an action informing the public that this
receive such comment, it will publish
proposing approval and soliciting
approval is set forth below. Elsewhere
request through ‘‘direct final’’
action, EPA is approving the States’
attainment dates in this area. In this
Federal Regulations concerning ozone
EPA is revising the table in the Code of
for ozone during 1997. Accordingly,
ambient air quality standard (NAAQS)
air quality readings for the national
Hamilton interstate moderate ozone
attainment date for the Cincinnati-

ACTION :
AGENCY :
Kentucky

Extension of Attainment Date for
[OH107a; KY101±9809a; FRL±5985±9]
AGENCY
ENVIRONMENTAL PROTECTION
BILLING CODE 4910±15±M
[FR Doc. 98±7911 Filed 3±25±98; 8:45 am
the Port, San Diego, California.
Commander, U.S. Coast Guard, Captain of
J.A. Watson,

unless canceled earlier by the Captain of
6:00 p.m. (PST) on March 30, 1998,
unlike canceled earlier by the Captain of
(c) Regulations. In accordance with
the general regulations in § 165.23 of
this part, entry into, transit through, or
anchoring within this zone is prohibited
unless authorized by the Captain of the
Port.
J.A. Watson,
Commander, U.S. Coast Guard, Captain of
the Port, San Diego, California.

ENVIRONMENTAL PROTECTION
AGENCY
40 CFR Parts 52 and 81
[OH107a; KY101±9809a; FRL±5985±9]
Clean Air Act Promulgation of
Extension of Attainment Date for
Ozone Nonattainment Area; Ohio; Kentucky
AGENCY: Environmental Protection Agency (EPA).
ACTION: Direct final rule.
SUMMARY: EPA is extending the
attainment date for the Cincinnati-Hamilton
Interstate moderate ozone nonattainment area from November 15, 1997 to November 15, 1998. This
extension is based in part on monitored
air quality readings for the national ambient air quality standard (NAAQS) for ozone during 1997. Accordingly, EPA is revising the table in the Code of
Federal Regulations concerning ozone attainment dates in this area. In this
action, EPA is approving the States’ request through ‘‘direct final’’
rulemaking; the rationale for this
approval is set forth below. Elsewhere in this Federal Register, EPA is
proposing approval and soliciting
comment on this action; Should EPA receive such comment, it will publish
an action informing the public that this
time.
attainment date, the area must be reclassified upwards.

However, CAA section 181(a)(5) provides an exemption from these bump up requirements. Under this exemption, EPA may grant up to two one-year extensions of the attainment date under specified conditions:

Upon application by any State, the Administrator may extend for 1 additional year (hereinafter referred to as the “Extension Year”) the date specified in table 1 of paragraph (1) of this subsection if—

(A) the State has complied with all requirements and commitments pertaining to the area in the applicable implementation plan, and,

(B) no more than one exceedance of the national ambient air quality standard level for ozone has occurred in the area in the year preceding the Extension Year.

No more than two one-year extensions may be issued for a single nonattainment area.

EPA interprets this provision to authorize the granting of a one-year extension under the following minimum conditions:

(1) The State requests a one-year extension, (2) all requirements and commitments in the EPA-approved SIP for the area have been complied with, and, (3) the area has no more than one measured exceedance of the NAAQS during the year that includes the attainment date (or the subsequent year, if a second one-year extension is requested).

On November 17, 1997 (62 FR 61241), EPA granted the Ohio and Kentucky requests to extend the attainment date for the Cincinnati-Hamilton Interstate moderate ozone nonattainment area from November 15, 1996 to November 15, 1997. The November 17, 1997 approval was based in part on monitored air quality readings for the national air quality standard for 1996.

Ohio’s second ozone attainment date extension was supported by monitored air quality readings during 1997.

A review of the actual ambient air quality ozone data from the EPA Aerometric Information Retrieval System (AIRS), shows that a number of air quality monitors located in the Cincinnati-Hamilton ozone nonattainment area recorded exceedances of the NAAQS for ozone during the three year period from 1995 to 1997. At one of these monitors, Middletown OH, the number of expected exceedances was 2.0 for 1995, 1.0 for 1996 and 1.0 for 1997. Because these exceedances averaged more than 1.0 over the three year period, they constitute a violation of the ozone NAAQS for the Cincinnati-Hamilton area during the three year period. Thus the area did not meet the November 15, 1997 attainment date.

