas were unable to meet the statutory attainment date of December 31, 1982, California requested under section 172 (a)(2), and EPA approved, an extension of the attainment date to December 31, 1987. (40 CFR 52.222). On May 26, 1988, EPA notified the Governor of California, pursuant to section 110(a)(2)(H) of the 1977 Act, that the above district's portion of the California SIP was inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Pub. L. 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q.

In amended section 182(b)(2) of the CAA, Congress statutorily adopted the requirement that States must develop reasonably available control technology (RACT) rules for VOC sources ''covered by a Control Techniques Guideline (CTG) document issued by the Administrator between November 15, 1990 and the date of attainment.'' On April 28, 1992, in the **Federal Register**, EPA published a CTG document which indicated EPA's intention to issue CTGs for eleven source categories and EPA's requirement to prepare CTGs for two additional source categories within the same time frame. This CTG document established time tables for the submittal of a list of applicable sources and the submittal of RACT rules for those major sources for which EPA had not issued a CTG document by November 15, 1993. The CTG specified that states were required to submit RACT rules by November 15, 1994 for those categories for which EPA had not issued a CTG document by November 15, 1993.

Section 182(f) contains the air quality planning requirements for the reduction of NO_X emissions through RACT. On November 25, 1992, EPA published a proposed rule entitled ''State Implementation Plans; Nitrogen Oxides Supplement to the General Preamble; Clean Air Act Amendments of 1990 Implementation of Title I; Proposed Rule,'' (the NO_X Supplement) which describes the requirements of section 182(f). The NO_X Supplement should be referred to for further information on the NO_X requirements and is incorporated into this document by reference. Section 182(f) of the Clean Air Act requires states to apply the same requirements to major stationary sources of NO_X (''major'' as defined in section 302 and section 182(c), (d), and (e)) as are applied to major stationary sources of volatile organic compounds (VOCs), in moderate or above ozone nonattainment areas. Since the SMA is classified as a severe nonattainment area for ozone, it is also subject to the RACT requirements of section 182(b)(2), cited above.

Section 182(b)(2) requires submittal of RACT rules for major stationary sources of VOC emissions (not covered by a pre-enactment control technique guidelines (CTG) document or a post-enactment CTG document) by November 15, 1992. There were no NO_X CTGs issued before enactment and EPA has not issued a CTG document for any NO_X category since enactment of the CAA.

Section 182(b)(2) applies to areas designated as nonattainment prior to enactment of the amendments and classified as moderate or above as of the date of enactment. The SMA is classified as severe;[1] therefore, SMA was subject to the post-enactment CTG requirement and the November 15, 1994 deadline. For source categories not represented within the portions of the SMA designated nonattainment for ozone, EPA requires the submission of a negative declaration certifying that those sources are not present.

The seven VOC and five NO_X negative declarations were adopted on October 9, 1997 and submitted by the State of California on February 25, 1998. The submitted negative declarations were found to be complete on April 7, 1998 pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51 Appendix V[2] and are being finalized for approval into the SIP as additional information.

This document addresses EPA's direct final action for the PCAPCD negative declarations for the following VOC categories: (1) aerospace coatings, (2) industrial waste water treatment, (3) plastic parts coatings (business machines), (4) plastic parts coatings (other), (5) shipbuilding and repair, (6) SOCMI—batch plants, and (7) SOCMI—reactors. The submitted negative declarations represent seven of the thirteen source categories listed in EPA's CTG document.[3] The submitted negative declarations certify that there are no major facilities in these VOC or NO_X source categories located inside PCAPCD's portion of the SMA. VOCs contribute to the production of ground level ozone and smog. These negative declarations were adopted as part of PCAPCD's effort to meet the requirements of section 182(b)(2) of the CAA.

This document also addresses EPA's direct final action for the PCAPCD

[1] Sacramento Metropolitan Area retained its designation of nonattainment and was classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. See 55 FR 56694 (November 6, 1991). The Sacramento Metropolitan Area was reclassified from serious to severe on June 1, 1995. See 60 FR 20237 (April 25, 1995).

