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**SUPPLEMENTARY INFORMATION:** EPA is today amending the table of currently approved information collection request (ICR) control numbers issued by OMB for various regulations. Today's amendment updates the table to list those information requirements promulgated under the PRA for Environmental Impact Assessment of Nongovernmental Activities in Antarctica which appeared in the **Federal Register** on April 30, 1997 (62 FR 23538-23549). The affected regulations are codified at title 40 of the Code of Federal Regulations (CFR), part 8. EPA will continue to present OMB control numbers in a consolidated table format to be codified in 40 CFR part 9 of the Agency's regulations, and in each CFR volume containing EPA regulations. The table lists the section numbers with reporting and recordkeeping requirements, and the current OMB control numbers. This listing of the OMB control numbers and their subsequent codification in the CFR satisfy the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and OMB's implementing regulations at 5 CFR part 1320.

Because of the importance of facilitating the prompt entry into force of Protocol on Environmental Protection to the Antarctic Treaty, EPA stated in its Preamble to the final rule that it believed it had good cause under 5 U.S.C. 553(b)(B) to find that implementation of notice and comment procedures for the interim final rule would be contrary to the public interest and unnecessary. For these reasons, the interim final regulations were issued without notice and an opportunity to comment. In addition, for the same reasons, under 5 U.S.C. 553(d)(3), the interim final regulations took effect immediately upon publication. As a result, EPA finds that there is "good cause" under section 553(b)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(B)) to amend this table without prior notice and comment. Due to the technical nature of the table, further notice and comment would be unnecessary.

**List of Subjects in 40 CFR Part 9**

Reporting and recordkeeping requirements.

Dated: August 13, 1997.

**William D. Dickerson,**  
*Acting Director, Office of Federal Activities.*

For the reasons set out in the preamble, 40 CFR part 9 is amended as follows:

**PART 9—OMB APPROVALS UNDER THE PAPERWORK REDUCTION ACT**

1. The authority citation for part 9 continues to read as follows:

**Authority:** 7 U.S.C. 135 *et seq.*, 136-136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601-2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971-1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g-1, 300g-2, 300g-3, 300g-4, 300g-5, 300g-6, 300j-1, 300j-2, 300j-3, 300j-4, 300j-9, 1857 *et seq.*, 6901-6992k, 7401-7671q, 7542, 9601-9657, 11023, 11048.

2. Section 9.1 is amended by adding a new centerheading and entry in numerical order to the table to read as follows:

**§ 9.1 OMB approvals under the Paperwork Reduction Act.**

\* \* \* \* \*

40 CFR citation	OMB control No.

\* \* \* \* \*

**Environmental Impact Assessment of Nongovernmental Activities in Antarctica**

8.5-8.10—2020-0007

\* \* \* \* \*

[FR Doc. 97-21964 Filed 8-20-97; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[PA-4051a; FRL-5865-8]

**Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of VOC and NO<sub>x</sub> RACT Determinations for Individual Sources**

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision establishes and requires volatile organic compounds (VOC) and nitrogen oxides (NO<sub>x</sub>) reasonably available control technology (RACT) on two major

sources located in Pennsylvania. The intended effect of this action is to approve source-specific operating permits that establish the above-mentioned RACT requirements in accordance with the Clean Air Act. This action is being taken under section 110 of the Clean Air Act.

**DATES:** This action is effective October 20, 1997 unless notice is received on or before September 22, 1997 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register**.

**ADDRESSES:** Comments may be mailed to David J. Campbell, Air, Radiation, and Toxics Division, Mailcode 3AT22, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

**FOR FURTHER INFORMATION CONTACT:** Rose Quinto, (215) 566-2182, at the EPA Region III office or via e-mail at quinto.rose@epamail.epa.gov. While information may be requested via e-mail, any comments must be submitted in writing to the above Region III address.

**SUPPLEMENTARY INFORMATION:** On January 10, 1996 and September 13, 1996, the Commonwealth of Pennsylvania submitted formal revisions to its State Implementation Plan (SIP). Each source subject to this rulemaking will be identified and discussed below. Any plan approvals and operating permits submitted coincidentally with those being approved in this document, and not identified below, will be addressed in a separate rulemaking action.

Pursuant to sections 182(b)(2) and 182(f) of the Clean Air Act (CAA), Pennsylvania is required to implement RACT for all major VOC and NO<sub>x</sub> sources by no later than May 31, 1995. The major source size is determined by its location, the classification of that area and whether it is located in the ozone transport region (OTR), which is established by the CAA. The

Pennsylvania portion of the Philadelphia ozone nonattainment area consists of Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties and is classified as severe. The remaining counties in Pennsylvania are classified as either moderate or marginal nonattainment areas or are designated attainment for ozone. However, under section 184 of the CAA, at a minimum, moderate ozone nonattainment area requirements (including RACT as specified in sections 182(b)(2) and 182(f)) apply throughout the OTR. Therefore, RACT is applicable statewide in Pennsylvania. The Pennsylvania

submittals that are the subject of this notice are meant to satisfy the RACT requirements for two sources in Pennsylvania.

