

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Airspace Docket No. 96-ASW-22]

**Revision of Class E Airspace; Perry, OK**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action revises the Class E airspace extending upward from 700 feet above ground level (AGL) at Perry, OK. The development of a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (RWY) 17 at Perry Municipal Airport has made this action necessary. This action is intended to provide adequate Class E airspace to contain instrument flight rule (IFR) operations for aircraft executing the GPS SIAP to RWY 17 at Perry Municipal Airport, Perry, OK.

**EFFECTIVE DATE:** 0901 UTC, September 11, 1997.

**FOR FURTHER INFORMATION CONTACT:** Donald J. Day, Airspace Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Fort Worth, TX 76193-0520, telephone 817-222-5593.

**SUPPLEMENTARY INFORMATION:**

**History**

On February 20, 1997, a proposal to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the Class E airspace at Perry, OK, was published in the **Federal Register** (62 FR 7734). A GPS SIAP to RWY 17 developed for Perry Municipal Airport, Perry, OK, requires the revision of the Class E airspace at this airport. The proposal was to revise the controlled airspace extending upward from 700 feet AGL to contain IFR operations in controlled airspace during portions of the terminal operation and while transitioning between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. The rule is adopted as proposed.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace designations for airspace areas extending upward from 700 feet or more AGL are published in Paragraph 6005 of FAA

Order 7400.9D dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

**The Rule**

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) amends the Class E airspace located at Perry, OK, to provide controlled airspace extending upward from 700 feet AGL for aircraft executing the GPS SIAP to RWY 17.

The FAA has determined that this regulation only involves an established body of technical regulations that need frequent and routine amendments to keep them operationally current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**Adoption of the Amendment**

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

**PART 71—[AMENDED]**

1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 40103, 40113, 40120; E.O. 10854; 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

**§71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9D, *Airspace Designations and Reporting Points*, dated September 4, 1996, and effective September 16, 1996, is amended as follows:

*Paragraph 6005: Class E Airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

**ASW OK E5 Perry, OK [Revised]**

Perry Municipal Airport, OK  
(Lat. 36°23'08" N., long. 97°16'38" W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Perry Municipal Airport and within 2 miles each side of the 359° bearing from the airport extending from the 6.5-mile radius to 10.5 miles north of the airport.

\* \* \* \* \*

Issued in Fort Worth, TX, on June 23, 1997.

**Albert L. Viselli,**

*Acting Manager, Air Traffic Division, Southwest Region.*

[FR Doc. 97-18850 Filed 7-16-97; 8:45 am]

BILLING CODE 4910-13-M

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 52 and 81**

[UT15-1-6775, UT12-2-6728, UT16-1-6776; FRL-5856-8]

**Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Salt Lake and Davis Counties Ozone Redesignation to Attainment, Designation of Areas for Air Quality Planning Purposes, Approval of Related Elements, Approval of Partial NO<sub>x</sub> RACT Exemption, and Approval of Weber County I/M Program**

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

**ACTION:** Final rule.

**SUMMARY:** On May 23, 1997, EPA published a notice of proposed rulemaking (NPR) that proposed to approve the State of Utah's request to redesignate the Salt Lake and Davis Counties (SLDC) moderate ozone nonattainment area to attainment. In that NPR, EPA also proposed to approve the maintenance plan for the SLDC area, and the following related State Implementation Plan (SIP) elements: the 1990 base year emissions inventory, Reasonably Available Control Technology (RACT) for Volatile Organic Compounds (VOC), Nitrogen Oxides (NO<sub>x</sub>) RACT for Kennecott's Utah Power Plant and for the Pacificorp Gadsby Power Plant, and the Basic Inspection and Maintenance (I/M) and Improved I/M provisions for Salt Lake and Davis Counties. EPA also proposed to approve a partial NO<sub>x</sub> RACT exemption request. In this final rulemaking, EPA is approving the redesignation request, the maintenance plan, the various related SIP elements, and the partial NO<sub>x</sub> RACT exemption request. In the May 23, 1997, NPR, EPA also proposed to give limited approval to the State's generic VOC RACT and generic NO<sub>x</sub> RACT rules and to approve the I/M provisions for Weber County. In this rulemaking, EPA is giving limited

approval to the VOC and NO<sub>x</sub> generic RACT rules and is approving the I/M provisions for Weber County.

