

US EPA ARCHIVE DOCUMENT

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.

#### *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 October 27, 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, Incorporation by reference, Reporting and recordkeeping requirements.

Dated: August 6, 1997.

**Martha R. Steincamp,**

*Acting 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 AA—Missouri**

2. Section 52.1320 is amended by revising paragraph (c)(96) to read as follows:

#### **§ 52.1320 Identification of plan.**

\* \* \* \* \*

(96) Revisions to the Missouri SIP submitted by the Missouri Department of Natural Resources on March 13, 1996, and August 6, 1996, pertaining to its intermediate operating permit program. The EPA is not approving provisions of the rules which pertain to the basic operating permit program.

(i) Incorporation by reference.

(A) Regulations 10 C.S.R. 10–6.020, Definitions and Common Reference Tables, effective June 30, 1996; and 10 C.S.R. 10–6.065, Operating Permits, effective June 30, 1996, except sections (4)(A), (4)(B), and (4)(H).

\* \* \* \* \*

[FR Doc. 97–22664 Filed 8–25–97; 8:45 am]

BILLING CODE 6560–50–F

### **ENVIRONMENTAL PROTECTION AGENCY**

#### **40 CFR Parts 52 and 70**

[MO 030–1030; FRL–5877–2]

#### **Approval and Promulgation of Implementation Plans; State of Missouri**

**AGENCY:** EPA.

**ACTION:** Final rule.

**SUMMARY:** The EPA is taking final action to approve revisions to Missouri's State Implementation Plan (SIP) concerning Missouri's rule 10 CSR 10–6.110, "Submission of Emission Data, Emission Fees, and Process Information". This rule also clarifies the requirements for the payment of emission fees to support Missouri's Title V Operating Permit Program and was submitted as part of the state's plan to comply with Title V of the Clean Air Act (CAA).

**DATES:** This rule is effective on September 25, 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:** Stan Walker at (913) 551–7494.

**SUPPLEMENTARY INFORMATION:** On March 5, 1997 at 62 FR 1000, the EPA proposed to approve amendments to Missouri rule 10 CSR 10–6.110, "Emission Data, Emission Fees, and Process Information." These revisions clarify the requirements for the payment of emission fees to support Missouri's

Title V Operating Permit Program and were submitted as part of the state's plan to comply with Title V of the CAA. Region VII received no comment on the proposed rulemaking.

#### **I. Approval of Revisions to Missouri's SIP**

Revisions to the rule include modifications to procedures for collecting, recording, and submitting emission data and process information on state-supplied Emission Inventory Questionnaires (EIQ) and Emission Statement forms, or in a format satisfactory to the Director. This is necessary so the state can calculate emissions for state air resource planning.

An amendment to the rule also establishes approved methods that can be used to calculate emission factors and establishes procedures for adjusting emission fees. Also, the amendment revises the terms "contaminant" and "pollution" to provide consistency with the definitions in 10 CSR 10–6.020.

#### **II. Revisions to Missouri's Part 70 Operating Permits Program**

One amendment to Missouri rule 10 CSR 10–6.110 changes section (1), "Applicability," to include a provision that all installations required to obtain permits under 10 CSR 10–6.060 or 10 CSR 10–6.065 (Missouri's construction and operating permit program) file an EIQ as outlined in the reporting frequency table in subsection (2)(E). The purpose of the change is to remove exemptions that were not intended by the Missouri legislature. This rule requires subject facilities to submit emission information and emission fees, and makes emission data available to the public.

The revision to Section (5) of Missouri rule 10 CSR 10–6.110 clarifies language related to payment of fees by charcoal kilns to reflect provisions concerning charcoal kiln fees in the Missouri statute. For additional information, please refer to the Technical Support Document for this rulemaking.

#### **III. Final Action**

The EPA is taking final action to approve revisions to Missouri's SIP concerning Missouri's rule 10 CSR 10–6.110, "Submission of Emission Data, Emission Fees, and Process Information," and to approve revisions to Missouri's Title V program.

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.

#### IV. Administrative Requirements

##### A. Docket

Copies of the Missouri submittal and other information relied upon for the final approval are contained in the docket maintained at the EPA Region VII office. The docket is an organized and complete file of all the information submitted to or otherwise considered by the EPA in the development of this final approval. The docket is available for public inspection at the location listed under the ADDRESSES section of this document.

##### B. Executive Order 12866

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

##### C. Regulatory Flexibility Act

SIP approvals under section 110 and subchapter I, part D of the CAA do not create any new requirements but simply approve requirements that the state is already imposing. Similarly, approval of Title V Operation Permit Program revision creates no new requirements. Therefore, because the Federal 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. 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.

##### E. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, 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).

##### F. 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 October 27, 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

##### 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.

##### 40 CFR Part 70

Environmental protection, Administrative practice and procedure,

Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: August 6, 1997.

**Martha R. Steincamp,**

*Acting Regional Administrator.*

Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

#### PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401–7671q.

##### Subpart AA—Missouri

2. Section 52.1320 is amended by adding paragraph (c)(100) to read as follows:

##### § 52.1320 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(100) A revision to the Missouri SIP was submitted by the Missouri Department of Natural Resources on February 1, 1996, pertaining to Emission Data, Emission Fees, and Process Information.

(i) Incorporation by reference.

(A) Missouri Rule 10 CSR 10–6.110, “Emission Data, Emission Fees, and Process Information,” effective December 30, 1995.

#### PART 70—[AMENDED]

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

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

2. Appendix A to part 70 is amended by adding paragraph (c) to the entry for Missouri to read as follows.

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

\* \* \* \* \*

##### Missouri

\* \* \* \* \*

(c) The Missouri Department of Natural Resources submitted Missouri rule 10 CSR 10–6.110, “Submission of Emission Data, Emission Fees, and Process Information,” on February 1, 1996, approval effective September 25, 1997.

\* \* \* \* \*

[FR Doc. 97–22663 Filed 8–25–97; 8:45 am]

BILLING CODE 6560–50–F