

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.

Determinations of nonattainment areas under section 188(b)(2) of the CAA and extensions under Section 188(d) of the Act do not create any new requirements. Therefore, because these actions do not impose any new requirements, I certify that it does not have a significant impact on small entities.

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 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. 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 February 18, 1997. Filing a petition for reconsideration by the Administrator of this 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(1b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Particulate matter, Intergovernmental relations.

Dated: December 5, 1996.

Chuck Clarke,

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: 52 U.S.C. 7401-7671q.

Subpart N—Idaho

2. Section 52.691 is amended by designating the existing paragraph as "(a)" and adding paragraph (b) to read as follows:

52.691 Extensions.

* * * * *

(b) The Administrator, by authority delegated under section 188(d) of the Clean Air Act, as amended in 1990, hereby grants a second one-year extension (until December 31, 1996) to the attainment date for the Power-Bannock Counties PM-10 nonattainment area.

[FR Doc. 96-32054 Filed 12-17-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[Region II Docket No. 144, NJ22-1-7069(c); FRL-5665-3]

Approval and Promulgation of Implementation Plans; New Jersey; Withdrawal of Direct Final Rule Regarding Transportation Control Measures

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; withdrawal.

SUMMARY: On October 15, 1996, EPA published direct final approvals of State Implementation Plan (SIP) revisions submitted by New Jersey (61 FR 53692 and 61 FR 53624). These SIP revisions incorporate transportation control measures (TCMs) as part of the State's effort to attain the national ambient air quality standard for ozone and demonstrate that emissions from growth in vehicle miles traveled will not increase motor vehicle emissions and, therefore, offsetting measures are not necessary. This action was published without prior proposal because EPA anticipated no adverse comments. Because New Jersey submitted adverse comments requesting withdrawal of EPA's document, EPA is withdrawing direct final approval of New Jersey's request to revise the SIP, announced on October 15, 1996.

EFFECTIVE DATE: This action is effective December 18, 1996.

FOR FURTHER INFORMATION CONTACT: Matthew B. Cairns, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, New York, New York 10007-1866, (212) 637-3895 or cairns.matthew@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: On October 15, 1996, EPA published direct final approval of revisions to New Jersey's SIP for ozone submitted by New Jersey on November 15, 1992 and November 15, 1993 (61 FR 53624). The intended effects of this action were to incorporate TCMs as part of New Jersey's effort to attain the national ambient air quality standard for ozone and to demonstrate that emissions from growth in vehicle miles traveled will not increase motor vehicle emissions and, therefore, offsetting measures are not necessary. EPA published this direct final rulemaking without prior proposal because the Agency viewed the revisions as noncontroversial and anticipated no adverse comments. The direct final rule was published in the Federal Register with a provision for a 30-day comment period.

EPA announced that the direct final rule would be withdrawn in the event that adverse comments were submitted to EPA within 30 days of publication of the rule in the Federal Register (61 FR 53692). EPA received adverse comments from the State of New Jersey: New Jersey indicated it was in the process of amending both the list of TCMs and its calculations for determining whether growth in vehicle miles traveled causes growth in motor vehicle emissions. EPA expects New Jersey to submit these changes shortly as part of its revised 15

Percent Rate of Progress Plan. Therefore, at New Jersey's request, EPA is withdrawing the direct final approval of New Jersey's TCMs and demonstration that emissions from growth in vehicle miles traveled will not increase motor vehicle emissions. EPA will publish a new proposal when New Jersey resubmits the list and calculations.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Nitrogen Oxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: December 5, 1996.

William J. Muszynski,
Deputy Regional Administrator.

For the reasons set out in the preamble, 40 CFR Part 52 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 FF—New Jersey

§ 52.1582 [Amended]

2. Section 52.1582 is amended by removing paragraphs (e) and (f).

[FR Doc. 96-32056 Filed 12-17-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[MI48-02-7254; FRL-5662-5]

Approval and Promulgation of Implementation Plan; Michigan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This final rule approves a revision to the Michigan State Implementation Plan (SIP) to meet the requirements of the Environmental Protection Agency (EPA) general conformity rule set forth at 40 CFR part 51, subpart W—Determining Conformity of General Federal Actions to State or Federal Implementation Plans. This general conformity SIP revision will enable the State of Michigan to implement and enforce the Federal general conformity requirements in the nonattainment and maintenance areas at the State and local level.

