PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart H—Educational Assistance Test Program

1. The authority citation for part 21, subpart H, continues to read as follows:

Authority: 10 U.S.C. Ch. 107; 38 U.S.C. 501(a), 3695, 5101,5113,5303A; 42 U.S.C. 2000; Sec. 901, Pub. L. 96–342 94 stat. 1111–1114.

§ 21.5820 [Amended]

2. In § 21.5820, paragraph (b)(1) is amended by removing ''1995–96'' and adding, in its place, ''1996–97'', and by removing ''$2,761'' and adding, in its place, ''$2,927''; paragraph (b)(2)(ii) introductory text is amended by removing ''1995–96'' and adding, in its place, ''1996–97''; paragraph (b)(2)(ii)(A) is amended by removing ''$306.78'' and adding, in its place, ''$325.22'', and by removing ''$153.39'' and adding, in its place, ''$162.61''; paragraph (b)(2)(ii)(B) is amended by removing ''$10.23'' and adding, in its place, ''$10.84'', and by removing ''$5.11'', and adding, in its place, ''$5.42''; paragraph (b)(2)(ii)(C) is amended by removing ''decreased'' both times it appears and adding, in its place, ''increased''; paragraph (b)(3)(ii) introductory text is amended by removing ''1995–96'' and adding, in its place, ''1996–97''; paragraph (b)(3)(ii)(A) is amended by removing ''$306.78'' and adding, in its place, ''$325.22'', and by removing ''$153.39'' and adding, in its place, ''$162.61''; paragraph (b)(3)(ii)(B) is amended by removing ''$10.23'' and adding, in its place ''$10.84'', and by removing ''$5.11'' and adding, in its place, ''$5.42''; and paragraph (b)(3)(ii)(C) is amended by removing ''decreased'' both times it appears and adding, in its place, ''increased''.

§ 21.5822 [Amended]

3. In § 21.5822, paragraph (b)(1)(i) is amended by removing ''$688'' and adding, in its place, ''$729'', and by removing ''1995–96'' and adding, in its place, ''1996–97''; paragraph (b)(1)(ii) is amended by removing ''$344'' and adding, in its place, ''$364.50'', and by removing ''1995–96'' and adding, in its place, ''1996–97''; paragraph (b)(2)(i) is amended by removing ''1995–96'' and adding, in its place, ''1996–97'', and by removing ''$688'' and adding, in its place, ''$729''; and paragraph (b)(2)(ii) is amended by removing ''1995–96'' and adding, in its place, ''1996–97'', and by removing ''$344'', and adding, in its place, ''$364.50''.

[FR Doc. 97–5579 Filed 3–6–97; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OR59–7274, OR60–7275; FRL–5696–6]

Approval and Promulgation of State Implementation Plans: Oregon

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) approves revisions to the State of Oregon Implementation Plan for two source-specific Reasonably Available Control Technology (RACT) volatile organic compound (VOC) emissions standards: Cascade General, Inc., a ship repair yard in Portland, Oregon; and, White Consolidated, Inc. (doing business as Schrock Cabinet Co.), a wood cabinet manufacturing facility in Hillsboro, Oregon. These revisions are required by the Clean Air Act (CAA) and were submitted to EPA on November 20, 1996.

DATES: This action is effective on May 6, 1997 unless adverse or critical comments are received by April 7, 1997. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be addressed to: Montel Livingston, SIP Manager, Office of Air Quality (OAQ–107), EPA Region 10, 1200 Sixth Avenue, Seattle, Washington 98101. Documents incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, EPA, 401 M Street, SW, Washington, D.C. 20460. Copies of material submitted to EPA may be examined during normal business hours at the following locations: EPA, Office of Air Quality (OAQ–107), 1200 Sixth Avenue, Seattle, Washington 98101, and the Oregon Department of Environmental Quality, 811 S.W. Sixth Avenue, Portland, Oregon 97204–1390.

FOR FURTHER INFORMATION CONTACT: Denise Baker, Office of Air Quality (OAQ–107), EPA Region 10, Seattle, Washington, (206) 553–8087.

