Education, 555 New Jersey Avenue, NW., Washington, D.C. 20208-5530. Telephone: (202) 219–2005. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** On March 6, 1997, the Secretary published final regulations amending EDGAR to improve the selection criteria governing discretionary grant programs administered directly by the Department (62 FR 10398). The effective date for these final regulations is April 7, 1997. However, some of the Department's grant programs, in preparing application notices, planned to use the pre-existing selection criteria for fiscal year 1997 awards. The Secretary did not intend that these competitions be required to use the new EDGAR selection criteria in fiscal year 1997. The Secretary therefore issues this interpretation of the applicability of the revised regulations. If a program publishes an application notice prior to April 7, 1997, for awards to be made after that date, the program may use the revised EDGAR selection criteria, or may use the prior EDGAR criteria.

## Waiver of Public Comment

In accordance with the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed rules. Public comment was previously taken on the existing and revised selection criteria in 34 CFR Part 75 that are the subject of this notice. Moreover, this notice interprets the applicability of the respective selection criteria to grant awards for fiscal year 1997. Therefore, public comment is not required under 5 U.S.C. 553(b)(A). Since this notice corrects an error in failing to explain the applicability of the revised regulations, public comment also is unnecessary under 5 U.S.C. 553(b)(B). For the same reasons, the Secretary waives the requirement in 5 U.S.C. 553(d) for a 30-day delayed effective date.

Dated: March 24, 1997.

**Judith A. Winston,**

*General Counsel.*

[FR Doc. 97–7813 Filed 3–26–97; 8:45 am]

**BILLING CODE 4000–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[CA 184–0031a FRL–5709–3]**

## Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Diego County Air Pollution Control District

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action on revisions to the California State Implementation Plan. This action is an administrative change which revises the definition of volatile organic compounds (VOC) and updates the Exempt Compound list in rules from the San Diego County Air Pollution Control District (SDCAPCD). The intended effect of approving this action is to incorporate changes to the definition of VOC and to update the Exempt Compound list in SDCAPCD rules to be consistent with the revised federal and state VOC definitions.

**DATES:** This action is effective on May 27, 1997 unless adverse or critical comments are received by April 28, 1997. If the effective date is delayed, a timely notice will be published in the **Federal Register**.

**ADDRESSES:** Copies of the rules and EPA's evaluation report for these rules are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rules are available for inspection at the following locations:

Rulemaking Office (Air-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Environmental Protection Agency, Air Docket (6102), 401 ''M'' Street, S.W., Washington, D.C. 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95814.

San Diego County Air Pollution Control District, 9150 Chesapeake Drive, CA 92123.

**FOR FURTHER INFORMATION CONTACT:** Christine Vineyard, Rulemaking Office (Air-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1197.

**SUPPLEMENTARY INFORMATION:**

## Applicability

The rules with definition revisions being approved into the California SIP include the following San Diego County Air Pollution Control District Rules: Rule 2, Definitions; Rule 67.0, Architectural Coatings; Rule 67.1, Alternative Emission Control Plans; Rule 67.2, Dry Cleaning Equipment Using Petroleum-Based Solvents; Rule 67.3, Metal Parts and Products Coating Operations; Rule 67.5, Paper, Film, and Fabric Coating Operations; Rule 67.7, Cutback and Emulsified Asphalts; Rule 67.12, Polyester Resin Operations; Rule 67.15, Pharmaceutical and Cosmetic Manufacturing Operations; 67.16, Graphic Arts Operations; Rule 67.17, Storage of Materials Containing Volatile Organic Compounds; Rule 67.18, Marine Coating Operations; and Rule 67.24, Bakery Ovens. These rules were submitted by the California Air Resources Board to EPA on October 18, 1996.

## Background

On June 16, 1995 (60 FR 31633) EPA published a final rule excluding acetone from the definition of VOC. On February 7, 1996 (61 FR 4588) EPA published a final rule excluding perchloroethylene from the definition of VOC. On May 1, 1996 (61 FR 19231) EPA published a proposed rule excluding HFC 43–10mee and HCFC 225ca and cb from the definition of VOC. These compounds were determined to have negligible photochemical reactivity and thus, were added to the Agency's list of Exempt Compounds.

