

enforcement programs relative to private aircraft arrivals, as Midland is adjacent to the Southwest Border of the U.S. and is on a regularly traveled flight path. Further, the designation will enhance the efficiency of the Customs Service, as the airport is close to the normal work location for inspectional personnel assigned to the Del Rio-Eagle Pass-El Paso-Laredo-Presidio Ports-area. In this regard, it is pointed out that the private aircraft processing services Customs provides at the Presidio, Del Rio, and Eagle Pass Airports will continue; designating Midland International Airport is meant to provide an alternative airport to these other airports in order to relieve air traffic congestion at those locations.

Inapplicability of the Regulatory Flexibility Act and Executive Order 12291

This amendment expands the list of designated airports at which private aircraft may land for Customs processing. Although before a determination was made to proceed with this final rule a previous document on this subject provided notice for public comment, this amendment is not subject to the notice and public procedure requirements of 5 U.S.C. 553 because it relates to agency management and organization. Accordingly, this document is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Agency organization matters such as this document are exempt from consideration under E.O. 12866.

Drafting Information

The principal author of this document was Gregory R. Vilders, Attorney, Regulations Branch.

List of Subjects in 19 CFR Part 122

Air carriers, Air transportation, Aircraft, Airports, Customs duties and inspection, Drug traffic control, Organization and functions (Government agencies), Reporting and recordkeeping requirements, Security measures.

Proposed Amendment to the Regulations

For the reasons stated above, part 122, Customs Regulations (19 CFR part 122), is amended as set forth below:

PART 122—AIR COMMERCE REGULATIONS

1. The authority citation for Part 122 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 58b, 66, 1433, 1436, 1459, 1590, 1594, 1623, 1624, 1644; 49 U.S.C. App. 1509.

2. In § 122.24, the listing of airports in paragraph (b) is amended by adding, in appropriate alphabetical order, "Midland, TX" in the column headed "Location" and, on the same line, "Midland International Airport" in the column headed "Name".

Approved: March 26, 1997.

George J. Weise,

Commissioner of Customs.

John P. Simpson,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 97-11780 Filed 5-6-97; 8:45 am]

BILLING CODE 4820-02-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IN54-1a; FRL-5819-3]

Approval and Promulgation of State Implementation Plan; IN

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: In this action, EPA is approving the following as revisions to the Indiana State Implementation (SIP) plan: A Rate-Of-Progress (ROP) plan to reduce volatile organic compound (VOC) emissions in Clark and Floyd Counties by 15 percent (%) by November 15, 1996; 1996 corrections to Clark and Floyd Counties' 1990 base year emission inventory (to establish an accurate base line for the 15% ROP plan); construction permits requiring VOC emission control at Rhodes, Incorporated (Rhodes) in Charlestown, Clark County; and a ridesharing program affecting commuters in Clark and Floyd Counties. The plan and control measures help protect the public's health and welfare by reducing the emissions of VOC that contribute to the formation of ground-level ozone, commonly known as urban smog. High concentrations of ground-level ozone can aggravate asthma, cause inflammation of lung tissue, decrease lung function, and impair the body's defenses against respiratory infection. The 15% ROP plan's control measures are expected to reduce VOC emissions in Clark and Floyd Counties by 17,215 pounds (lbs) per day. In this action, EPA is approving the above requested SIP revisions through a "direct final" rulemaking; the rationale for this approval is set forth below.

DATES: The "direct final" rule, is effective July 7, 1997, unless EPA receives adverse or critical comments by June 6, 1997. If the effective date is

delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments may be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, United States Environmental Protection Agency, Region 5, Air and Radiation Division, Air Programs Branch (AR-18J), 77 West Jackson Boulevard, Chicago, Illinois, 60604.

Copies of the documents relevant to this action are available at the above address for public inspection during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Mark J. Palermo, Environmental Protection Specialist, at (312) 886-6082.

SUPPLEMENTARY INFORMATION:

I. Background on 15% ROP Requirements

On November 15, 1990, Congress enacted amendments to the 1977 Clean Air Act (Act); Public Law 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q. Section 182(b)(1) requires States with ozone nonattainment areas classified as moderate and above to submit a SIP revision known as a "15% ROP plan." This plan must reflect an actual reduction in typical ozone season weekday VOC emissions of at least 15% in the area during the first 6 years after enactment (i.e., by November 15, 1996). The emission reductions needed to achieve the 15% requirement must be calculated using a 1990 anthropogenic VOC emissions inventory as a baseline, minus emission reductions occurring by 1996 from the: (1) Federal Motor Vehicle Control Program (FMVCP) measures for the control of motor vehicle exhaust or evaporative emissions promulgated before January 1, 1990; and (2) gasoline Reid Vapor Pressure (RVP) regulations promulgated by November 15, 1990 (see 55 FR 23666, June 11, 1990). In addition, the plan must account for net growth in emissions within the nonattainment area between 1990 and 1996.

In Indiana, two ozone nonattainment areas are required to be covered by a 15% ROP plan: the Lake and Porter Counties portion of the Chicago severe ozone nonattainment area, and the Clark and Floyd Counties portion of the Louisville moderate ozone nonattainment area. Today's rulemaking action addresses only the plan for Clark and Floyd Counties; the Lake and Porter Counties 15% ROP plan has been addressed in an April 3, 1997, rulemaking action (see 62 FR 15844).

II. Indiana's 15% ROP Plan Submittal

The Act requires States to observe certain procedural requirements in

developing SIPs and SIP revisions for submission to EPA. Section 110(a)(2) and section 110(l) of the Act require that each SIP revision meet reasonable notice and public hearing requirements. The State of Indiana submitted a portion of the Clark and Floyd Counties 15% ROP plan SIP revision on December 20, 1993. The SIP revision was reviewed by EPA to determine completeness shortly after submittal, in accordance with the completeness criteria set out at 40 CFR Part 51, Appendix V (1991), as amended by 57 FR 42216 (August 26, 1991). Because Indiana had not included fully adopted rules for all the plan's control measures, nor held a public hearing on the plan, the submittal was deemed incomplete. Subsequently, Indiana held a public hearing on the plan on March 31, 1994, in New Albany, Indiana. A hearing transcript, a summary of comments from that hearing, and the Indiana Department of Environmental Management's (IDEM) response to comments were submitted on July 5, 1994. IDEM sent a supplemental submittal on July 12, 1995, which included fully adopted rules for the Clark and Floyd Counties 15% ROP plan. In a July 17, 1995, letter to Indiana, the State was informed that the SIP submittal was deemed complete.

Indiana submitted a contingency plan with the 15% ROP plan pursuant to section 172(c)(9). EPA will take action on this plan in a separate rulemaking action. The contingency plan is a separate requirement of the Act, and approval of the contingency plan is not a prerequisite for approval of the 15% ROP plan.

