means including use of an existing facsimile notification network.

Dated: April 29, 1997.

**M.W. Brown,**

*Captain, U.S. Coast Guard, Captain of the Port, Chicago.*

[FR Doc. 97–12645 Filed 5–13–97; 8:45 am]

BILLING CODE 4910–14–M

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[OK–13–1–7080a, FRL–5822–3]**

## Approval of a Revision to a State Implementation Plan; Oklahoma; Revision to Particulate Matter Regulations

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

**ACTION:** Direct final rule.

**SUMMARY:** The EPA is approving revisions to the Oklahoma State Implementation Plan (SIP) submitted by the Governor on May 16, 1994. This action approves revisions to the Oklahoma SIP by adopting new rules and opacity requirements to control particulate matter emissions from new, modified, and existing cotton gin operations. Approval of this revision will strengthen the SIP by making it Federally enforceable. In addition, the new rules will simplify the process weight regulations in the State.

**DATES:** This action is effective on July 14, 1997, unless critical or adverse comments are received by June 13, 1997. If the effective date is delayed, timely notice will be published in the **Federal Register**.

**ADDRESSES:** Comments should be mailed to Mr. Thomas Diggs, Chief, Air Planning Section (6PD–L), EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733. Copies of the State's submittal and other information relevant to this action are available for inspection during normal business hours at the following locations:

Environmental Protection Agency, Region 6, Air Planning Section (6PD–L), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Oklahoma Department of Environmental Quality, Air Quality Division, 4545 N. Lincoln, Suite 250, Oklahoma City, Oklahoma 73105–5220.

Anyone wishing to review these documents at the EPA office is asked to contact the person below to schedule an appointment 24 hours in advance.

**FOR FURTHER INFORMATION CONTACT:** Ms. Petra Sanchez, Air Planning Section (6PD–L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733, telephone (214) 665–6686.

**SUPPLEMENTARY INFORMATION:**

### I. Background

The revisions to this SIP action respond to the requirements of Section 110 of the Federal Clean Air Act (the Act), as amended in 1990. Section 110 requires States to adopt and submit to the Administrator a plan which provides for implementation, maintenance, and enforcement of the primary and secondary standards for the State. Code of Federal Regulations (CFR), 40 Part 50.6 defines the level of the National primary and secondary 24-hour ambient air quality standards (NAAQS) for particulate matter as 150 micrograms per cubic meter ($\mu g/m^3$), 24-hour average concentration and 50 $\mu g/m^3$, annual arithmetic mean. Although Oklahoma is in attainment of the standards for particulate matter, submission and approval of this revision serves to strengthen the SIP in Oklahoma by making it federally enforceable.

This SIP action approves the new cotton gin requirements and opacity rules developed by the State of Oklahoma in consultation with EPA and the affected industry. The new rules require cotton gins to install specific control equipment and to meet a 20 percent visible emissions limit. The affected sources from this action are located throughout the State, but predominately in rural areas. Previously, Oklahoma did not have specific rules for cotton gin operations. Instead, this category of source was regulated under existing general particulate matter rules. These rules serve to strengthen the existing SIP by superseding the general requirements and by making them federally enforceable. In addition, they are applicable to new, existing, and modified gins.

During the development of the State rules, Oklahoma referenced various other State requirements and the EPA Visible Emissions (VE) performance testing methods in 40 CFR Part 60, Appendix A. The approved method for determining VE is Reference Method 9 (Method 9 or RM 9). Method 9 discusses how to make visual determinations of opacity for emissions from stationary sources. The mechanism for determining VE by States has often included the use of an opacity regulation to assist in meeting or maintaining the particulate matter air quality standard.

### II. Analysis of State Submittal

*Emission Limit*

Fugitive emissions from the cotton gin burr hopper dumping area have been a major source of complaints from inhabited areas. Amendments to the State rules update the control requirements for cotton gins throughout Oklahoma by specifying the emissions limitations and specific control measures to be utilized by new, modified, or existing cotton gins. To control fugitive emissions from burr hoppers during dumping, the use of total enclosure at existing gin sites located within the corporate city limits of any city or within 300 feet of two or more occupied establishments is required. All new gin sites are required to install and use a total enclosure on the burr hopper. Action must also be taken to minimize fugitive dust emissions during transportation and other operations. An opacity limit of 20 percent is set for discharges. This opacity limit, however, may be increased for particulates but only after the owner/operator can demonstrate to the satisfaction of the Oklahoma Air Quality Council at a public hearing that their controls meet State requirements and do not violate the National Ambient Air Quality Standards (NAAQS).

*Emission Control Equipment*

The Oklahoma cotton gin rule specifies the 1D/3D cyclone as the approved control equipment on high-pressure exhausts. This gives higher control efficiencies than the 2D/2D cyclone which is commonly used in cotton gin operations and has a comparable cost. Some facilities in Oklahoma have voluntarily installed 1D/3D cyclones prior to the adoption of this State regulation. However, to minimize the adverse economic impact, a phased-in approach is taken on existing facilities allowing continued use of 2D/2D cyclones until repair costs are no longer cost effective. Facilities will then be required to replace the older equipment with 1D/3D equipment.

