disapproval should the State make the enhanced I/M program a voluntary measure.

EPA and the Maryland Department of the Environment have worked closely since the July 1995 submittal to resolve all the issues necessary to fully approve the 15% plan. Maryland is aware of the above deficiencies and has addressed many of the above-named deficiencies in the draft revised plan. Maryland has stated that it intends to submit additional information to address all deficiencies within the 15% plan. Therefore, while some deficiencies currently remain in the 15% plan, EPA believes that these issues will be resolved no later than 12 months after EPA's final conditional approval. EPA will consider all information submitted as a supplement or amendment to the July 1995 submittal prior to any final rulemaking action.

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.

IV. Administrative Requirements

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

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.

Conditional approvals of SIP submittals under section 110 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, EPA 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 Act, 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).

If the conditional approval is converted to a disapproval under section 110(k), based on the State's failure to meet the commitment, it will not affect any existing State requirements applicable to small entities. Federal disapproval of the State submittal does not affect its state-enforceability. Moreover, EPA's disapproval of the submittal does not impose a new Federal requirement. Therefore, EPA certifies that this disapproval action would not have a significant impact on a substantial number of small entities because it does not remove existing requirements nor does it substitute a new federal requirement.

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 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 requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

The Regional Administrator's decision to approve or disapprove the SIP revision pertaining to the Maryland 15% plan for the Baltimore area will be based on whether it meets the requirements of section 110(a)(2)(a)-(K) and part D of the Clean Air Act, as amended, and EPA regulations in 40 CFR part 51.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Ozone, Volatile organic compounds.

Dated: July 22, 1997.

Thomas Voltaggio,

Acting Regional Administrator, Region III.

[FR Doc. 97–20575 Filed 8–4–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TN–150–9711b; FRL–5866–2]

Approval and Promulgation of Implementation Plans Tennessee: Approval of Revisions to Maintenance Plan for Knox County, TN

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve the State implementation plan (SIP) revision submitted by the State of Tennessee for the purpose of revising the Ozone Maintenance plan and emission projections for Knox County. In the final rules section of this **Federal Register**, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: To be considered, comments must be received by September 4, 1997.

ADDRESSES: Written comments on this action should be addressed to Benjamin Franco at the Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303. Copies of documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day. Reference file TN150–01–9711. The Region 4 office may have additional background documents not available at the other locations.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303. Benjamin Franco, (404) 562–9039.

Tennessee Department of Environment and Conservation, Division of Air Pollution Control, L & C Annex, 9th Floor, 401 Church Street, Nashville, Tennessee 37243–1531. Telephone: (615)-532–0554.

Knox County Department of Air Pollution Control, City-County Building, Suite 339, 400 West Main Street, Knoxville, Tennessee, 37902. Telephone: (615) 521–2488.

FOR FURTHER INFORMATION CONTACT: Benjamin Franco at 404/562–9039.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the rules section of this **Federal Register**.

Dated: July 9, 1997.

Michael V. Payton,

Acting Regional Administrator.

[FR Doc. 97–20577 Filed 8–4–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTTION AGENCY

40 CFR Part 52

[CO–001–0017 and CO–001–0018; FRL–5869–4]

Clean Air Act Approval and Promulgation of the Denver, Colorado Mobile Source Emissions Budgets for PM_{10} and NO_X

AGENCY: Evironmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is requesting additional comments on certain aspects of the State Implementation Plan (SIP) revisions for the Denver PM_{10} and NO_X mobile source emissions budgets that were submitted by the Governor of Colorado. EPA initially proposed approval of the SIP revisions on October 3, 1996 (61 FR 51631). During that rulemaking's public comment period, EPA received several comments. Due to the complexity of the issues, EPA is asking interested parties to submit additional information on two issues. This information may help EPA make a more informed decision on the appropriateness of approving both the PM_{10} and NO_X emissions budget SIPs.

DATES: Comments on this request for additional information must be received in writing on or before September 4, 1997.