III. Criteria for 15% ROP Plan Approvals

The requirements for 15% ROP plans are found in section 182(b)(1) of the Act, and the following EPA guidance documents:

1. *Procedures for Preparing Emissions Projections*, EPA-450/4-91-019, Environmental Protection Agency, July 1991.

2. State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990; Proposed rule (57 FR 13498), **Federal Register**, April 16, 1992 (General Preamble).

3. "November 15, 1992, Deliverables for Reasonable Further Progress and Modeling Emission Inventories," memorandum from J. David Mobley, Edwin L. Meyer, and G. T. Helms, Office of Air Quality Planning and Standards, Environmental Protection Agency, August 7, 1992.

4. *Guidance on the Adjusted Base Year Emissions Inventory and the 1996*

Target for the 15 Percent Rate of Progress Plans, EPA-452/R-92-005, Environmental Protection Agency, October 1992.

5. "Quantification of Rule Effectiveness Improvements," memorandum from G. T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, Office of Air Quality Planning and Standards, Environmental Protection Agency, October 1992.

6. *Guidance for Growth Factors, Projections, and Control Strategies for the 15 Percent Rate-of-Progress Plans*, EPA-452/R-93-002, March 1993.

7. "Correction to 'Guidance on the Adjusted Base Year Emissions Inventory and the 1996 Target for the 15 Percent Rate of Progress Plans'," memorandum from G. T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, Office of Air Quality Planning and Standards, Environmental Protection Agency, March 2, 1993.

8. "15 Percent Rate-of-Progress Plans," memorandum from G. T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, Office of Air Quality Planning and Standards, Environmental Protection Agency, March 16, 1993.

9. *Guidance on the Relationship Between the 15 Percent Rate-of-Progress Plans and Other Provisions of the Clean Air Act*, EPA-452/R-93-007, Environmental Protection Agency, May 1993.

10. "Credit Toward the 15 Percent Rate-of-Progress Reductions from Federal Measures," memorandum from G. T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, Environmental Protection Agency, May 6, 1993.

11. *Guidance on Preparing Enforceable Regulations and Compliance Programs for the 15 Percent Rate-of-Progress Plans*, EPA-452/R-93-005, Environmental Protection Agency, June 1993.

12. "Correction Errata to the 15 Percent Rate-of-Progress Plan Guidance Series," memorandum from G. T. Helms, Chief, Ozone and Carbon Monoxide Programs Branch, Environmental Protection Agency, July 28, 1993.

13. "Early Implementation of Contingency Measures for Ozone and Carbon Monoxide (CO) Nonattainment Areas," memorandum from G. T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, Environmental Protection Agency, August 13, 1993.

14. "Region III Questions on Emission Projections for the 15 Percent Rate-of-Progress Plans," memorandum from G. T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, Office of Air Quality Planning and Standards,

Environmental Protection Agency, August 17, 1993.

15. "Guidance on Issues Related to 15 Percent Rate-of-Progress Plans," memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation, Environmental Protection Agency, August 23, 1993.

16. "Credit Toward the 15 Percent Requirements from Architectural and Industrial Maintenance Coatings," memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, Environmental Protection Agency, September 10, 1993.

17. "Reclassification of Areas to Nonattainment and 15 Percent Rate-of-Progress Plans," memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, Environmental Protection Agency, September 20, 1993.

18. "Clarification of 'Guidance for Growth Factors, Projections and Control Strategies for the 15 Percent Rate of Progress Plans'," memorandum from G. T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, Office of Air Quality Planning and Standards, Environmental Protection Agency, October 6, 1993.

19. "Review and Rulemaking on 15 Percent Rate-of-Progress Plans," memorandum from G. T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, Office of Air Quality Planning and Standards, Environmental Protection Agency, October 6, 1993.

20. "Questions and Answers from the 15 Percent Rate-of-Progress Plan Workshop," memorandum from G. T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, Environmental Protection Agency, October 29, 1993.

21. "Rate-of-Progress Plan Guidance on the 15 Percent Calculations," memorandum from D. Kent Berry, Acting Director, Air Quality Management Division, Environmental Protection Agency, October 29, 1993.

22. "Clarification of Issues Regarding the Contingency Measures that are Due November 15, 1993 for Moderate and Above Ozone Nonattainment Areas," memorandum from D. Kent Berry, Acting Director, Air Quality Management Division, Environmental Protection Agency, November 8, 1993.

23. "Credit for 15 Percent Rate-of-Progress Plan Reductions from the Architectural and Industrial Maintenance (AIM) Coating Rule," memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, Environmental Protection Agency, December 9, 1993.

24. "Guidance on Projection of Nonroad Inventories to Future Years," memorandum from Philip A. Lorang,

Director, Emission Planning and Strategies Division, Office of Air and Radiation, Environmental Protection Agency, February 4, 1994.

25. "Discussion at the Division Directors Meeting on June 1 Concerning the 15 Percent and 3 Percent Calculations," memorandum from G. T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, Office of Air Quality Planning and Standards, Environmental Protection Agency, June 2, 1994.

26. "Future Nonroad Emission Reduction Credits for Court-Ordered Nonroad Standards," memorandum from Philip A. Lorang, Director, Emission Planning and Strategies Division, Office of Air and Radiation, Environmental Protection Agency, November 28, 1994.

27. "Credit for the 15 Percent Rate-of-Progress Plans for Reductions from the Architectural and Industrial Maintenance (AIM) Coating Rule and the Autobody Refinishing Rule," memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, Environmental Protection Agency, November 29, 1994.

28. "Transmittal of Rule Effectiveness Protocol for 1996 Demonstrations," memorandum from Susan E. Bromm, Director, Chemical, Commercial Services and Municipal Division, Office of Compliance, Environmental Protection Agency, December 22, 1994.

29. "Future Nonroad Emission Reduction Credits for Locomotives," memorandum from Philip A. Lorang, Director, Emission Planning and Strategies Division, Office of Air and Radiation, Environmental Protection Agency, January 3, 1995.

30. "Credit for the 15 Percent Rate-of-Progress Plans for Reductions from the Architectural and Industrial Maintenance (AIM) Coating Rule," memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, Environmental Protection Agency, March 22, 1995.

31. "Fifteen Percent Rate-of-Progress Plans—Additional Guidance," memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, Environmental Protection Agency, May 5, 1995.

32. "Update on the Credit for the 15 percent Rate-of-Progress Plans for Reductions from the Architectural and Industrial Maintenance Coatings Rule," memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, Environmental Protection Agency, March 7, 1996.

33. "Date by which States Need to Achieve all the Reductions Needed for the 15% Plan from Inspection and Maintenance (I/M) and Guidance for

Recalculation," memorandum from Margo Oge, Director, Office of Mobile Sources, and John S. Seitz, Director, Office of Air Quality Planning and Standards, Environmental Protection Agency, August 13, 1996.