For low-pressure exhausts, the use of 70 mesh or finer screens (or approved equivalent) is required. This is the most effective of the sizes considered (70, 80, and 100 mesh). The new rules provide equal or superior control of emissions compared with that provided for the cotton gin industry by the existing

general particulate matter control rules and guidelines.

*Recordkeeping*

All new, modified, or existing cotton gins are required to comply with the State rules and are required to maintain a log documenting the daily process weight, hours of operation, and air emission control equipment replacement schedule or repair costs.

## III. Final Action

These rules have been developed with the cooperation of the affected industry, and use a control technology basis for determination of compliance. The rules are needed because the industry represents a significant source of particulate matter emissions and fugitive dust previously controlled by general particulate matter control rules and guidelines.

The EPA is approving the State's SIP revision and the adopted new rules pertaining to opacity requirements for cotton gin operations in Oklahoma. The EPA has reviewed the submittal for consistency with the Act, EPA regulations, and EPA policy. The EPA has determined that the rules meet the Act's requirements for revision to the SIP and today is approving under section 110 the above mentioned cotton gin rules.

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 *FR* publication, the EPA is proposing to approve these SIP revisions should adverse or critical comments be received. This action will be effective July 14, 1997, unless adverse or critical comments are received by June 13, 1997.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent action 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 adverse comments are received, the public is advised that this action will be effective on July 14, 1997.

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

## IV. Administrative Requirements

*A. Executive Order (E.O.) 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 has exempted this regulatory action from Executive Order 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. *See* 5 U.S.C. 603 and 604. Alternatively, the 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 population of less than 50,000.

The 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, 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 Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Act forbids EPA to base its actions concerning SIPs on such grounds. *See Union Electric Co.* v. *U.S. 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 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. The Federal action approves preexisting requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to the 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 Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 14, 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, Particulate matter, Reporting and recordkeeping requirements.

Dated: April 24, 1997.

**Jerry Clifford,**

*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 LL—Oklahoma

2. Section 52.1920 is amended by adding paragraph (c)(44) to read as follows:

**§ 52.1920 Identification of plan.**

* * * * *

(c) * * *

(44) A revision to the Oklahoma SIP to include Oklahoma Administrative Code, Chapter 310:200, Subchapter 23, entitled, ''Control of Emissions From Cotton Gins,'' submitted by the Governor on May 16, 1994.

(i) Incorporation by reference.

(A) Addition of Oklahoma Administrative Code, Chapter 310:200, Subchapter 23, entitled, ''Control of Emissions From Cotton Gins,'' as adopted by the Oklahoma Air Quality Council on April 30, 1992, and effective June 1, 1993.

(ii) Additional material—None.

[FR Doc. 97–12551 Filed 5–13–97; 8:45 am]

BILLING CODE 6560–50–P

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## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[MO 023–1023(a); FRL–5822–9]**

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

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

**ACTION:** Direct final rule.

**SUMMARY:** By this action the EPA grants final full approval to the State Implementation Plan (SIP) submitted by the state of Missouri for the purpose of meeting the requirements of the EPA's general conformity rule. This fulfills the conditions of the approval granted on March 11, 1996, which became effective May 10, 1996.

**DATES:** This action is effective July 14, 1997 unless by June 13, 1997 adverse or critical comments are received.

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

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

**SUPPLEMENTARY INFORMATION:**

### I. Background

The EPA granted conditional approval to Missouri's SIP revision (containing rule 10 CSR 10–6.300), regarding Conformity of General Federal Actions to State Implementation Plans, in a rulemaking dated March 11, 1996 (61 FR 9642–9644). This conditional approval was necessary because the state used a model rule developed by the State and Territorial Air Pollution Program Administrators/Association of Local Air Pollution Control Officials (STAPPA/ALAPCO) that made two provisions of the Missouri rule more stringent than the Federal general conformity rule. The rationale for the conditional approval and for the EPA's determination regarding these provisions is explained in detail in the Technical Support Document which accompanied the March 11, 1996, conditional approval.

Under section 110(k)(4) of the Act, the EPA granted a conditional approval based on Missouri's commitment to correct the noted deficiencies not later than one year after the date of approval of the plan revision. Missouri committed to correct these deficiencies within one year from December 7, 1995. On November 20, 1996, Missouri submitted a revision to the SIP that corrects the deficiencies and meets the requirements of the conditional approval.

As requested by the EPA, this revised SIP specifically amends sections (3)(C)4 and (9)(B) of 10 CSR 10–6.300 regarding conformity analyses timeframes. Prior to the amendment, these cited sections contained sentences regarded as clarifying language in the STAPPA/ALAPCO model rule.

### II. Final Action

The EPA is taking final action to approve revisions submitted on November 20, 1996, which fulfills the conditional approval effective May 10, 1996. This meets the Federal requirements set forth in 40 CFR 51.851 and 93.151.

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 is effective July 14, 1997 unless, by June 13, 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 then 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 is effective July 14, 1997.

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.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., the 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, the EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

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

### III. Administrative Requirements

*A. Executive Order 12866*

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225), as revised by a July 10, 1995, memorandum from Mary Nichols,