This approval is limited only to the general conformity SIP revision submitted pursuant to 40 CFR part 51, subpart W. SIP revisions submitted

under 40 CFR part 51, subpart T, relating to conformity of Federal transportation actions funded or approved under Title 23 U.S.C. or the Federal Transit Act, will be addressed in a separate document.

EFFECTIVE DATE: This rule will be effective February 18, 1997.

ADDRESSES: Copies of the SIP revision, public comments and USEPA's responses are available for inspection at the following address: United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Michael Leslie at (312) 353-6680 before visiting the Region 5 Office.)

A copy of this SIP revision is available for inspection at the following location:

Office of Air and Radiation (OAR) Docket and Information Center (Air Docket 6102), room M1500, United States Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460, (202) 260-7548.

FOR FURTHER INFORMATION CONTACT:

Michael G. Leslie, Regulation Development Section 2 (AR-18J), Air Programs Branch, Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, Telephone Number (312) 353-6680.

SUPPLEMENTARY INFORMATION:

I. Background

Section 176(c) of the Clean Air Act (Act), 42 USC 7506(c), provides that no Federal department, agency, or instrumentality shall engage in, support in any way or provide financial assistance for, license or permit, or approve any activity which does not conform to a SIP which has been approved or promulgated pursuant to the Act. Pursuant to section 176(c)(1) of the Act, conformity means conformity to the SIP's purpose of eliminating or reducing the severity and number of violations of the National Ambient Air Quality Standards (NAAQS) and achieving expeditious attainment of such standards, and that such activities will not: (1) Cause or contribute to any new violation of any standard in any area, (2) increase the frequency or severity of any existing violation of any standard in any area, or (3) delay timely attainment of any standard or any required interim emission reductions or other milestones in any area.

Section 176(c)(4)(A) of the Act requires EPA to promulgate criteria and procedures for determining conformity

of all Federal actions to applicable SIPs. Criteria and procedures for determining conformity of Federal actions related to transportation projects funded or approved under Title 23 U.S.C. or the Federal Transit Act are set forth at 40 CFR part 51, subpart T. The criteria and procedures for determining conformity of other Federal actions, the "general conformity" rules, were published in the November 30, 1993, Federal Register and codified at 40 CFR part 51, subpart W—Determining Conformity of General Federal Actions to State or Federal Implementation Plans. The general conformity rules require the States and local air quality agencies (where applicable) to adopt and submit a general conformity SIP revision to the EPA not later than November 30, 1994.

II. Evaluation of the State's Submittal

Pursuant to the requirements under Section 176(c)(4)(C) of the Act, the Michigan Department of Environmental Quality (MDEQ) submitted a SIP revision to EPA on November 29, 1994. The EPA found the submittal to be complete on April 13, 1995. In its submittal, the State adopted the EPA general conformity rule (40 CFR part 93 subpart B) verbatim. On February 2, 1996, EPA simultaneously published a direct final rule and a proposed rule in which EPA published its decision to approve the Michigan SIP revision. These rules were subject to a 30 day public comment period during which the EPA received one adverse comment. For this reason, the EPA withdrew the direct final rule on March 25, 1996.

General conformity is required for all areas which are designated nonattainment or maintenance for any NAAQS criteria pollutant. The State of Michigan currently has four areas designated ozone nonattainment; Allegan County, Flint Metropolitan Statistical Area (MSA)(Genesee County), Muskegon MSA (Muskegon County), Saginaw-Bay City-Midland (Bay, Midland, and Saginaw Counties), and two ozone maintenance areas; Detroit-Ann Arbor Consolidated MSA area (Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, and Wayne Counties which are ozone maintenance), Grand Rapids MSA (Kent and Ottawa Counties). Portions of three counties (Wayne, Oakland, and Macomb) are designated carbon monoxide nonattainment. A portion of Wayne County is maintenance for Particulate Matter-10. The State of Michigan is currently attaining the NAAQS for Nitrogen Dioxide and Sulfur Dioxide, and has not been designated nonattainment for lead.