34. "Sample City Analysis: Comparison of Enhanced Inspection and Maintenance (I/M) Reductions Versus Other 15 Percent Rate of Progress Plan Measures," E.H. Pechan and Associates, December 12, 1996.

35. "Modeling 15 Percent Volatile Organic Compound (VOC) Reduction(s) from I/M in 1999: Supplemental Guidance," memorandum from Gay MacGregor, Director, Regional and State Programs Division, and Sally Shaver, Director, Air Quality Strategies and Standards Division, Environmental Protection Agency, December 23, 1996.

36. "15% Volatile Organic Compound (VOC) State Implementation Plan (SIP) Approvals and the 'As Soon As Practicable' Test," memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, and Richard B. Ossias, Deputy Associate General Counsel, Division of Air and Radiation, Office of General Counsel, Environmental Protection Agency, February 12, 1997.

For a 15% ROP plan SIP to be approved, the plan must adequately justify how much emission reduction is needed to achieve 15% emission reduction by November 15, 1996, and how the plan's control strategy will secure that reduction. The procedure for calculating the needed emission reduction is as follows:

(A) Calculate the "1990 ROP inventory" by subtracting from the area's "1990 base year inventory"¹ biogenic emissions, emissions outside of the nonattainment area, and pre-enactment banked emission credits;

(B) Calculate the "1990 adjusted base year inventory" by subtracting from the 1990 ROP inventory any emission reductions from the pre-1990 FMVCP and 1990 RVP Federal regulations which occur between 1990 and 1996;²

¹ Sections 172(c)(3) and 182(a)(1) of the Act require that nonattainment plan provisions include a comprehensive, accurate inventory of actual emissions which occurred in 1990 from all sources of relevant pollutants in the nonattainment area. This inventory provides an estimate of the amount of VOC and oxides of nitrogen produced by emission sources such as automobiles, powerplants and the use of consumer solvents in the household. Because the approval of such inventories is necessary to an area's 15% ROP plan and attainment demonstration, the emission inventory must be approved prior to or with the 15% ROP plan submission.

² The 1990 adjusted base year inventory represents the "baseline emissions" from which the 15 percent reduction is to be calculated, as specified under section 182(b)(1)(B) of the Act.

(C) Calculate "15% of adjusted base year emissions" by multiplying the 1990 adjusted base year inventory by 15%;

(D) Calculate the "total required reductions by 1996" by adding emission reductions from the pre-1990 FMVCP and 1990 RVP federal rules to the 15% of adjusted base year emissions calculation;³

(E) Calculate the "1996 emissions target level" by subtracting from the 1990 ROP base year inventory the total required reductions by 1996;

(F) Calculate the "1996 projected emission estimate" by a number of methods, such as adding growth factors to the 1990 adjusted base-year inventory, or adding growth factors and required emission reductions to the 1990 ROP inventory; and

(G) Calculate the "reduction required by 1996 to achieve 15% net of growth" by subtracting the 1996 target emissions level from the 1996 projected emissions level.

In determining what control measures a State can use in its 15% ROP plan strategy, the Act provides under section 182(b)(1)(C) that emission reductions from control measures are creditable to the extent that they have actually occurred before November 15, 1996. In keeping with this requirement, the General Preamble states that all credited emission reductions must be real, permanent, and enforceable, and that regulations needed to implement the plan's control strategy must be adopted and implemented by the State by November 15, 1996.

The EPA has reviewed the State's submittal for consistency with the requirements of the Act and EPA guidance. A summary of EPA's analysis is provided below.

Section 182(b)(1)(B) defines baseline emissions to mean the total amounts of actual VOC emissions from all anthropogenic sources in the ozone nonattainment areas during the calendar year of 1990, excluding emissions that are eliminated by the pre-1990 FMVCP and 1990 RVP regulations. In the General Preamble, EPA interprets "calendar year" emissions to consist of typical ozone season weekday emissions, based on the fact that the ozone National Ambient Air Quality Standard (NAAQS) (0.12 parts per million, one-hour averaged) is generally exceeded or violated during ozone season weekdays when ozone precursor emissions and meteorological conditions are most conducive to ozone formation. Ozone seasons are typically the summer months.

³ Under section 182(b)(1)(D), emission reductions pre-1990 and 1990 RVP regulations are not creditable toward meeting 15%. The emission reductions which occurred by 1996 from these regulations are added to emissions required to meet 15% to determine the total amount of emission reduction by 1996 for the area.

IV. Analysis of Clark and Floyd Counties 15% ROP Plan

Indiana's 15% ROP Summary for Clark and Floyd Counties is shown in the following table:

15% ROP SUMMARY FOR CLARK & FLOYD COUNTIES

	Lbs VOC/day
Calculation of Reduction Needs by 1996	
1990 Clark and Floyd Counties Total VOC Emissions	162,855
1990 ROP Emissions (Anthropogenic only)	86,815
1990-1996 Noncreditable Reductions (Reductions from 1990 RVP and Pre-1990 FMVCP Regulations)	18,985
1990 Adjusted Base Year Emissions (1990 ROP Emissions minus Noncreditable Reductions)	67,830
15% of Adjusted Base Year Emissions	10,175
Total Expected Emission Reductions by 1996 (15% of Adjusted Base Year Emissions plus Noncreditable Reductions)	29,160
1996 Target Level (1990 ROP Emissions minus Total Required Emission Reductions by 1996)	57,655
1996 Projected Emissions (1990 Adjusted Base Year Emissions plus Growth Factors)	74,764
Reduction Needed to Achieve 15 Percent Net of Growth (1996 Projected Emissions minus 1996 Target Level)	17,109
Expected Reduction From Mandatory Controls	
Point Sources:	
Volatile Organic Liquid (VOL) Storage Tanks Rule (326 IAC 8-9)	142
Shipbuilding and Ship Repair Rule (326 IAC 8-12)	1,164
Wood Furniture Coating Rule (326 IAC 8-11)	2,445
Area Sources:	
Automobile Refinishing Rule (326 IAC 8-10)	1,172
Federal Architectural and Industrial Maintenance (AIM) Coatings Rule	750
Subtotal—Reductions From Mandatory Controls	5,673
Expected Reductions From Non Mandatory Controls	
Mobile Sources:	
Low Reid Vapor Pressure (RVP) Gasoline Rule—Mobile Sources (326 IAC 13-3)	3,800
Improved Basic Vehicle Inspection and Maintenance (I/M) Program (326 IAC 13-1.1)	2,200
Commuter Credits from Kentucky Motorists	700
Ridesharing Program	55
Area Sources:	
Stage II Gasoline Vapor Recovery Rule (326 IAC 8-4-6)	2,290
Lower RVP Gasoline Rule—Area Sources (326 IAC 13-3)	787
Residential Open Burning (326 IAC 4-1)	704
Municipal Solid Waste (MSW) Landfill Rule (326 IAC 8-8)	345
Point Sources:	
Rhodes, Inc. (Rhodes) Construction Permit	661
Subtotal—Reduction From Non Mandatory Controls	11,542
Total Creditable Reductions From 15% ROP Plan	17,215