The State of California submitted many revised rules for incorporation into its SIP on October 18, 1996, including the rules being acted on in this administrative action. This action addresses EPA's direct-final action for SDCAPCD Rule 2, Definitions; Rule 67.0, Architectural Coatings; Rule 67.1, Alternative Emission Control Plans; Rule 67.2, Dry Cleaning Equipment Using Petroleum-Based Solvents; Rule 67.3, Metal Parts and Products Coating Operations; Rule 67.5, Paper, Film, and Fabric Coating Operations; Rule 67.7, Cutback and Emulsified Asphalts; Rule 67.12, Polyester Resin Operations; Rule 67.15, Pharmaceutical and Cosmetic Manufacturing Operations; Rule 67.16, Graphic Arts Operations; Rule 67.17, Storage of Materials Containing Volatile Organic Compounds; Rule 67.18, Marine Coating Operations; and Rule 67.24, Bakery Ovens. These rules were adopted by SDCAPCD on May 15, 1996 and were found to be complete on December 19, 1996, pursuant to EPA's

completeness criteria that are set forth in 40 CFR part 51, Appendix V[1] and are being finalized for approval into the SIP.

This administrative revision adds acetone, perchloroethylene, HFC 43–10mee and HCFC 225ca and cb to the list of compounds which make a negligible contribution to tropospheric ozone formulation. Thus, EPA is finalizing the approval of the revised definitions to be incorporated into the California SIP for the attainment of the national ambient air quality standards (NAAQS) for ozone under title I of the Clean Air Act (CAA or the Act).

**EPA Evaluation and Action**

This administrative action is necessary to make the VOC definition in SDCAPCD rules consistent with federal and state definitions of VOC. This action will result in more accurate assessment of ozone formation potential, will remove unnecessary control requirements and will assist States in avoiding exceedences of the ozone health standard by focusing control efforts on compounds which are actual ozone precursors.

The SDCAPCD rules being affected by this action to revise the definition of VOC include:

- Rule 2 Definitions.
- Rule 67.0 Architectural Coatings.
- Rule 67.1 Alternative Emission Control Plans.
- Rule 67.2 Dry Cleaning Equipment Using Petroleum-Based Solvents.
- Rule 67.3 Metal Parts and Products Coating Operations.
- Rule 67.5 Paper, Film and Fabric Coating Operations.
- Rule 67.7 Cutback and Emulsified Asphalts.
- Rule 67.12 Polyester Resin Operations.
- Rule 67.15 Pharmaceutical and Cosmetics Manufacturing Operations.
- Rule 67.16 Graphic Arts Operations.
- Rule 67.17 Storage of Materials Containing Volatile Organic Compounds.
- Rule 67.18 Marine Coating Operations.
- Rule 67.24 Bakery Ovens.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future 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.

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 27, 1997, unless, by April 28, 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 action 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 will be effective May 27, 1997.

**Regulatory Process**

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 sections 110 and 301(a) 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. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S. Ct. 1976); 42 U.S.C. 7410 (a)(2).

*Unfunded Mandates*

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector or to State, local, or tribal governments in the aggregate.

Through submission of this state implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under Part D of the Clean Air Act. These rules may bind State, local, and tribal governments to perform certain actions and also require the private sector to perform certain duties. The rules being approved by this action will impose no new requirements because affected sources are already subject to these regulations under State law. Therefore, no additional costs to State, local, or tribal governments or to the private sector result from this action. EPA has also determined that this final action does not include a mandate that may result in estimated costs of $100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

Under 5 U.S.C. 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 5 U.S.C. section 804(2).

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 Executive Order 12866 review.

**List of Subjects in 40 CFR Part 52**

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

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

[1] EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

Dated: February 26, 1997.

**John Wise,**

*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 F—California

2. Section 52.220 is amended by adding paragraph (c)(241) to read as follows:

**§ 52.220 Identification of plan.**

* * * * *

(c) * * *

(241) New and amended regulations for the following APCD were submitted on October 18, 1996 by the Governor's designee.

(i) Incorporationed by reference.

(A) San Diego County Air Pollution Control District.

(*1*) Rules 2, Definitions; 67.0, Architectural Coatings; 67.1, Alternative Emission Control Plans; 67.2, Dry Cleaning Equipment Using Petroleum-Based Solvents; 67.3, Metal Parts and Products Coating Operations; 67.5, Paper, Film, and Fabric Coating Operations; 67.7, Cutback and Emulsified Asphalts; 67.12, Polyester Resin Operations; 67.15, Pharmaceutical and Cosmetic Manufacturing Operations; 67.16, Graphic Arts Operations; 67.17, Storage of Materials Containing Volatile Organic Compounds; 67.18, Marine Coating Operations; and 67.24, Bakery Ovens, adopted on May 15, 1996.