**EFFECTIVE DATE:** August 18, 1997.

**ADDRESSES:** Copies of the State's redesignation request, maintenance plan and other documents relevant to this action are available for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday at the following office: United States Environmental Protection Agency, Region 8, Air Program, 999 18th Street, Suite 500, Denver, Colorado 80202-2466.

Documents that are incorporated by reference are available for public inspection at the: United States Environmental Protection Agency, Air and Radiation Docket and Information Center, 401 M Street, SW, Washington, D.C. 20460 as well as the above address. **FOR FURTHER INFORMATION CONTACT:** Tim Russ, Air Program (8P2-A), United States Environmental Protection Agency, Region 8, 999 18th Street, Suite 500, Denver, Colorado 80202-2466; Telephone number: (303) 312-6479.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted (Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q). Under section 107(d)(1)(C) of the CAA, EPA designated the SLDC area as nonattainment for ozone because the area had been designated as nonattainment before November 15, 1990. The SLDC area was classified as a moderate nonattainment area (see section 181 of the CAA for further information regarding classifications and attainment dates for ozone nonattainment areas).

Under the Clean Air Act (CAA), designations can be changed if sufficient data are available to warrant such changes and if certain other requirements are met. See CAA section 107(d)(3)(D). Section 107(d)(3)(E) of the CAA provides that the Administrator may not promulgate a redesignation of a nonattainment area to attainment unless:

(i) the Administrator determines that the area has attained the national ambient air quality standard;

(ii) the Administrator has fully approved the applicable implementation plan for the area under CAA section 110(k);

(iii) the Administrator determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable

implementation plan and applicable Federal air pollutant control regulations and other permanent and enforceable reductions;

(iv) the Administrator has fully approved a maintenance plan for the area as meeting the requirements of CAA section 175A; and,

(v) the State containing such area has met all requirements applicable to the area under section 110 and part D of the CAA.

EPA has reviewed the State's redesignation request, maintenance plan, related SIP elements, and the partial NO<sub>x</sub> RACT exemption request. EPA has also considered all public comments submitted in response to the NPR for this action (EPA only received one comment letter from the Utah Mining Association which was in support of the NPR). EPA has determined that all required SIP elements, including the maintenance plan, have either been approved previously or will be fully approved with this action, that the area has attained the ozone National Ambient Air Quality Standard (NAAQS), and that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from the implementation of the applicable implementation plan and applicable Federal air pollutant control regulations and other permanent and enforceable reductions. Thus, the five criteria in section 107(d)(3)(E) of the Clean Air Act (CAA) have been met and approval of the redesignation request is warranted. Detailed descriptions of how the section 107(d)(3)(E) requirements have been met are provided in the May 23, 1997, NPR for this action (62 FR 28396) and will not be repeated here.

In addition to the SIP elements related to the redesignation request, EPA also proposed action in the May 23, 1997, NPR on three unrelated SIP elements. First, EPA proposed to give limited approval to the State's generic VOC and NO<sub>x</sub> RACT rules. In the NPR, EPA noted deficiencies in these rules that prevent full approval, and thus, EPA is only giving limited approval to these rules for their strengthening effect, not as meeting the CAA's requirements for VOC and NO<sub>x</sub> RACT. Second, EPA proposed to approve I/M provisions for Weber County and is now fully approving these I/M provisions. A detailed description of EPA's rationale for these actions is contained in the May 23, 1997, NPR for this action (62 FR 28396).

**II. Final Action**

A. In this action, EPA is approving the following:

1. The SLDC redesignation request—EPA is approving the Governor's November 12, 1993, request to redesignate the SLDC ozone nonattainment area to attainment.

2. The SLDC maintenance plan—EPA is approving the maintenance plan that the Governor submitted on February 19, 1997 ("maintenance plan"). EPA notes that a key aspect of the maintenance plan is its implications with respect to the conformity regulations. These regulations require a demonstration that emissions from the transportation plan and Transportation Improvement Program are consistent with the emissions budget in the SIP (40 CFR 93.118 and 93.119). The emissions budget is defined as the level of mobile source emissions relied upon in the attainment or maintenance demonstration to maintain compliance with the NAAQS in the nonattainment area. The rule's requirements and EPA's policy on emissions budgets are found in the Preamble to the transportation conformity rule (58 FR 62193-62196) and in the sections of the rule referenced above.