A. Calculation of the 1990 Adjusted Base Year Emission Inventory

To determine the 1990 adjusted base year inventory, Indiana used its 1990 base year emission inventory as a starting point. This inventory was found by EPA to meet the requirements of sections 172(c)(3) and 182(a)(1) of the Act for Clark and Floyd Counties and was approved on June 20, 1994 (59 FR 31544). After this approval, Indiana identified certain errors with the point and area source portions of the inventory and made corrections to the inventory, accordingly. These corrections were included with the Clark and Floyd 15% ROP plan submittal and are being approved in today's action as a revision to the SIP (See section V of this rulemaking action). Under the revised 1990 base year emissions inventory, total VOC

emissions are 162,855 lbs VOC/day. Indiana subtracted from the 1990 base year inventory biogenic emissions and emissions from outside Clark and Floyd Counties to determine that the 1990 ROP inventory level is 86,815 lbs VOC/day. No pre-enactment banked emission credit was included in the inventory.

Indiana used EPA's Mobile Source Emissions Model (MOBILE)5a emission factor model to determine the emission reductions from pre-1990 FMVCP and 1990 RVP regulations; the 1990 ROP inventory level minus these reductions equates to a 1990 adjusted base year inventory level of 67,830 lbs VOC/day. Indiana's documentation includes the actual 1990 motor vehicle emissions using 1990 vehicle miles traveled (VMT) and MOBILE5a emission factors, and the adjusted emissions using 1990 VMT and the MOBILE5a emission factors in calendar year 1996 with the appropriate

RVP for the nonattainment area as mandated by EPA. The plan submittal includes adequate documentation showing how the MOBILE5a model was run to determine the expected emission reductions by 1996 from pre-1990 FMVCP and 1990 RVP.

B. 1996 ROP Target Emission Level

To calculate the 1996 target emission level for Clark and Floyd Counties, Indiana first multiplied the 1990 adjusted base year inventory by 0.15 to determine that the 15% required emission reduction by 1996 is 10,175 lbs VOC/day. Then, 18,985 lbs VOC/day of reductions from noncreditable control measures (pre-1990 FMVCP and 1990 RVP) were added to the 15% required reduction to determine that the total expected reductions by 1996 is 29,160 lbs VOC/day. Finally, Indiana subtracted the 1996 total expected

emission reductions from the 1990 ROP emission inventory to determine that the 1996 emission target level for Clark and Floyd Counties is 57,655 lbs VOC/day.

The 15% ROP plan submittal adequately documents the total expected reductions in the nonattainment area by showing each step, discussing any assumptions made, and stating the origin of the number used in the calculations.

C. Projected Emission Inventory

To determine the 1996 projected emission inventory, Indiana included in the 15% ROP plan the growth factors used together with documentation for the assumptions made. The point, area, and non-road mobile source emission inventories were projected using either source supplied data, population forecasts, historical data, or, where historical data were unavailable or not suitable to project, the U.S. Department of Commerce Bureau of Economic Analysis (BEA) regional growth data were used. The on-road mobile source emission inventory was projected using MOBILE5a. The State's calculations for growth in the on-road mobile, off-road mobile, industrial, and area source sectors are 3,940 lbs VOC/day, 691 lbs VOC/day, 1,150 lbs VOC/day, and 1,153 lbs VOC/day, respectively, for a total of 6,934 lbs VOC/day. These growth estimates were calculated in a manner consistent with EPA guidance documents. The projected emissions were added to the 1990 adjusted base year inventory to determine that the 1990 projected emission inventory level is 74,764 lbs VOC/day.

D. Creditable Reductions From Control Measures

From the calculation of the 1996 target emission level and 1996 projected emission level, Clark and Floyd Counties must reduce emissions by 17,109 lbs VOC/day to secure the 15% ROP reduction. The Clark and Floyd Counties 15% ROP plan does meet this requirement. The total creditable emission reduction achieved by the 15% ROP plan is 17,215 lbs VOC/day. Emission reductions not needed to meet 15% can be used in Clark and Floyd Counties' contingency plan or attainment plan.

The SIP submittal includes documentation of the sources or source categories which are expected to be affected by each control measure, the sources' projected 1996 emissions without controls, and the assumptions used to estimate how much each control measure will reduce the sources' 1996 emissions. These assumptions were

derived primarily from Midwest Research Institute's April 30, 1993, document entitled "Support Document for Indiana's Clark and Floyd Nonattainment Area 1996 Rate-of-Progress Plan" (MRI document), which was contracted by EPA to assist Indiana in developing the 15% ROP plan.

A review of the emission reduction credit taken for each control measure follows:

VOL Storage Rule

SIP rule 326 IAC 8-9 requires special roof design and sealing requirements for certain VOL storage vessels. Indiana is only taking credit from controls on fixed roof tanks located in Floyd County. The rule's control requirements for fixed roof tanks are assumed to have an overall control efficiency estimate of 96%, with a rule effectiveness of 80%. An emission reduction of 142 lbs VOC/day has been claimed from this rule, which is acceptable.

Shipbuilding and Ship Repair Rule

SIP rule 326 IAC 8-12 requires shipbuilding and ship repair operations to comply with certain low-VOC coating requirements, coating thinning limitations, and VOC-reducing work practices. One source, Jeffboat, is affected by this rule. Jeffboat is required to use water based weld-through (shop) preconstruction primer with a VOC content of zero. This limit is significantly tighter than EPA's Control Techniques Guideline limit of 5.42 lbs VOC/gallon for preconstruction primers used in this source category (see 61 FR 44050, August 27, 1996). In addition to documentation contained in the submittal, Indiana submitted supplemental documentation showing that the rule's control measures have an estimated 73% VOC control efficiency. For the 15% ROP plan, however, Indiana conservatively took an overall 50% VOC emission reduction from the source's 1990 emission level. An emission reduction claim of 1,164 lbs VOC/day for this rule is acceptable.

Wood Furniture Coating Rule

SIP rule 326 IAC 8-11 requires wood furniture coating operations to comply with certain low-VOC coating requirements and VOC-reducing work practices. The MRI document estimated that the rule's control requirements would result in an overall 55% VOC emission reduction. However, based on discussions with wood furniture coaters in Clark and Floyd Counties, Indiana has determined that an overall control efficiency of 32% is a more accurate estimate. The rule effectiveness is assumed to be 80%. An emission

reduction claim of 2,445 lbs VOC/day from this rule is acceptable.