* * * * *

[FR Doc. 97–7690 Filed 3–26–97; 8:45 am]

BILLING CODE 6560–50–P

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## 40 CFR Part 81

**[ME048–1–6997a; FRL–5802–3]**

## Designation of Areas for Air Quality Planning Purposes; Correction of Designation of Nonclassified Ozone Nonattainment Areas; States of Maine and New Hampshire

**AGENCY:** United States Environmental Protection Agency (USEPA or Agency).

**ACTION:** Direct final rule.

**SUMMARY:** The USEPA announces its decision to correct the ozone designations for the Sullivan and Belknap counties, New Hampshire nonattainment areas, and the portions of Oxford, Franklin and Somerset counties in Maine designated nonattainment. The USEPA is publishing the designation correction of these areas to attainment/unclassifiable for ozone, pursuant to section 110(k)(6) of the Clean Air Act (the Act), which allows the USEPA to correct its actions. The rationale for this approval is set forth in this final rule; additional information is available at the address indicated below. In the proposed rules section of this **Federal Register**, the USEPA is proposing approval of and soliciting public comment on this action. If adverse comments are received on this direct final rule, the USEPA will withdraw this direct final rule and address the comments received in a subsequent final rule on the related proposed rule which is being published in the proposed rules section of this **Federal Register**. No additional opportunity for public comment will be provided. Unless this direct final rule is withdrawn no further rulemaking will occur on this action.

**DATES:** This action will be effective May 27, 1997 unless notice is received by April 28, 1997 that someone wishes to submit adverse comments. If the effective date is delayed, timely notice will be published in the **Federal Register**.

**ADDRESSES:** Comments may be mailed to Susan Studlien, Deputy Director, Office of Ecosystems Protection, U.S. Environmental Protection Agency, Region I, JFK Federal Bldg., (CAA) Boston, MA 02203. Copies of EPA's technical support document are available for public inspection during normal business hours, by appointment at: Office of Ecosystems Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA; the Bureau of Air Quality Control, Department of Environmental Protection, 71 Hospital Street, Augusta, ME 04333; and the New Hampshire Department of Environmental Services, 64 N. Main St., Concord, NH 03302.

**FOR FURTHER INFORMATION CONTACT:** Richard P. Burkhart, U.S. Environmental Protection Agency, Region I, JFK Federal Bldg., (CAQ) Boston, MA 02203. Phone: 617–565–3578.

**SUPPLEMENTARY INFORMATION:**

### I. Background

*1. Background for Sullivan and Belknap Counties, New Hampshire*

Pursuant to the 1977 amendments to the Clean Air Act (Act), the USEPA designated nonattainment areas with respect to the 0.08 parts per million (ppm) photochemical oxidant National Ambient Air Quality Standard (NAAQS). For such areas, states submitted State Implementation Plans (SIPs) to control emissions and achieve attainment of the NAAQS. In New Hampshire, an area named the Merrimack Valley-Southern New Hampshire Interstate Air Quality Control Region (AQCR 121) was designated as nonattainment for photochemical oxidants on March 3, 1978 (43 FR 9013). On February 8, 1979 (44 FR 8202), the USEPA revised the NAAQS from 0.08 ppm to 0.12 ppm and the regulated pollutant from photochemical oxidants to ozone. Subsequently, on May 29, 1979, New Hampshire submitted a revised analysis which considered the change in the NAAQS and its affect on nonattainment designations (hereinafter referred to as ''the May 1979, New Hampshire submittal'').

The May 1979, New Hampshire submittal requested that the New Hampshire portion of the Merrimack Valley-Southern New Hampshire Interstate AQCR be designated nonattainment, even though the Federal ozone standard had changed, and there were no ozone monitoring data from the relevant portions of the AQCR. EPA approved the request on April 11, 1980 (45 FR 24869). AQCR 121 includes Belknap and Sullivan counties, along with other areas in both New Hampshire and Massachusetts whose attainment classification and status will be unchanged by this technical correction.

The May 1979, New Hampshire submittal was based on the revised Federal ozone standard of 0.12 ppm. Unfortunately, New Hampshire did not know the full extent of its ozone nonattainment problems, because, there were no monitors in either Belknap or Sullivan counties. Ozone monitors for AQCR 121 existed only in Keene, Manchester, Nashua, and Portsmouth during the period from 1973 to 1978. These sites did experience exceedances of the 0.12 ppm standard, but none are close enough to either Belknap or Sullivan county to indicate their air quality.

Upon the date of enactment of the 1990 amendments to the Clean Air Act, the New Hampshire portion of AQCR 121 retained its designation of nonattainment by operation of law pursuant to section 107(d). Pursuant to the section 181(a), nonattainment areas were further classified based on their monitored design value, as marginal, moderate, serious, severe or extreme. The nonattainment areas in New Hampshire were split into several