The maintenance plan defines emissions budgets for each year between 1994 and 2007, and for 2015 and 2020. The 1994-2007 emissions budgets are based on the maintenance plan's emission inventory projections, while the 2015 and 2020 budgets are based on EKMA modeling. The maintenance plan lists budgets for Salt Lake County and Davis County separately, and for the entire nonattainment area (both Counties combined). The plan provides that the metropolitan planning organization (Wasatch Front Regional Council) may demonstrate conformity with the budgets for each County individually or for the entire nonattainment area at its option. The plan also identifies a safety margin (called the "emissions credit") for each year, which is the difference between total emissions from all sources in the attainment year and in each future year. The plan provides that this safety margin may be used for conformity purposes if authorized by the Utah Air Quality Board.

3. The 1990 SLDC ozone base year emissions inventory—EPA is approving the 1990 SLDC ozone base year emissions inventory that the Governor submitted on January 13, 1995, (with corrections submitted on April 20, 1995, by Russell Roberts, Director, Utah Division of Air Quality).

4. VOC RACT—EPA is approving the State's VOC RACT requirements as presented in specific sections of the maintenance plan (described below) and

as reflected in the following State Approval Orders (AO):

(a) Hill Air Force Base (HAFB) AO DAQE-163-96 dated February 9, 1996, HAFB AO DAQE-1134-95 dated December 7, 1995, HAFB AO DAQE-860-95 dated September 20, 1995, HAFB AO DAQE-775-95 dated August 30, 1995, HAFB AO DAQE-403-95 dated May 8, 1995, HAFB AO DAQE-067-95 dated January 31, 1995, HAFB AO DAQE-068-95 dated January 30, 1995, HAFB AO DAQE-915-94 dated October 18, 1994, HAFB AO DAQE-824-94 dated September 29, 1994, HAFB AO DAQE-0752-93 dated August 27, 1993, HAFB AO DAQE-0719-93 dated August 20, 1993, HAFB AO DAQE-0103-93 dated February 11, 1993, HAFB AO DAQE-1171-92 dated January 4, 1993, HAFB AO DAQE-416-92 dated April 28, 1992, HAFB AO DAQE-167-92 dated February 19, 1992, HAFB AO DAQE-894-91 dated November 25, 1991, HAFB AO BAQE-039-91 dated February 7, 1991, HAFB AO BAQE-669-88 dated December 20, 1988, HAFB AO BAQE-525-88 dated October 13, 1988, HAFB AO BAQE-353-88 dated July 21, 1988, HAFB AO BAQE-026-88 dated January 20, 1988, HAFB AO for Industrial Wastewater Treatment Facility dated February 20, 1986, HAFB AO for Hydrazine Exhaust Incinerator dated February 5, 1985, HAFB AO for Paint Booth, HVAC Modification, Standby Generators, and Fuel Storage dated July 18, 1983, HAFB AO for Remodeling Base Exchange BX Service Station dated July 12, 1979, HAFB AO for Construction dated June 27, 1978, and the Olympia Sales Company AO DAQE-300-95 dated April 13, 1995.

(b) VOC RACT, as described in the maintenance plan, was addressed for the Amoco, Chevron, Crysen, Flying J, and Phillips refineries through the Governor's submittals of VOC RACT rules on May 4, 1990 and July 25, 1991, as approved by EPA on June 26, 1992 (57 FR 28621).

5. NO<sub>x</sub> RACT—EPA is approving the State's NO<sub>x</sub> RACT requirements as reflected in the following State Approval Orders (AO):

(a) Pacificorp Gadsby Power Plant—AO: DAQE-0063-94, dated February 3, 1994.

(b) Kennecott Utah Copper Utah Power Plant—AO: DAQE-433-94, dated May 27, 1994.

6. Basic Inspection and Maintenance (I/M) for Salt Lake and Davis Counties—EPA is approving the Basic I/M provisions for Salt Lake and Davis Counties that the Governor submitted on February 19, 1997.

7. Improved I/M for Salt Lake and Davis Counties—EPA is approving the Improved I/M provisions for Salt Lake and Davis Counties that the Governor submitted on February 19, 1997.