Federal AIM Coatings Rule

Pursuant to section 183(e) of the Act, EPA proposed on June 25, 1996 (61 FR 32729) a national rule requiring manufacturers of AIM coatings to meet certain VOC content limitations. The March 7, 1996, EPA memorandum "Update on the Credit for the 15 Percent Rate-of-Progress Plans for Reductions from the Architectural and Industrial Maintenance Coatings Rule" allows States to take credit for a 20% reduction in AIM coating emissions, even though promulgation of the rule has been delayed. Based on this policy, Indiana has claimed 750 lbs VOC/day in emission reduction, which is acceptable.

Automobile Refinishing Rule

SIP rule 326 IAC 8-10 requires automobile and mobile equipment refinishing shops to use lower VOC coatings, less-emitting spray-gun and spray-gun cleaning equipment, and improved work practices to reduce VOC. To improve rule effectiveness, this rule also requires refinishing coating suppliers in the area to sell only coatings which meet the VOC limits required in the rule. In addition to documentation contained in the submittal, Indiana submitted supplemental documentation which indicates that an overall 77.8% emission reduction can be expected from all the control measures required by this rule, with 100% rule effectiveness. The emission reduction claimed for this rule, 1,172 lbs VOC/day, is acceptable.

Low RVP Gasoline (7.8 PSI) Rule

SIP rule 326 IAC 13-3 requires gasoline sold in Clark and Floyd Counties to comply with a 7.8 RVP standard during the ozone season. Although this rule regulates RVP, it is not an RVP rule promulgated by the Administrator before enactment, nor required to be promulgated under section 211(h). Therefore, this rule is creditable under section 182(b)(1)(D). MOBILE5a was used to estimate that the emission reductions attributable to this requirement are 3,800 lbs VOC/day from mobile sources, and 787 lbs VOC/day from area sources, respectively. This emission reduction claim is acceptable.

Improved I/M Program

Many states have claimed emission reductions from improvements to pre-existing I/M programs in their 15% ROP plans because such improvements achieve more VOC emission reductions than most, if not all other, control

strategies. For many States, however, actual emission reductions from these improvements will not occur until after 1996. This is due to the substantial amount of time needed to re-design I/M programs in response to the September 18, 1995, revisions to EPA's I/M regulations (60 FR 48029) and/or the enactment of the National Highway Systems Designation Act of 1995 (NHSDA), to secure State legislative approval when necessary, and to set up the infrastructure to perform the testing program.

Given the heavy reliance by many States on upgrading I/M to help satisfy 15% ROP plan requirements, and the recent NHSDA and regulatory changes regarding I/M, EPA has recognized that it is not possible for many States to achieve emission reductions attributable to I/M improvements by November 15, 1996. Under these circumstances, disapproval of the 15% ROP plan SIPs would serve no purpose. Consequently, under certain circumstances, EPA will allow States that pursue re-design of their I/M program to receive emission reduction credit for their 15% ROP plans, even though the emission reductions from I/M will occur after November 15, 1996.

Specifically, the EPA will approve a 15% ROP SIP if the emission reductions from a revised I/M program, as well as from the other 15% ROP plan measures, will achieve the 15% level as soon after November 15, 1996, as practicable. To make this "as soon as practicable" determination, the EPA must determine that the 15% ROP plan contains all VOC control strategies that are practicable for the nonattainment area in question and that meaningfully accelerate the date by which the 15% level is achieved. The EPA does not believe that measures meaningfully accelerate the 15% date if they provide only an insignificant amount of reductions.

Revisions to Clark and Floyd Counties' I/M program (326 IAC 13-1.1) were approved by EPA on March 19, 1996 (61 FR 11142). The State's I/M contract requires that testing vehicles under the improved program begin in July 1997. A single contractor, Envirotec, Inc., operates a test-only centralized network for inspections and re-inspection. The Indiana I/M program requires coverage of all 1976 and newer gasoline powered light duty passenger cars and light duty trucks up to 9,000 pounds Gross Vehicle Weight Rating (GVWR). The State's program requires that all applicable 1981 and newer vehicles meet a transient, mass emissions tailpipe test that includes the purge and pressure test. All applicable model year 1976 through 1980 vehicles

will be subject to a BAR90 single-speed idle test that includes the pressure test.

EPA has analyzed Clark and Floyd Counties' improved I/M program to predict when the emission reductions claimed in the 15% ROP plan for the improvements will actually be secured. This analysis was based on the methodology specified in EPA's policy memoranda, "Date by Which States Need to Achieve all the Reductions Needed for the 15% Plan from I/M and Guidance for Recalculation," August 13, 1996, and "Modeling 15% VOC Reduction(s) from I/M in 1999—Supplemental Guidance," December 23, 1996. MOBILE5b runs were used to evaluate the credit, using inputs that reflect actual program startup. Some of the input parameters of the modeling included: a July 1997, program start date; start-up cutpoints as recommended by EPA; and expected evaporative test procedures available at start-up. The State has taken credit in the Clark and Floyd Counties 15% ROP plan for 2,200 lbs VOC/day reductions from improvements in I/M. Based on EPA's analysis, the emission reduction claimed will be secured by November 1999. (See EPA's August 13, 1996, policy memorandum titled "Date by Which States Need to Achieve all the Reductions Needed for the 15% Plan from I/M and Guidance for Recalculation," for further discussion on the acceptability of the November 1999 date).

To determine whether there are other available potential control measures which can meaningfully accelerate the date by which 15% emission reduction in Clark and Floyd Counties can be achieved, EPA compared the Clark and Floyd Counties 15% ROP plan with control measures included in 15% ROP plans nation-wide, which are listed in EPA's report, "Sample City Analysis: Comparison of Enhanced I/M Reductions Versus other 15 Percent ROP Plan Measures," December 12, 1996, referenced in EPA's policy document "15% VOC SIP Approvals and the 'As Soon As Practicable' Test," February 12, 1997. Based upon the report, EPA believes that there are no other potential control measures beyond those already included in the Clark and Floyd 15% ROP plan which can secure a significant amount of emission reduction before November 1999.

Because Indiana's improved I/M program will secure emission reductions claimed under the Clark and Floyd Counties 15% ROP plan by November 1999, and there are no other potential control measures which can meaningfully accelerate the achievement of 15% reduction in the

counties before November 1999, the EPA finds that the Clark and Floyd Counties 15% ROP plan does secure 15% emission reductions as soon as practicable. On this basis, the emission reduction claimed under Clark and Floyd Counties' 15% ROP plan for improved I/M is approvable.

Commuter Credits, Kentucky Motorists

The 1990 base year inventory includes emissions from VMT driven in Clark and Floyd Counties by Louisville, Kentucky, motorists. Two post-1990 control measures implemented in Louisville have reduced emissions from these motorists: reformulated gasoline and I/M pressure checks. MOBILE5a was used to estimate the emission reduction in Clark and Floyd Counties associated with these control measures, and the input and output files are included in the SIP submittal. The emission reduction claimed from this program, 700 lbs VOC/day, is acceptable.