**Summary of SIP Revision**

The details of the RACT requirements for the source-specific plan approvals and operating permits can be found in the docket and accompanying technical support document (TSD) and will not be reiterated in this notice. Briefly, EPA is approving a revision to the Pennsylvania SIP pertaining to the determination of RACT for two major sources. The operating permits contain conditions irrelevant to the

determination of VOC or NO<sub>x</sub> RACT. Consequently, these provisions are not being included in this approval for source-specific VOC or NO<sub>x</sub> RACT.

**RACT Determinations**

The following table identifies the individual operating permits EPA is approving. The specific emission limitations and other RACT requirements for these sources are summarized in the accompanying technical support document, which is available upon further request, from the EPA Region III office listed in the ADDRESSES section of this document.

PENNSYLVANIA—VOC AND NO<sub>x</sub> RACT DETERMINATIONS FOR INDIVIDUAL SOURCES

Source	County	Plan approval (PA #) operating permit (OP #) compliance permit (CP #)	Source type	"Major source" pollutant
Heinz Pet Products .....	Columbia .....	OP-19-0003	Pet food processing and can manufacturing ... Children's products manufacturing (surface coating).	VOC VOC
Graco Children's Products, Inc .....	Chester .....	OP-15-0006		

EPA is approving this SIP revision without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective October 20, 1997 unless, by September 22, 1997, adverse or critical comments are received.

If EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. 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 on October 20, 1997. If adverse comments are received that do not pertain to all documents subject to this rulemaking action, those documents not affected by the adverse comments will be finalized in the manner described here. Only those documents that receive adverse comments will be withdrawn in the manner described here.

**Final Action**

EPA is approving two operating permits as RACT for two individual sources.

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.

**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).

*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 Federal 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 October 20, 1997. Filing a petition for reconsideration by the Regional 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 to approve VOC and NO<sub>x</sub> RACT determinations for a number of individual sources in Pennsylvania as a revision to the Commonwealth's SIP 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, Nitrogen

dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: July 22, 1997.

**Thomas Voltaggio,**  
*Acting Regional Administrator, Region III.*

40 CFR part 52 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 52.2020 is amended by adding paragraph (c)(119) to read as follows:

**§ 52.2020 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(119) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC and NO<sub>x</sub> RACT, submitted on January 10, 1996 and September 13, 1996 by the Pennsylvania Department of Environmental Resources (now known as the Pennsylvania Department of Environmental Protection):

(i) Incorporation by reference.

(A) Two letters submitted by the Pennsylvania Department of Environmental Resources (now, the Pennsylvania Department of Environmental Protection) transmitting source-specific VOC and/or NO<sub>x</sub> RACT determinations in the form of operating permits on the following dates: January 10, 1996 and September 13, 1996.

(B) Operating permits (OP):

(1) Heinz Pet Products, Columbia County, OP-19-0003, effective November 27, 1995, except for the expiration date of the operating permit and conditions No. 15 through No. 24 pertaining to non-VOC and non-NO<sub>x</sub> pollutants.

(2) Graco Children's Products, Inc., Chester County, OP-15-0006, effective November 30, 1995, except for the expiration date of the operating permit.

(ii) Additional material.

(A) Remainder of the Commonwealth of Pennsylvania's January 10, 1996 and September 13, 1996 submittals.

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[FR Doc. 97-22069 Filed 8-20-97; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 69**

[FRL-5878-6]

**Special Exemptions From Requirements of the Clean Air Act for the Territory of Guam**

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

**ACTION:** Final rule.

**SUMMARY:** On February 11, 1997, the Governor of Guam submitted a petition ("Petition") to the Administrator of EPA seeking a waiver of certain Clean Air Act ("CAA") requirements which apply to two baseload diesel electric generators to be located at the Piti Power Plant on Guam. The Petition was submitted pursuant to Section 325(a) of the CAA. The waiver will help to ease a serious and ongoing energy emergency on Guam. Based upon the information in the Petition, EPA proposed to grant the waiver requested on June 30, 1997. 62 FR 35113. EPA received no comments on its proposal.

**EFFECTIVE DATE:** August 15, 1997.

**FOR FURTHER INFORMATION CONTACT:** Norman Lovelace, Chief, Insular Area Program, Cross Media Division (CMD-5), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, California 94105. Telephone: (415) 744-1599.

**SUPPLEMENTARY INFORMATION:**

**Background**

Via a letter dated February 11, 1997, Governor Gutierrez of Guam submitted a petition ("Petition") to the Administrator of EPA. The Petition seeks a waiver of certain Clean Air Act ("CAA") requirements for the construction of two 45 megawatt baseload slow speed diesel electric generators and associated waste heat recovery boilers with a steam generator. These units will be part of the Piti Power Plant. The units will be designated as Piti Units No. 8 and No. 9. Based upon the information in the Petition, EPA proposed to grant the waiver requested on June 30, 1997. 62 FR 35113.

The waiver application seeks to allow construction of Piti Units No. 8 and No. 9 prior to receipt of a Prevention of Significant Deterioration ("PSD") permit. Neither of these Piti Units will operate prior to receipt of a final PSD permit.

EPA received no comments regarding its proposal to grant the waiver. Therefore, EPA is issuing the waiver as proposed.