[2] EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

[3] PCAPCD has submitted RACT rules for five VOC source categories: Autobody Refinishing, Clean Up Solvents, Offset Lithography, Volatile Organic Liquid Storage Tanks, and Wood Furniture. PCAPCD is reviewing the Achieveable Control Technology (ACT) document on SOCMI Distillation to determine whether if they have a major source in that source category.

negative declarations for the following NO_X categories: (1) Nitric and Adipic Acid Manufacturing Plants, (2) Utility Boilers, (3) Cement Manufacturing Plants, (4) Glass Manufacturing Plants, and (5) Iron and Steel Manufacturing Plants. The submitted negative declarations represent five of the nine required NO_X source categories.[4] NO_X contributes to the production of ground level ozone and smog. These negative declarations were adopted as part of PCAPCD's effort to meet the requirements of section 182(b)(2) of the CAA.

III. EPA Evaluation and Action

In determining the approvability of a negative declaration, EPA must evaluate the declarations for consistency with the requirements of the CAA and EPA regulations, as found in section 110 of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans).

An analysis of PCAPCD's emission inventory revealed that there are no major sources of VOC emissions from: aerospace coatings, industrial waste water treatment, plastic parts coatings (business machines), plastic parts coatings (other), shipbuilding and repair, SOCMI—batch plants, and SOCMI—reactors. An analysis of PCAPCD's emission inventory also revealed that there are no major sources of NO_X emissions from: Nitric and Adipic Acid Manufacturing Plants, Utility Boilers, Cement Manufacturing Plants, Glass Manufacturing Plants, and Iron and Steel Manufacturing Plants. PCAPCD's review of their permit files also indicated that major sources in these source categories do not exist in the PCAPCD. In a Resolution dated October 9, 1997, the PCAPCD Board affirmed that the PCAPCD does not have any major stationary sources in these source categories located within the federal ozone nonattainment planning area.

EPA has evaluated these negative declarations and has determined that they are consistent with the CAA, EPA regulations, and EPA policy. PCAPCD's negative declarations for the VOC and NO_X sources listed above are being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and Part D.

[4] PCAPCD has submitted RACT rules for two source categories: Stationary Combustion Gas Turbines and Biomass Boilers. PCAPCD has also developed rules for Process Heaters and Industrial, Commercial, and Institutional Boilers. PCAPCD is reviewing the ACT for Stationary Internal Combustion Engines to determine whether a major source exists in that district.

EPA is publishing this document without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, the EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This action will be effective November 23, 1998, without further notice unless the Agency receives adverse comments by October 23, 1998.

If the EPA receives such comments, then EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this rule. Any parties interested in commenting on this rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on November 23, 1998, and no further action will be taken on the proposed rule.

IV. Administrative Requirements

A. Executive Orders 12866 and 13045

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, entitled ''Regulatory Planning and Review.''

The final rule is not subject to E.O. 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks,'' because it is not an ''economically significant'' action under E.O. 12866.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because 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 create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of 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).

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 annual 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 annual 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 Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit 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 United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major'' rule as defined by 5 U.S.C. 804(2).

E. Petitions for Judicial Review

Under section 307(b)(1) of the 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 November 23, 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 in 40 CFR Part 52

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

Dated: September 8, 1998.

Felicia Marcus,

Regional Administrator, Region IX.

Subpart F of 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 *et seq.*

Subpart F—California

2. Section 52.222 is being amended by adding paragraphs (a)(4) and (b)(2) to read as follows:

§ 52.222 Negative declarations.

(a) * * *

(4) Placer County Air Pollution Control District.

(i) Aerospace Coatings; Industrial Waste Water Treatment; Plastic Parts Coating: Business Machines; Plastic Parts Coating: Other; Shipbuilding and Repair; Synthetic Organic Chemical Manufacturing, Batch Plants; and Synthetic Organic Chemical Manufacturing, Reactors were submitted on February 25, 1998 and adopted on October 7, 1997.