Ridesharing Program

The Clark and Floyd Counties 15% ROP plan takes credit for a ridesharing program, called the "Commuter Pool," which affects commuters in Clark and Floyd Counties. The Commuter Pool program provides companies and employees with technical and financial assistance in implementing car-pool and van-pool commuting arrangements. The program covers the entire Louisville metropolitan area and is administered by the Kentuckiana Regional Planning and Development Agency (KIPDA), the Metropolitan Planning Organization (MPO) for the area. The program is programmed and funded in the Louisville metropolitan area's Horizon 2020 Transportation Improvement Plan and fiscal year (FY) 1997-2000 Transportation Improvement Program (TIP). The rideshare program is partly funded through the federal Congestion Mitigation and Air Quality Improvement Program (CMAQ).⁴

To demonstrate emission reductions achieved by this program in Clark and Floyd Counties, Indiana submitted an air quality analysis from KIPDA which was developed using a similar methodology used to evaluate the FY 1994-1997 TIP for the Louisville metropolitan area. As part of this analysis, KIPDA isolated the impacts of the ridesharing program on roadways in Clark and Floyd Counties regardless of

⁴MPOs can utilize United States Department of Transportation (DOT) funds from CMAQ. CMAQ is a federal program which provides funding for transportation related projects and programs designed to contribute to attainment of air quality standards.

whether employment locations are based in Indiana or Kentucky. This impact is estimated to be an emission reduction of 55 lbs VOC/day.

This program was submitted with the Clark and Floyd 15% ROP plan as a transportation control measure (TCM) to be included in the SIP. EPA is, in today's action, approving the TCM as a SIP revision (see section V of the rulemaking). The TCM has been implemented since 1994 and was initially programmed and funded in the Louisville metropolitan area 1994-1997 TIP. This program's continued operation will be ensured through federal transportation conformity requirements. The emission reduction claimed from the program is acceptable.

Stage II Gasoline Vapor Recovery Rule

SIP rule 326 IAC 8-4-6 requires facilities that sell more than 10,000 gallons of gasoline per month to operate Stage II gasoline vapor recovery systems certified to have a control effectiveness of at least 95%. Indiana has estimated that the rule has an 84% program in-use efficiency, accounting for annual inspection program effects and the exemption of facilities with a monthly gasoline throughput of less than 10,000 gallons. The State's emission reduction claim of 2,290 lbs VOC/day from this rule is acceptable.

Residential Open Burning Rule

Under SIP rule 326 IAC 4-1, residential open burning is banned in Clark and Floyd Counties. Indiana estimated that this rule would reduce open burning emissions by 80%, or 704 lbs VOC/day, which is acceptable.

MSW Landfill Rule

SIP rule 326 IAC 8-8 applies to new and existing MSW landfills emitting greater than 55 tons of non-methane organic compounds per year and with a minimum design capacity of 100,000 megagrams of solid waste. The rule requires the operation of a landfill gas collection system and combustion device. Based on a destruction

efficiency of 98% and collection efficiencies ranging from 50% to 60%, Indiana estimated that an overall VOC emission control efficiency range of 49% to 59% may be achieved, with a rule effectiveness of 80%. The State has claimed 345 lbs VOC/day in emission reduction from this rule, which is acceptable.

Rhodes Construction Permits

Rhodes, located in Charlestown, Clark County, operates a heatset web offset printing operation. In 1990, the source was emitting approximately 125 tons of VOC per year after controls. Beginning in October 15, 1991, Rhodes began a series of replacements and new installation of presses. Rhodes has been issued three construction permits, CP 019-2110, CP 019-2696, and CP 019-4362, in accordance with 326 IAC 2-1-3, to replace and install presses. These permits require Rhodes to improve its VOC emission control by installing and operating two thermal incinerators with a 98% VOC destruction efficiency to control ink emissions from all presses in the plant.

Indiana estimated emission reductions from the VOC control improvements using a July 1, 1994, report submitted by Rhodes to IDEM pursuant to the State's emission statement program.⁵ This report was based upon stack test data with one of the new thermal incinerators in operation. IDEM inspectors quality assured the report and found it acceptable. Using software designed to calculate annual emissions from data submitted under the emission statement program, IDEM determined that in 1994 Rhodes was emitting 13.5 tons of VOC per year after controls, representing a 111.5 ton VOC/year reduction from 1990 levels. IDEM used an EPA conversion equation (to account for emissions per summertime day) to determine that the new controls at Rhodes have reduced emissions by 771 lbs VOC/day.

Indiana submitted the Rhodes construction permits with the Clark and

Floyd Counties 15% ROP plan and claimed a 661 lbs VOC/day emission reduction from the permits. In today's action, EPA is approving the Rhodes construction permits as revisions to the Indiana ozone SIP (see section V of this rulemaking action). It should be noted that Indiana's 15% ROP plan submittal states the total reduction from Rhodes as 865 lbs VOC/day. However, IDEM has subsequently indicated to EPA that the emission reduction from Rhodes which should have been claimed in the submittal is 771 lbs VOC/day. In today's action, EPA is approving an 771 lbs VOC/day emission reduction which can be credited toward ROP. Since Indiana claimed 661 lbs VOC/day in emission reduction from Rhodes in the 15% ROP plan submittal, the remaining 110 lbs/day can be used toward meeting Clark and Floyd Counties' attainment demonstration or contingency plan requirements.

E. Enforceability Issues

All measures and other elements in the SIP must be enforceable by the State and EPA (see sections 172(c)(6), 110(a)(2)(A) of the Act, and 57 FR 13556). The EPA criteria addressing the enforceability of SIPs and SIP revisions were stated in a September 23, 1987, memorandum (with attachments) from the Assistant Administrator for Air and Radiation (see 57 FR 13541). Nonattainment area plan provisions must also contain a program that provides for enforcement of the control measures and other elements in the SIP [see section 110(a)(2)(C) of the Act].

The control measures included in the Clark and Floyd Counties 15% ROP plan have been fully adopted by Indiana and have been submitted to EPA as a revision to the State's ozone SIP. The EPA has independently reviewed each control measure to determine conformance with SIP requirements under section 110 and part D of the Act, and the measure's overall enforceability. Rulemaking action on each control measure is as follows:

Control measure	Date of EPA approval
VOL Storage Vessel Rule (326 IAC 8-9)	January 17, 1997 (62 FR 2593)
Shipbuilding and Ship Repair Rule (326 IAC 8-12).	January 22, 1997 (62 FR 3216)
Wood Furniture Coating Rule (326 IAC 8-11) ...	October 30, 1996 (61 FR 55889)
Federal Architectural and Industrial Maintenance Coatings Rule.	Proposed federal regulation for which Indiana can take credit (See March 7, 1996, memorandum from John Seitz, Director, Office of Air Quality Planning and Standards to Regional Division Directors).
Automobile Refinishing Rule (326 IAC 8-10)	June 13, 1996 (61 FR 29965)

⁵ Indiana's emission statement program (326 IAC 2-6) was adopted pursuant to section 182(a)(3)(B) of the Act. Under this program, owners and operators of stationary sources of VOC or oxides of nitrogen (NO_x) are required to provide annual

statements, in a format required under 326 IAC 2-6, showing actual emissions of NO_x and/or VOC from the sources. EPA approved Indiana's emission statement program on June 10, 1994 (59 FR 29953).

