

**§ 560.603 Reports on oil transactions engaged in by foreign affiliates.**

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(f) \* \* \*

(2) The term "reportable transaction" includes:

(i) Any purchase, sale, or swap of Iranian-origin crude oil, natural gas, or petrochemicals;

(ii) The provision of goods or services to Iran or the Government of Iran relating to the financing, lifting, transporting, insuring, refining or processing of crude oil, natural gas, or petrochemicals, including oilfield supplies or equipment.

Dated: October 24, 1996.

R. Richard Newcomb,

*Director, Office of Foreign Assets Control.*

Approved: October 25, 1996.

James E. Johnson,

*Assistant Secretary (Enforcement).*

[FR Doc. 96-29276 Filed 11-14-96; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[WV035-6006; FRL-5649-5]

**Approval and Promulgation of Air Quality Implementation Plans; West Virginia: Approval of PM-10 Implementation Plan for the Follansbee Area****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the State of West Virginia. The intended effect of this action is to approve corrections to the moderate area SIP for the Follansbee PM-10 nonattainment area. These revisions were submitted to address plan deficiencies that were identified by EPA in a final limited disapproval of particulate matter plans published in the Federal Register on July 25, 1994. EPA is approving these revisions and terminating the potential for sanctions that resulted from the deficiencies identified in the rulemaking of July 25, 1994. This action is being taken under section 110 of the Clean Air Act.

**EFFECTIVE DATE:** This final rule is effective on December 16, 1996.**ADDRESSES:** Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S.

Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; and the West Virginia Department of Environmental Protection, Office of Air Quality, 1558 Washington Street, East, Charleston, West Virginia, 25311.

**FOR FURTHER INFORMATION CONTACT:**

Thomas A. Casey, (215) 566-2194, at the EPA Region III address above (Mailcode 3AT22) or via e-mail at casey.thomas@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:****I. Background**

On November 15, 1991, West Virginia submitted a moderate area PM-10 SIP to EPA for the purpose of meeting Clean Air Act (Act) requirements as they pertained to the Follansbee, West Virginia PM-10 nonattainment area. On July 25, 1994, EPA took simultaneous limited approval and limited disapproval actions on the 1991 submittal (59 FR 37696). EPA approved the submittal for reasonably available control measures (RACM), including reasonably available control technology (RACT); incorporating the enforceable provisions of the submittal into Federal regulations; and for meeting other requirements of the Act. EPA disapproved the 1991 submittal because it did not demonstrate that the plan was sufficient to attain national ambient air quality standards (NAAQS) for PM-10 and for meeting Act requirements regarding emissions inventories. See the July 25, 1994 Federal Register document for more detail.

On November 22, 1995, West Virginia submitted to EPA additions to its 1991 attainment demonstration and emissions inventory for the purpose of correcting the deficiencies in the 1991 SIP submittal. On February 5, 1996, EPA proposed approval (61 FR 4246) of the 1995 revisions and, on that same day, published (61 FR 4216) an interim final determination indicating that EPA was suspending the application of sanctions that could have resulted from the EPA's 1994 disapproval of the 1991 submittal. Today's final action terminates the sanctions and FIP clocks commenced on July 24, 1994.

**Public Comment:** EPA received no comments regarding the February 5, 1995 proposal and interim final determination.

**II. Final Action**

EPA is approving West Virginia's November 22, 1995 submittal as a revision to the West Virginia SIP.

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 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, 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 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, 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 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. USEPA*, 427 U.S. 246, 255-66 (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 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 proposed/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 Federal 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. 804(2).

#### *E. Petitions for Judicial Review*

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this approval of West Virginia's Follansbee PM-10 SIP must be filed in the United States Court of Appeals for the appropriate circuit by January 14, 1997. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule approval 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, Intergovernmental relations, Particulate matter.

Dated: October 31, 1996.  
Stanley L. Laskowski,  
*Acting Regional Administrator, Region III.*

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 XX—West Virginia**

2. Section 52.2522 is amended by adding paragraph (g) to read as follows:

#### **§ 52.2522 Approval status.**

\* \* \* \* \*

(g) The Administrator approves West Virginia's November 22, 1995 SIP submittal for the Follansbee, West Virginia PM-10 nonattainment area as fulfilling the section 189(a)(1)(B) requirement for a demonstration that the plan is sufficient to attain the PM-10 NAAQS.

[FR Doc. 96-29193 Filed 11-14-96; 8:45 am]

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#### **40 CFR Parts 52 and 81**

[IN72-1a; FRL-5647-9]

#### **Designation of Areas for Air Quality Planning Purposes; Indiana**

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

**ACTION:** Direct final rule.

**SUMMARY:** In this action, EPA is approving two redesignation requests submitted by the State of Indiana. On March 14, 1996, Indiana requested that a portion of Marion County be redesignated to attainment of the National Ambient Air Quality Standard (NAAQS) for sulfur dioxide (SO<sub>2</sub>). On June 17, 1996, Indiana requested that portions of LaPorte and Wayne Counties and all of Vigo County be redesignated to attainment for SO<sub>2</sub>. The EPA is also approving the maintenance plans for Marion, LaPorte, Vigo, and Wayne Counties, which were submitted with the redesignation requests to ensure maintenance of the NAAQS. Subsequent to this approval, Marion, LaPorte, Vigo, and Wayne Counties are each designated attainment in their entirety.

**DATES:** The "direct final" is effective on January 14, 1997. If the effective date is delayed, timely notice will be published in the Federal Register.

**ADDRESSES:** Copies of the revision request are available for inspection at the following address: Environmental

Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Ryan Bahr at (312) 353-4366 before visiting the Region 5 Office.)

Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR-18J), Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.  
**FOR FURTHER INFORMATION CONTACT:** Ryan Bahr at (312) 353-4366.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

The NAAQS for SO<sub>2</sub> consist of two standards: a primary standard for the protection of public health and a secondary standard for the protection of public welfare. The primary SO<sub>2</sub> standard consists of a 24-hour maximum and an annual arithmetic mean ambient SO<sub>2</sub> concentration. The secondary standard consists of a 3-hour maximum ambient SO<sub>2</sub> concentration. (See 40 CFR 50.2-50.5)

On March 3, 1978 (43 FR 40412), Marion County was designated nonattainment for SO<sub>2</sub> based on monitored violations of the 24-hour standard and modeled violations of both the annual and 24-hour standards (43 FR 8962). Also on March 3, 1978, a portion of LaPorte County bordered by Lake Michigan, the State of Michigan, Porter County and Interstate 94 was designated as nonattainment for both the primary and the secondary SO<sub>2</sub> standards, due to measured and modeled violations of the SO<sub>2</sub> NAAQS. On the same date, Vigo County was designated as nonattainment of the primary SO<sub>2</sub> standard because of monitored violations, and Wayne County was designated nonattainment because dispersion modeling predicted primary standard violations.

In an October 5, 1978 (43 FR 45993) action, the Marion County nonattainment designation was revised to attainment of the secondary SO<sub>2</sub> standard, since no 3-hour SO<sub>2</sub> violations had been monitored or predicted. Also on that date, LaPorte County's designation was revised to nonattainment of the primary standard only. In addition, the Wayne County nonattainment area was revised to include only Boston, Center, Franklin, Wayne and Webster Townships, which encompassed the contributing sources (43 FR 46007).

On September 18, 1990, Lawrence, Washington, and Warren Townships in Marion County were redesignated from nonattainment to "Cannot be classified"