* * * * *

(b) * * *

(3) Placer County Air Pollution Control District.

(i) Nitric and Adipic Acid Manufacturing Plants, Utility Boilers, Cement Manufacturing Plants, Glass Manufacturing Plants, and Iron and Steel Manufacturing Plants were submitted on February 25, 1998 and adopted on October 9, 1997.

[FR Doc. 98–25330 Filed 9–22–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[AD–FRL–6165–8]

Clean Air Act Final Approval Of Amendments to Title V Operating Permits Program; Pima County Department of Environmental Quality, Arizona

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is promulgating final approval of the following revisions to the operating permits program submitted by the Arizona Department of Environmental Quality (''DEQ'') on behalf of the Pima County Department of Environmental Quality (''Pima'' or ''County''): a revision to the fee provisions; and a revision that will defer the requirement for minor sources subject to standards under sections 111 or 112 of the Act to obtain title V permits, unless such sources are in a source category required by EPA to obtain title V permits. EPA is also promulgating final approval under section 112(l) of Pima's program for delegation of section 112 standards as they apply to sources not required to obtain a title V permit.

EPA took final action on Pima's title V operating permits program on October 30, 1996 (61 FR 55910). However, because Pima's title V program contains certain flaws, EPA did not fully approve it, but instead granted the program an ''interim approval.'' Under its interim approval, Pima is required to adopt and submit program changes to EPA that will correct its program flaws. The program revisions being approved in this document do not address the program issues identified by EPA. This final action approving revisions to Pima's title V program therefore does not constitute a full approval of Pima's title V program.

DATES: This rule is effective on October 23, 1998.

ADDRESSES: Copies of Pima's submittals and other supporting information used in developing this final approval are available for inspection (AZ–Pima–97–1–OPS and AZ–Pima–97–2–OPS) during normal business hours at the following location: U.S. Environmental Protection Agency, Region 9; 75 Hawthorne Street; San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT: Erica Ruhl (telephone 415–744–1171), Mail Code AIR–3, U.S. Environmental Protection Agency, 75 Hawthorne Street; San Francisco, CA 94105.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

As required under title V of the Clean Air Act as amended (1990), EPA has promulgated rules that define the minimum elements of an approvable state operating permits program and the corresponding standards and procedures by which the EPA will approve, oversee, and withdraw approval of state operating permits programs (57 FR 32250, July 21, 1992). These rules are codified at 40 CFR part 70. Title V requires states to develop and submit to EPA, by November 15, 1993, programs for issuing these operating permits to all major stationary sources and to certain other sources. The EPA's program review occurs pursuant to section 502 of the Act, which outlines criteria for approval or disapproval.

On November 15, 1993, Pima's title V program was submitted. EPA proposed interim approval of the program on July 13, 1995 (60 FR 36083). The fee provisions of the program were found to be fully approvable. On November 14, 1995, in response to changes in state law, Pima amended its fee provisions under Chapter 12, Article VI of Title 17 of the Pima County Air Quality Control Code. Those changes were submitted to EPA on January 14, 1997, after it promulgated final interim approval of Pima's title V program (61 FR 55910, October 30, 1996). EPA subsequently proposed to approve Pima's revised fee provisions (62 FR 16124, April 4, 1997).

On July 17, 1997, EPA received a submittal from ADEQ on behalf of Pima requesting that EPA approve a revision to the applicability provisions of Pima's title V program. Because EPA's evaluation of Pima's title V fee provisions takes into account the numbers and types of sources requiring permits, EPA decided it would be appropriate to reevaluate the approvability of the fee changes in the context of the change to program applicability. EPA therefore withdrew its proposed approval of Pima's revised fee program (63 FR 7109, February 12, 1998) and, in the same document, proposed approval of the changes to Pima's fee and applicability provisions.