Control measure	Date of EPA approval
Low RVP Gasoline Rule (326 IAC 13-3)	February 9, 1996 (61 FR 4895)
Improved Basic I/M (326 IAC 13-1.1)	March 19, 1996 (61 FR 11142)
Commuter Credits, Kentucky Motorists	February 16, 1994 (59 FR 7716) (Federal reformulated gasoline)
KIPDA Ridesharing Program	July 28, 1995 (60 FR 38700) (Louisville Hybrid I/M)
Stage II Vapor Recovery (326 IAC 8-4-6)	Date of EPA approval action is date of today's Federal Register . See discussion below.
Residential Open Burning Ban (326 IAC 4-1) ...	April 28, 1994 (59 FR 21942)
Municipal Solid Waste Landfills (326 IAC 8-8) ..	February 1, 1996 (61 FR 3581)
Rhodes Construction Permits	January 17, 1997 (62 FR 2591)
	Date of EPA approval action is date of today's Federal Register . See discussion below.

F. Transportation Conformity 1996 Mobile Source Emissions Budget

Section 176(c) requires States to submit SIP revisions establishing the State's criteria and procedures for assessing the conformity of federal actions (transportation and general) to the SIP's purpose of eliminating or reducing the severity and number of violations of the National Ambient Air Quality Standards and achieving expeditious attainment of such standards. These conformity SIP revisions must assure that federal actions will not: (1) cause or contribute to any new violation of any standard in any area, (2) increase the frequency or severity of any existing violation of any standard in any area, or (3) delay timely attainment of any standard or any required interim emission reductions or other milestones in any area. To assure conformity with the SIP, conformity analyses for transportation projects must

take into account the amount of on-road mobile source emissions that can be emitted in accordance with SIP emission reduction milestones. For purposes of EPA transportation conformity determinations, the 1996 emission level for on-road mobile sources that is achieved from the 15% ROP plan constitutes the 1996 VOC mobile source emission budget for Clark and Floyd Counties. This level, which is derived from MOBILE5a using 1996 estimated emissions with improved I/M, 7.8 low RVP, and Kentucky commuter credits, is 17,340 lbs VOC/day. Therefore, final approval of the 15% ROP plan also approves the 1996 mobile source VOC emission budget.

For years after 1996, conformity determinations addressing VOCs must demonstrate consistency with this plan revision's motor vehicle emissions budget, and satisfaction of the build/no-build test, as defined under 40 CFR part 93.

G. Conclusion

The EPA has reviewed the Clark and Floyd Counties 15% ROP plan SIP revision submitted to EPA as described above, and finds that the plan satisfies the applicable requirements of the Act, as well as EPA guidance for such plans. Therefore, the EPA, in this action, is approving these plans as a revision to the Indiana ozone SIP.

V. Other Rulemaking Actions

A. Corrections to 1990 Base Year Emissions Inventory

Corrections for Clark and Floyd Counties 1990 base year emissions inventory were submitted as Appendix B in the 15% ROP plan submittal. In today's action, EPA is approving the revised 1990 base year emissions inventory as a revision to the SIP. The following table explains the revisions:

REVISIONS TO CLARK AND FLOYD COUNTIES' 1990 BASE-YEAR EMISSION INVENTORY

Sources affected	Explanation of changes
Service station tank breathing area sources.	Controlled emissions from service station tank breathing were erroneously included in the 1990 base year emissions inventory and have now been removed.
Ashland	Ashland has submitted corrected 1990 base year emissions for its point sources.
Rhodes	Rhodes was not included in the 1990 base year emissions inventory. Emissions from the source have now been added.
Louisville Hardwoods, Inc	Because Louisville Hardwoods' 1990 emissions were less than the 10 tons VOC/year point source inventory cut off, the source's emissions have been shifted from the point source inventory to the area source inventory.

B. Ridesharing Program

Included as a requested SIP revision in the Clark and Floyd 15% ROP plan submittal is a ridesharing program, called the Commuter Pool, affecting commuters in Clark and Floyd Counties. The Commuter Pool program provides companies and employees in the Louisville metropolitan area (including Clark and Floyd Counties) with technical and financial assistance in implementing car-pool and van-pool commuting arrangements.

To take credit for the ridesharing program, the program must be approved by EPA as a Transportation Control

Measure (TCM) and incorporated in the SIP. EPA's requirements for TCMs are summarized in the June 1993, EPA guidance document, *Guidance on Preparing Enforceable Regulations and Compliance Programs for the 15 Percent Rate-of-Progress Plans*. The required elements are (1) A complete description of the measure, and, if possible, its estimated emissions reduction benefits; (2) evidence that the measure was properly adopted by a jurisdiction(s) with legal authority to execute the measure; (3) evidence that funding will be available to implement the measure; (4) evidence that all necessary approvals have been obtained from all appropriate

government offices; (5) evidence that a complete schedule to plan, implement, and enforce the measure has been adopted by the implementing agencies; and (6) a description of any monitoring program to evaluate the measure's effectiveness and to allow for necessary in-place corrections or alterations.

The Commuter Pool program, as submitted by Indiana in the Clark and Floyd 15% ROP plan submittal, fully satisfies TCM requirements based on the following: (1) A complete description of the program and estimated emission reduction are provided in the documentation submitted with the ROP plan; (2) the measure has been adopted

by KIPDA, the authorized MPO for Louisville; (3) the program is currently operating and has received federal CMAQ program money for operation; (4) all necessary approvals have been obtained from DOT on the FY 1997–2000 TIP and Horizon 2020 Transportation Plan (which includes the TCM); (5) the Transportation Plan and TIP constitute the schedule, implementation mechanism, and also the enforcement mechanism for the TCM (the conformity provisions in 40 CFR part 93 provide that TCMs in an approved SIP must be implemented on schedule before a conformity determination can be made by DOT); and (6) the CMAQ program requires monitoring of programs funded under CMAQ and annual reports to DOT on achieved emission reductions. The Commuter Pool TCM, therefore, is approvable.

C. Rhodes Permits

Rhodes' heatset web offset printing operations are subject to three construction permits issued under 326 IAC 2–1 of the Indiana rules. The construction permits are CP 019–2110, CP 019–2696, and CP 019–4362, issued October 15, 1991, December 18, 1992, and April 21, 1995, respectively. These permits were submitted with the Clark and Floyd 15% ROP plan as a revision to the SIP.