SUPPLEMENTARY INFORMATION:

I. Background

Section 172(a)(2) and (b)(3) of the CAA, as amended in 1977 (1977 Act), required sources of VOC to install, at a minimum, RACT in order to reduce emissions of this pollutant. EPA has defined RACT as the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available, considering technological and economic feasibility (44 FR 53761, September 17, 1979). EPA has developed Control Technology Guidelines (CTGs) for the purpose of informing State and local air pollution control agencies of air pollution control techniques available for reducing emissions of VOC from various categories of sources. Each CTG contains recommendations to the States of what EPA calls the ''presumptive norm'' for RACT. This general statement of agency policy is based on EPA's evaluation of the capabilities of, and problems associated with, control technologies currently used by facilities within individual source categories. EPA has recommended that the States adopt requirements consistent with the presumptive norm level.

On March 3, 1978, the entire Portland-Vancouver Interstate Air Quality Maintenance Area was designated by EPA as a non-attainment area for ozone. The Portland-Vancouver Interstate Air Quality Maintenance Area contains the urbanized portions of three counties in Oregon (Clackamas, Multnomah, and Washington) and one county (Clark) in the State of Washington.

The 1977 Act required States to submit plans to demonstrate how they would attain and maintain compliance with national ambient air standards for those areas designated non-attainment. The 1977 Act further required these plans to demonstrate compliance with primary standards no later than December 31, 1982. An extension up to December 31, 1987, was possible if the State could demonstrate that, despite implementation of all reasonably available control measures, the December 31, 1982, date could not be met.

On October 7, 1982, EPA approved the Portland-Vancouver area ozone attainment plan, including an extension of the attainment date to December 31, 1987 (47 FR 44262).

On June 15, 1988, pursuant to Section 110(a)(2)(H) of the pre-amended CAA, former EPA Regional Administrator Robie Russell notified the State of Oregon by letter that the State Implementation Plan (SIP) for the Portland-Vancouver area was substantially inadequate to provide for timely attainment of the National Ambient Air Quality Standards (NAAQS). In that letter, EPA identified specific actions needed to correct deficiencies in State regulations representing RACT for sources of VOC. Further, the CAA, as amended in 1990 (amended Act), also requires States to correct deficiencies. In amended Section 182(a)(2)(A), Congress statutorily

adopted the requirement that ozone non-attainment areas fix their deficient RACT rules for ozone. Areas designated non-attainment before the effective date of the amendments, and which retained that designation and were classified as marginal or above as of the effective date, are required to meet the RACT fix-up requirement. Under Section 182(a)(2)(A), States with such non-attainment areas were mandated to correct their RACT requirements by May 15, 1991. The corrected requirements were to be in compliance with Section 172(b), as it existed before the amendments, and as that section was interpreted in the pre-amendment guidance. The SIP call letter interpreted that guidance and indicated corrections necessary for specific non-attainment areas. The Portland part of the Portland-Vancouver non-attainment area is classified as marginal. Therefore, this area is subject to the RACT fix-up requirement and the May 15, 1991, deadline.

On May 15, 1991, the State of Oregon submitted Oregon Administrative Rules (OAR) 340–22–100 through 340–22–220, General Emission Standards for Volatile Organic Compounds, as an amendment to the Oregon SIP. On September 29, 1993, EPA approved these revisions to the Oregon SIP (58 FR 50848). Part of these amended rules included a requirement for RACT for non-CTG sources.

On November 20, 1996, the State of Oregon submitted to EPA source-specific RACT VOC emissions standards for Cascade General, Inc., a ship repair yard in Portland, Oregon; and, White Consolidated, Inc. (doing business as Schrock Cabinet Co.), a wood cabinet manufacturing facility in Hillsboro, Oregon.

The RACT determination for Cascade General modifies their existing permit to contain surface coating performance standards and special conditions for solvent clean-up operations. The permit now provides specific limits for VOC emissions from five different coating types used in ship painting operations (refer to condition 19, Page 2 of 3, of addendum #2 to operating permit #26–3224, issued by the Oregon Department of Environmental Quality).

White Consolidated's RACT determination places limits on the VOC content of coatings used in the finishing steps of wood cabinet production and VOC handling methods used in solvent related cleaning. (For more specific information, see conditions 11, 12, and 13, Pages 5 and 6, of addendum #2 to operating permit #34–2060, issued by the Oregon Department of Environmental Quality.)

This Federal Register document approves the rule revision as an amendment to the Oregon SIP.

II. This Action

EPA is approving the revision to the State of Oregon Implementation Plan submitted on November 20, 1996, as an amendment. The RACT determinations for Cascade General, Inc., and White Consolidated, Inc., meet all of the applicable requirements of the Act as determined by EPA.