ADDRESSES: Copies of the State's original PM_{10} and NO_X emissions budget SIPs, comments received during the public comment period, and other information are available for inspection during normal business hours at the Environmental Protection Agency, Region VIII, Air Program, 999 18th Street, 3rd Floor, South Terrace, Denver, Colorado 80202–2466.

FOR FURTHER INFORMATION CONTACT: Callie Videtich at (303) 312–6434.

SUPPLEMENTARY INFORMATION:

I. Background

On July 18, 1995, and April 22, 1996, the Colorado Governor submitted revisions to the Denver PM_{10} SIP which establish mobile source emissions budgets for PM_{10} and NO_X respectively. These budgets are used under EPA regulations for making transportation related conformity determinations as required by section 176(c) of the Act. EPA's transportation conformity rule provides that these budgets establish a cap on motor vehicle-related emissions which cannot be exceeded by the predicted transportation system emissions in the future unless the cap is amended by the State and approved by EPA as a SIP revision and attainment and maintenance of the standard can be demonstrated.

EPA proposed approval of both emissions budgets on October 3, 1996 (61 FR 51631) along with the Denver PM_{10} SIP. Following a 60 day public comment period, EPA finalized approval of the Denver PM_{10} SIP on April 17, 1997 (62 FR 18716). EPA did not take final action on the emissions budget submittals in order to more thoroughly consider comments received on the proposals during the public comment period.

II. This Action

Based upon a thorough review, EPA has concluded that additional information is needed in order for EPA to make an informed decision about certain aspects of the SIPs based upon public comments responding to our proposed approval of the PM_{10} and NO_X emissions budgets. EPA is seeking additional information on the two issues outlined below.

1. It appears to EPA that the Colorado legislature, through Senate Bill 95–110 (codified at section 25–7–105(1)(a)(III), C.R.S.), changed the PM_{10} emissions budgets that the Colorado Air Quality Control Commission (AQCC) had adopted on February 16, 1995. EPA wishes to take comment on whether the PM_{10} budgets that were ultimately submitted to EPA for approval were adopted after reasonable notice and public hearing as required by section 110 of the Clean Air Act (CAA). Section 110(a)(2) of the CAA provides that ''[e]ach implementation plan submitted by a State under this Act shall be adopted by the State after reasonable notice and public hearing.'' Robert Yuhnke, on behalf of COPIRG, Colorado Environmental Coalition, Citizens for Balanced Transportation, American Lung Association of Colorado, Environmental Defense Fund, and Ms. Stephanie Mines, and Frank Johnson, on behalf of the Colorado Attorney General's Office, have submitted information that touches on this question. Their letters may be examined at the address listed above. EPA wishes to obtain further comment on this issue. In particular, EPA is concerned that the legislative action did not meet the CAA's requirements for notice and public hearing and that no subsequent public hearing was held before the AQCC. The Colorado Attorney General's Office has suggested that hearings held before the AQCC in September and October 1994, and in February 1995, were adequate to satisfy the CAA's hearing requirement, and that there is no requirement that a hearing be held at every step in the State review process. It has also indicated that the State legislative process is an open and public process and that the legislators are accountable to the electorate.

2. Commentors were concerned that the budgets do not demonstrate attainment considering growth in non-mobile sources, and that the adopted NO_X budget of 119.4 tons per day was not consistent with the NO_X inventory of 102.7 tons per day used in the maintenance demonstration. (In the following discussion, EPA uses the terms ''mobile source'' and ''mobile source emissions'' to mean ''motor vehicle'' and ''motor vehicle emissions,'' consistent with the State's submittal. Neither the State's budget submittal nor EPA's conformity rule regulate emissions from non-road mobile sources.)

The Regional Air Quality Council's(RAQC's) proposal to the AQCC to increase the emissions budget was based on an analysis showing that the Denver modeling region could tolerate mobile source PM_{10} emissions of 221 tons per day in 2015 before a violation of the PM_{10} standard would occur. (This analysis was not submitted at the time the budgets were submitted to EPA, but was referenced in