Under the construction permits, Rhodes must not operate its presses unless the incinerators are functioning properly. Each incinerator must meet a 98% VOC destruction efficiency, and must maintain a combustion temperature at or above 1400 degrees Fahrenheit (760 degrees Celsius) to ensure continuous compliance with the destruction efficiency. The plant must meet a VOC capture efficiency of 86%, assuring an overall efficiency of 84% minimum. Rhodes was required to conduct an initial compliance stack test for each incinerator. Daily record keeping of the incinerators' minimum operating inlet temperature and minimum duct velocity must be kept for at least two years. Exceedances must be reported to IDEM.

These permits are being approved in today's action as revisions to the Indiana ozone SIP.

VI. Final Rulemaking Action

The EPA approves Indiana's 15% ROP plan for Clark and Floyd Counties as a revision to the SIP. For transportation conformity purposes, final approval of this 15% ROP plan also approves the 1996 mobile source emission budget of 16,785 lbs VOC/day. EPA also approves corrections to Clark

and Floyd Counties 1990 base year emissions inventory, the Rhodes permits, and the ridesharing program TCM included in the 15% ROP submittal.

The EPA is publishing this action without prior proposal because EPA views this as a noncontroversial revision 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 on July 7, 1997 unless, by June 6, 1997, adverse or critical comments on the approval are received.

If the EPA receives adverse comments, the approval will be withdrawn before the effective date by publishing a subsequent rulemaking 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 on July 7, 1997.

Nothing in this action should be construed as permitting, 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.

VII. 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 D. Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

B. Regulatory Flexibility

Under the Regulatory Flexibility Act, 5 U.S.C. section 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. sections 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 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 Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. EPA.*, 427 U.S. 246, 256–66 (1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, EPA must undertake various actions in association with 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. 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 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).

F. 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 July 7, 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, Intergovernmental relations, Incorporation by reference, Ozone, Reporting and recordkeeping requirements.

Dated: April 16, 1997.
William E. Munro,
Acting Regional Administrator.

For the reasons stated in the preamble, 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.

2. Section 52.770 is amended by adding paragraph (c)(118) to read as follows:

§ 52.770 Identification of Plan.

* * * * *

(c) * * *

(118) On July 12, 1995, Indiana submitted as a revision to the State Implementation Plan construction permits CP 019–2110, CP 019–2696, and CP 019–4362, issued under Indiana rule 326 IAC 2–1. The permits establish volatile organic compound control requirements for Rhodes Incorporated’s heatset web offset printing presses.

(i) *Incorporation by reference.* Construction Permit CP 019–2110, issued and effective October 15, 1991; Construction Permit CP 019–2696, issued and effective December 18, 1992; Construction permit CP 019–4362, issued and effective April 21, 1995.

3. Section 52.777 is amended by adding paragraph (m) to read as follows:

§ 52.777 Control Strategy: Photochemical Oxidants (hydrocarbon).

* * * * *

(m) On July 12, 1995, Indiana submitted a 15 percent rate-of-progress plan for the Clark and Floyd Counties portion of the Louisville ozone nonattainment area. This plan satisfies Clark and Floyd Counties’ requirements under section 182(b) of the Clean Air Act, as amended in 1990.

4. Section 52.777 is amended by adding paragraph (n) to read as follows:

§ 52.777 Control Strategy: Photochemical Oxidants (hydrocarbon).

* * * * *

(n) On July 12, 1995, Indiana submitted corrections to the 1990 base year emissions inventory for Clark and Floyd Counties. The July 12, 1995, corrections are recognized revisions to Indiana’s emissions inventory.

5. Section 52.777 is amended by adding paragraph (o) to read as follows:

§ 52.777 Control Strategy: Photochemical Oxidants (hydrocarbon).

* * * * *

(o) On July 12, 1995, Indiana submitted as a revision to the Indiana State Implementation Plan a ridesharing transportation control measure which affects commuters in Clark and Floyd Counties.

[FR Doc. 97–11908 Filed 5–6–97; 8:45 am]
 BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 60

[UT–001–0003a; FRL–5818–6]

Clean Air Act Approval and Promulgation of State Implementation Plan; UT; Standards of Performance for New Stationary Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA approves the State Implementation Plan (SIP) revision submitted by the State of Utah with a letter dated November 20, 1996. The submittal included the State adoption of a new rule, R307–18–1, which incorporates by reference the Federal new source performance standards (NSPS) in 40 CFR part 60, as in effect on March 12, 1996. EPA is approving the State’s submittal because it is consistent with the requirements of the Clean Air Act, as amended (Act).

DATES: This action will become effective on July 7, 1997, unless comments are received in writing by June 6, 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 Vicki Stamper, 8P2–A, at the EPA Regional Office listed below. Copies of the State’s submittal and other information are available for inspection during normal business hours at the following locations: Air Program, Environmental Protection Agency, Region VIII, 999 18th Street, suite 500, Denver, Colorado

80202–2405; Division of Air Quality, Utah Department of Environmental Quality, 150 North 1950 West, P.O. Box 144820, Salt Lake City, Utah 84114–4820; and The Air and Radiation Docket and Information Center, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Vicki Stamper, EPA Region VIII, (303) 312–6445.

SUPPLEMENTARY INFORMATION:

I. Analysis of State’s Submission

A. Procedural Background

The Act requires States to observe certain procedural requirements in developing implementation plans and plan revisions for submission to EPA. Sections 110(a)(2) and 110(l) of the Act provide that each implementation plan or plan revision submitted by a State must be adopted after reasonable notice and public hearing. In accordance with the completeness criteria in 40 CFR part 51, appendix V, EPA also must determine whether a submittal is complete and therefore warrants further EPA review and action [see section 110(k)(1) and 57 FR 13565]. EPA attempts to make completeness determinations within 60 days of receiving a submission. However, a submittal is deemed complete by operation of law if a completeness determination is not made by EPA six months after receipt of the submission.

To entertain public comment, the State of Utah, after providing adequate notice, held a public hearing on July 16, 1996 on the proposed revision to the Utah Air Conservation Regulations. Following the public hearing, the State adopted the rule revision on September 9, 1996. The Governor of Utah submitted the SIP revision on November 20, 1996, and supporting documentation was submitted by the Director of the Utah Division of Air Quality on December 2, 1996. The SIP revision was reviewed by EPA to determine completeness in accordance with the completeness criteria set out at 40 CFR part 51, appendix V. The submittal was found to be complete and a letter dated March 28, 1997 was forwarded to the Governor finding the submittal complete.

B. This Action

The State of Utah adopted a new rule, R307–18–1, which incorporates by reference the Federal NSPS in 40 CFR part 60, as in effect on March 12, 1996. The State had previously relied on Utah Air Conservation Regulations R307–1–1 and R307–1–3.1.8.B. to provide authority for implementation and enforcement of the NSPS. Under these