EPA is not approving the entire permit, but only the conditions necessary for implementation and enforcement of the RACT requirement in OAR 340–22–104(5), (6), and (7). Since the RACT requirements are contained in the approved SIP, the source specific RACT limits will remain in effect, even if the Oregon permit expires as a matter of State law.

The EPA is publishing this action 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, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective May 6, 1997 unless by April 7, 1997, adverse or critical comments are received.

If the 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 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 May 6, 1997.

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.

III. Administrative Review

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 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, I certify 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 EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 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 the private sector, of $100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more

to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

D. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 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 5 U.S.C. 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 May 6, 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), 42 U.S.C. 7607(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Note: Incorporation by reference of the Implementation Plan for the State of Oregon was approved by the Director of the Office of Federal Register on July 1, 1982.

Dated: February 21, 1997.

Jane S. Moore,

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 MM—Oregon

2. Section 52.1970 is amended by adding paragraph (c) (117) to read as follows:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

(117) On November 20, 1996, the Director of the Oregon Department of Environmental Quality (ODEQ) submitted source-specific Reasonably Available Control Technology (RACT) determinations to EPA as SIP revisions for VOC emissions standards.

(i) Incorporation by reference.

(A) Two letters dated November 20, 1995, from Director of the Oregon Department of Environmental Quality (ODEQ) submitting SIP revisions for RACT determinations for VOC emissions for: Cascade General, Inc., a ship repair yard in Portland, Oregon, Permit No. 26–3224 (issued to the Port of Portland), dated October 4, 1995; and, White Consolidated, Inc. (doing business as Schrock Cabinet Co.), a wood cabinet manufacturing facility in Hillsboro, Oregon, Permit No. 34–2060, dated August 1, 1995.

[FR Doc. 97–5644 Filed 3–6–97; 8:45 am]

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40 CFR Parts 52 and 81

[OR64–7279a, OR36–1–6298a, OR46–1–6802a; FRL–5696–8]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) approves numerous amendments to the Oregon Department of Environmental Quality's (ODEQ's) rules for stationary sources, including new source review and prevention of significant deterioration rules, as revisions to the Oregon State Implementation Plan (SIP). These revisions were submitted by the Director of the ODEQ on May 20, 1988, January 20, 1989, September 14, 1989, October 13, 1989, November 15, 1991, August 26, 1992, November 16, 1992, May 28, 1993, November 15, 1993, December 14, 1993, November 14, 1994, June 1, 1995, September 27, 1995, October 8, 1996, and January 22, 1997, in accordance with the requirements of section 110, Part C, and Part D of the Clean Air Act (hereinafter the Act). EPA is also removing the listings for total suspended particulates nonattainment areas in 40 CFR Part 81.

DATES: This action is effective on May 6, 1997 unless adverse or critical comments are received by April 7, 1997. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be addressed to: Montel Livingston, SIP Manager, Office of Air Quality (OAQ–107), U.S. Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. Copies of material submitted to EPA may be examined during normal business hours at the following locations: EPA, Region 10, Office of Air Quality, 1200 Sixth Avenue, Seattle, Washington 98101, and Oregon Department of Environmental Quality, 811 S.W. Sixth Avenue, Portland, Oregon 97204.

FOR FURTHER INFORMATION CONTACT: David C. Bray, Office of Air Quality (OAQ–107), EPA, Region 10, Seattle, Washington 98101, (206) 553–4253.

SUPPLEMENTARY INFORMATION:

I. Background

On July 1, 1987 (52 FR 24672), in conjunction with the revision to the national ambient air quality standards (NAAQS) for particulate matter (PM_{10}), EPA revised the requirements for state implementation plans. These revisions included changes to the requirements for new source review (NSR) and prevention of significant deterioration (PSD) permitting programs. In response to these new requirements, on May 20, 1988, the Director of the Oregon Department of Environmental Quality (ODEQ) submitted amendments to Oregon's state ambient air quality standards (including its standards for particulate matter), new source review (NSR), and prevention of significant deterioration (PSD) rules.[1] Further amendments to the NSR rules applicable to specific areas which violated the new PM_{10} standards were submitted on September 14, 1989, and October 13, 1989,[2] and additional

[1] Other provisions in the May 20, 1988, submittal regarding commitments for Group II PM_{10} areas and emergency episode plans were acted on in a February 23, 1993, Federal Register (58 FR 10972).

[2] Additional provisions regarding the Medford-Ashland and Grants Pass PM_{10} industrial rules

Continued