

to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action 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 this **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 Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 22, 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.

List of Subjects in 40 CFR Part 52

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

Dated: October 9, 1997.

David A. Ullrich,

Acting Regional Administrator.

Parts 52 of chapter I, title 40 of the Code of Federal Regulations are 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 Y—Minnesota

2. Section 52.1237 is amended by adding paragraph (b) to read as follows:

§ 52.1237 Control strategy: Carbon monoxide.

* * * * *

(b) Approval—The 1993 carbon monoxide periodic emission inventory requirement of section 187(a)(5) of the Clean Air Act, as amended in 1990, has

been satisfied for the following areas: the counties of the Twin cities seven county Metropolitan area (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington), and Wright.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IA 016–1016; FRL–5912–6]

Approval and Promulgation of Implementation Plans and Approval Under Section 112(l); State of Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is taking final action on a proposed rulemaking published July 29, 1996 (61 FR 39375). This final action includes provisions related to open burning, new source review requirements in nonattainment areas, and test method and definition updates.

DATES: This rule is effective on November 24, 1997.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the: Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101; and the EPA Air & Radiation Docket and Information Center, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Christopher D. Hess at (913) 551–7213.

SUPPLEMENTARY INFORMATION: During the public comment period of the proposed rulemaking published July 29, 1996 (61 FR 39375), and closing August 28, 1996, the EPA did not receive any comments. However, a notice reopening the public comment period was published on September 17, 1996 (61 FR 48873), requested by interested persons who desired more time to address the construction permit exemption provisions contained in the original July 29, 1996, proposed rulemaking. During the reopened public comment period, the EPA received one comment from the state of Iowa. The nature of this comment was to request an additional revision to the State Implementation Plan (SIP) concerning the construction permit exemptions. In correspondence dated September 27, 1996, the Director of the Iowa Department of Natural Resources, Larry J. Wilson, requested a revision to the SIP that would allow

retroactive application of the construction permit exemptions proposed for approval in the July 29, 1996, notice.

After careful analysis, the EPA has elected to address approval of the minor source construction permit exemptions and the request for retroactive approval in a separate rulemaking at a later date. The EPA has analyzed this rule to determine that it has no impact on the other rule revisions that were proposed for approval in the July 29, 1996, proposal. Therefore, the EPA can take action on the other rule revisions at this time, and take a separate action on the exemption rule.

In this final rulemaking, the EPA is approving those portions of the original proposal that include amendments to the Iowa open burning rule, a permit by rule provision for spray booths, revisions to Iowa's major new source permit rule for nonattainment areas, a revised definition of "volatile organic compounds," and updates to Iowa's compliance sampling test methods. The EPA's rationale for approval of these revisions is contained in the July 29, 1996, notice previously described, and no comments were received on the proposed approval of these revisions.

Furthermore, the EPA has determined that the permit by rule for spray booths contained in IAC 567–22.8(1) meets the requirements regarding limitations on potential to emit (PTE) under section 112(l). Therefore, insofar as the rule applies to hazardous air pollutants, it is approved under section 112(l) as well as section 110 of the Act. The EPA is also approving IAC rule 567–22.3(6) which limits PTE for new sources under section 112(l).

I. Final Action

The EPA is taking final action on the revisions described in the July 29, 1996, proposed rulemaking regarding the permit by rule provision for spray booths, open burning, new source review requirements in nonattainment areas, and definition and test method updates.

The permit by rule for spray booths is approved under both section 110 for criteria pollutants as well as under section 112(l) as it relates to hazardous air pollutants. The EPA is also approving the IAC rule 567–22.3(6) which limits PTE for new sources under 112(l).

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental

factors, and in relation to relevant statutory and regulatory requirements.

II. Administrative Requirements

A. Executive Order 12866

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

B. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, the 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, the 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 the EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The 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 preexisting 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.

C. Regulatory Flexibility Act

SIP approvals under section 110 and subchapter I, Part D of the Clean Air Act (CAA) do not create any new requirements but simply approve requirements that the state is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, 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 regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids the EPA to base its actions concerning SIPs on such grounds (*Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2)).

D. 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, the 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 this rule in today's **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 CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 22, 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, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: September 25, 1997.

Dennis Grams, P.E.,
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 Q—Iowa

2. Section 52.820 is amended by adding paragraph (c)(64) to read as follows:

§ 52.820 Identification of plan.

* * * * *

(c) * * *

(64) In correspondence dated February 16, 1996, February 19, 1996, and February 27, 1996, the Director of the Iowa Department of Natural Resources (IDNR) submitted revisions to

the State Implementation Plan concerning open burning, new source review (NSR) requirements for nonattainment areas, test method and definition updates.

(i) Incorporation by reference.

(A) "Iowa Administrative Code," section 567-22.8(1), effective July 12, 1995, containing a permit by rule for spray booths.

(B) "Iowa Administrative Code," sections 567-23.2(3); 23.2(4), effective April 19, 1995, addressing open burning.

(C) "Iowa Administrative Code," sections 567-22.5 (2)-(6), (8)-(10), effective March 20, 1996. These rules address NSR requirements in nonattainment areas.

(D) "Iowa Administrative Code," sections 567-20.2; 22.4(1); and 25.1(9), effective July 12, 1995. These rules address test method and definition updates.

(E) "Iowa Administrative Code," section 567-31.1, effective February 22, 1995. This rule addresses permit requirements relating to nonattainment areas.

(ii) Additional material.

(A) Letter dated July 11, 1997, from Pete Hamlin, IDNR, to Wayne Leidwanger, EPA, requesting approval under 112(l).

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[KY95-9722a; IN82a-1; FRL-5901-2]

Clean Air Act Promulgation of Extension of Attainment Date for Ozone Nonattainment Area; Kentucky; Indiana

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Direct final rule.

SUMMARY: The U.S. Environmental Protection Agency (USEPA) is extending the attainment date for the Louisville interstate moderate ozone nonattainment area from November 15, 1996, to November 15, 1997. This extension is based in part on monitored air quality readings for the national ambient air quality standard (NAAQS) for ozone during 1996. Accordingly, USEPA is revising the table in the Code of Federal Regulations concerning ozone attainment dates in this area. In this action, USEPA is approving the States' request through a "direct final" rulemaking; the rationale for this