8. Partial NO<sub>x</sub> RACT Exemption Request—EPA is approving the Partial NO<sub>x</sub> RACT Exemption Request for the SLDC area as was submitted by Ursula Trueman, Director, Utah Division of Air Quality on May 2, 1997. It is important to note that EPA is only approving an exemption from the NO<sub>x</sub> RACT requirements for those major stationary sources of NO<sub>x</sub> in the SLDC nonattainment area other than the Pacificorp Gadsby Power Plant and the Kennecott Utah Copper Utah Power Plant. EPA is not approving an exemption from the NO<sub>x</sub> NSR requirements, NO<sub>x</sub> conformity requirements, or the motor vehicle I/M requirements related to NO<sub>x</sub>. Furthermore, EPA notes that NO<sub>x</sub> limits for some or all of the major stationary sources of NO<sub>x</sub> other than the Pacificorp Gadsby and Kennecott Utah Copper Utah Power Plants are necessary for the SLDC nonattainment area to demonstrate maintenance of the ozone NAAQS through 2007 (2020 for conformity purposes).

9. Revisions to UACR R307-1-3.3.3.C, a portion of "Control of Installations" and revisions to UACR R307-3.5.3.B(1), a portion of "Emission Statement Inventory," both as submitted by the Governor on February 19, 1997.

B. Unrelated to the SLDC ozone redesignation request, EPA is also taking the following actions:

1. EPA is approving the Weber County Basic I/M provisions as submitted by the Governor on February 19, 1997.

2. EPA is granting limited approval of revisions to UACR R307-14-1 "Requirements for Ozone Nonattainment Areas and Davis and Salt Lake Counties" as submitted by the Governor on February 6, 1996. UACR R307-14-1 requires RACT for existing major sources of VOC and NO<sub>x</sub> for which no specific emission limits or other control requirements have been established in R307-14. This generic RACT rule strengthens the SIP, but does not meet all the CAA requirements for RACT. Thus, EPA is approving this rule for its strengthening effect only. For a full discussion of the reasons EPA is unable to fully approve the revisions to UACR R307-14-1, please refer to the May 23, 1997, NPR for this action (62 FR 28396, 28399-28400, 28404).

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 any 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 Requirements

#### A. Executive Order 12866

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.

Redesignation of an area to attainment under sections 107(d)(3)(D) and (E) of the CAA does not impose any new requirements on small entities.

Redesignation to attainment is an action that affects the status of a geographical area and does not impose any regulatory requirements on sources. Therefore, I certify that the approval of the redesignation request will not affect a substantial number of small entities.

SIP approvals under section 110 and subchapter I, part D of the Clean Air 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 CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

Approvals of NO<sub>x</sub> exemption requests under section 182(f) of the CAA do not create any new requirements. Therefore, I certify that approval of the State's partial NO<sub>x</sub> RACT exemption request will not have a significant impact on any small entities affected.

#### 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 proposed action 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 will approve a redesignation to attainment, pre-existing requirements under State or local law, and an exemption from requirements otherwise imposed under the CAA; this action will impose no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, will 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 the publication of the 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 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 September 15, 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, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

40 CFR Part 81  
Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: July 2, 1997.

**Jack W. McGraw,**  
*Acting Regional Administrator.*

Title 40, chapter I, parts 52 and 81 of the Code of Federal Regulations are 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 TT—UTAH**

2. Section 52.2320 is amended by adding paragraph (c)(38) to read as follows:

#### **§ 52.2320 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(38) Revisions to the Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part D, Ozone; Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability; Section X, Vehicle Inspection and Maintenance Program, Part B, Davis County; Section X, Vehicle Inspection and Maintenance Program, Part C, Salt Lake County; Section X, Vehicle Inspection and Maintenance Program, Part E, Weber County; UACR R307-1-3.3.3.C., a portion of Control of Installations; UACR R307-1-3.5.3.B.(1), a portion of Emission Statement Inventory; all as submitted by the Governor on February 19, 1997. EPA approved the above provisions. In addition, EPA approved, for the limited purpose of strengthening the SIP, revisions to UACR R307-14, Requirements for Ozone Nonattainment Areas and Davis and Salt Lake Counties, as submitted by the Governor on February 6, 1996.

(i) Incorporation by reference.

(A) UACR R307-2-13 adopted by the Utah Air Quality Board on January 8, 1997, effective March 4, 1997, including Section IX, Part D.2 of the Utah State Implementation Plan (SIP) that such rule incorporates by reference (Ozone Maintenance Provisions for Salt Lake

and Davis Counties, adopted by the Utah Air Quality Board on January 8, 1997), and excluding any other provisions that such rule incorporates by reference.

(B) The following State Approval Orders (AO): Pacificorp Gadsby Power Plant AO DAQE-0063-94 dated February 3, 1994, Kennecott Utah Copper Utah Power Plant AO DAQE-433-94 dated May 27, 1994, Hill Air Force Base (HAFB) AO DAQE-163-96 dated February 9, 1996, HAFB AO DAQE-1134-95 dated December 7, 1995, HAFB AO DAQE-860-95 dated September 20, 1995, HAFB AO DAQE-775-95 dated August 30, 1995, HAFB AO DAQE-403-95 dated May 8, 1995, HAFB AO DAQE-067-95 dated January 31, 1995, HAFB AO DAQE-068-95 dated January 30, 1995, HAFB AO DAQE-915-94 dated October 18, 1994, HAFB AO DAQE-824-94 dated September 29, 1994, HAFB AO DAQE-0752-93 dated August 27, 1993, HAFB AO DAQE-0719-93 dated August 20, 1993, HAFB AO DAQE-0103-93 dated February 11, 1993, HAFB AO DAQE-1171-92 dated January 4, 1993, HAFB AO DAQE-416-92 dated April 28, 1992, HAFB AO DAQE-167-92 dated February 19, 1992, HAFB AO DAQE-894-91 dated November 25, 1991, HAFB AO BAQE-039-91 dated February 7, 1991, HAFB AO BAQE-669-88 dated December 20, 1988, HAFB AO BAQE-525-88 dated October 13, 1988, HAFB AO BAQE-353-88 dated July 21, 1988, HAFB AO BAQE-026-88 dated January 20, 1988, HAFB AO for Industrial Wastewater Treatment Facility dated February 20, 1986, HAFB AO for Hydrazine Exhaust Incinerator dated February 5, 1985, HAFB AO for Paint Booth, HVAC Modification, Standby Generators, and Fuel Storage dated July 18, 1983, HAFB AO for Remodeling Base Exchange BX Service Station dated July 12, 1979, HAFB AO for Construction dated June 27, 1978, and the Olympia Sales Company AO DAQE-300-95 dated April 13, 1995.

(C) UACR R307-2-18, adopted by the Utah Air Quality Board on February 5, 1997, effective February 14, 1997. This rule incorporates by reference Section X, Part A of the Utah State Implementation Plan, Vehicle Inspection and Maintenance Program, General Requirements and Applicability.

(D) UACR R307-2-31, adopted by the Utah Air Quality Board on February 5, 1997, effective February 14, 1997. This rule incorporates by reference Section X, Part B of the Utah State Implementation Plan, Vehicle Inspection and Maintenance Program, Davis County.

(E) UACR R307-2-32, adopted by the Utah Air Quality Board on February 5, 1997, effective February 14, 1997. This rule incorporates by reference Section X, Part C of the Utah State Implementation Plan, Vehicle Inspection and Maintenance Program, Salt Lake County.

(F) UACR R307-2-34, adopted by the Utah Air Quality Board on February 5, 1997, effective February 14, 1997. This rule incorporates by reference Section X, Part E of the Utah State Implementation Plan, Vehicle Inspection and Maintenance Program, Weber County.

(G) UACR R307-1-3.3.3.C., a portion of Control of Installations, as adopted by the Utah Air Quality Board on January 8, 1997, effective January 15, 1997.

(H) UACR R307-1-3.5.3.B.(1), a portion of Emission Statement Inventory regulation, as adopted by the Utah Air Quality Board on January 8, 1997, effective January 15, 1997.

(I) UACR R307-14-1, Requirements for Ozone Nonattainment Areas and Davis and Salt Lake Counties, adopted by the Utah Air Quality Board on August 9, 1995, effective on August 15, 1995.

3. New § 52.2350 is added to read as follows:

**§ 52.2350 Emission inventories.**

The Governor of the State of Utah submitted the 1990 base year emission inventory of ozone precursors, which are volatile organic compounds, nitrogen oxides, and carbon monoxide, for the Salt Lake and Davis Counties ozone nonattainment area on January 13, 1995, as a revision to the State Implementation Plan (SIP). This inventory addresses emissions from point, area, non-road, on-road mobile, and biogenic sources. This Governor's submittal was followed by the submittal of corrections to the inventory, on April 20, 1995, from Russell Roberts, Director, Division of Air Quality, Utah Department of Environmental Quality. The ozone maintenance plan for Salt Lake and Davis Counties that the Governor submitted on February 19, 1997, incorporates by reference the corrected 1990 base year ozone emission inventory as background material. The 1990 ozone base year emission inventory requirement of section 182(a)(1) of the Clean Air Act, as amended in 1990, has been satisfied for the Salt Lake and Davis Counties area.

4. New § 52.2351 is added to read as follows:

**§ 52.2351 Area-wide nitrogen oxides (NO<sub>x</sub>) exemption.**

On May 2, 1997, Ursula Trueman, Director, Division of Air Quality, Utah

Department of Environmental Quality, submitted, on behalf of the State of Utah and pursuant to section 182(f)(2)(A) of the Clean Air Act as amended in 1990, a section 182(f)(2) NO<sub>x</sub> Reasonably Available Control Technology (RACT) exemption request for major stationary sources of NO<sub>x</sub> in the Salt Lake and Davis Counties ozone nonattainment area other than the Pacificorp Gadsby and Kennecott Utah Copper Utah Power Plants. The exemption request was based on ambient air quality monitoring data which demonstrated that the ozone National Ambient Air Quality Standard (NAAQS) had been attained in the Salt Lake and Davis Counties ozone nonattainment area for the years 1990 through 1996. EPA approved this NO<sub>x</sub> RACT exemption request on July 2, 1997.

**PART 81—[AMENDED]**

1. The authority citation for part 81 continues to read as follows:

**Authority:** 42 U.S.C. 7401-7671q.

2. In § 81.345, the table entitled "Utah-Ozone" is amended by revising the entry for "Salt Lake City Area" to read as follows:

**§ 81.345 Utah.**  
\* \* \* \* \*

UTAH-OZONE

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Salt Lake City Area:				
Davis County .....	August 18, 1997 .....	Attainment.		
Salt Lake County .....	August 18, 1997 .....	Attainment.		
	* * * * *			

<sup>1</sup> This date is November 15, 1990, unless otherwise noted.

\* \* \* \* \*  
[FR Doc. 97-18715 Filed 7-16-97; 8:45 am]  
BILLING CODE 6560-50-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**45 CFR Parts 16, 74, 75, and 95**

RIN 0991-AA88

**Indirect Cost Appeals**

**AGENCY:** Department of Health and Human Services (HHS).

**ACTION:** Final rule.

**SUMMARY:** This final rule removes the informal grant appeals procedure for

indirect cost rates and other cost issues. The regional HHS Divisions of Cost Allocation have been reorganized into a new Program Support Center and no longer report to the Regional Directors, making the process obsolete. The Department also sees little value in this informal appeals process because it frequently lengthens the time required for appeals. Deletion of this rule will reduce internal management regulations as required by Executive Order 12861. (45 CFR part 75)

**DATES:** Effective August 18, 1997.

**FOR FURTHER INFORMATION CONTACT:** Ronald Speck, (202) 401-2751. For the hearing impaired only: TDD (202) 690-6415.

**SUPPLEMENTARY INFORMATION:** On March 5, 1997, HHS published a Notice of Proposed Rulemaking (62 FR 10009) soliciting public comments on a proposal to remove 45 CFR part 75, "Informal grant appeals procedures," together with all references to it. Part 75 provides for an informal appeals process to the Regional Directors (prior to formal appeals under 45 CFR part 16) for disputes arising from determinations made by a Director, Division of Cost Allocation (DCA) in the Department's regional offices, concerning indirect cost rates and certain other cost allocation plans. The Department's Divisions of Cost Allocation have been reorganized into a New Program Support Center and no longer report to the Regional