Kentucky provided no discussion of monitoring data in its January 7, 1998 request. However, in its November 14, 1997 request, Ohio indicated that Ohio and Kentucky had satisfied the compliance date extension criteria in as much as no monitors in the Cincinnati-Hamilton area monitored more than one exceedance each during 1997. The 1997 monitoring data has been quality controlled and quality assured as has been the data for 1995 and 1996. These data have been summarized in Table 1. The monitoring data for the Oxford, Ohio site located in Butler County is not provided in the list. Currently, quality assured data is not available for this site for 1997.

An examination of the data indicate that three of the ten monitors, currently in operation, recorded one exceedance each during 1997. EPA has determined that the requirements for a second one-year extension of the attainment date have been fulfilled as follows:

Table 1.—Cincinnati-Hamilton Monitored Exceedances and Violation 1995–97

<table>
<thead>
<tr>
<th>Year</th>
<th>Boone County</th>
<th>Campbell County</th>
<th>Kenton County</th>
<th>Butler County</th>
<th>Hamilton County</th>
<th>Warren County</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Middletown OH</td>
<td>Grooms Rd</td>
<td>Lebanon</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Ripple Rd</td>
<td>Cook Rd</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Cincinnati</td>
<td>Clermont Co</td>
</tr>
<tr>
<td>1995</td>
<td>0</td>
<td>0</td>
<td>1.0</td>
<td>0</td>
<td>2.0</td>
<td>1.0</td>
</tr>
<tr>
<td>1996</td>
<td>0</td>
<td>0.0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1997</td>
<td>0</td>
<td>1.0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>(')</td>
</tr>
</tbody>
</table>

1 No data is available for this site during this year.

(1) Ohio and Kentucky have formally submitted the attainment date extension requests.

(2) Ohio and Kentucky are currently implementing the EPA-approved SIPs.

(3) A review of actual ozone ambient air quality data for the Cincinnati-Hamilton Interstate area indicates that the area has monitored no more than one exceedance of the NAAQS at any monitor during 1997.

Therefore, EPA approves the Ohio and Kentucky second one-year attainment date extension requests for the Cincinnati-Hamilton ozone nonattainment area. As a result, the Kentucky Control Strategy for Ozone which is codified at 40 CFR 52.930 and the Ohio Control Strategy for Ozone which is codified at 40 CFR 52.1885 are being amended to record these attainment date extensions. The chart in 40 CFR 81.318 entitled “Kentucky-Ozone” is being modified to reflect EPA’s approval of Kentucky’s attainment date extension request. The chart in 40 CFR 81.336 entitled “Ohio-Ozone” is also being modified to reflect EPA’s approval of Ohio’s attainment date extension request.

EPA Action

EPA is approving the second one-year attainment date extension requests for the Cincinnati-Hamilton moderate
ozone nonattainment area from November 15, 1997 to November 15, 1998 without prior proposal because EPA 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 this part 52 and part 81 action should written adverse or critical comments be filed.

This rule will become effective without further notice unless EPA receives relevant adverse written comment on the parallel proposed rule (published in the proposed rules section of this Federal Register) by April 27, 1998. Should EPA receive such comments, it will publish a final rule informing the public that this rule did not take effect. Any party 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 on May 26, 1998.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Administrative Requirements

A. Executive Order 12866
The Office of Management and Budget has exempted this regulatory action from Executive Order 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.

Extension of an area's attainment date under the CAA does not impose any new requirements on small entities. Extension of an attainment date is an action that affects a geographical area and does not impose any regulatory requirements on sources. EPA certifies that the approval of the attainment date extension will not affect a substantial number of small entities.

C. Unfunded Mandates
Under section 202 of the Unfunded Mandates Reform Act of 1995 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 promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or national 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. Audit Privilege and Immunity Law
Nothing in this action should be construed as making any determination or expressing any position regarding Ohio's audit privilege and immunity law (sections 3745.70-3745.73 of the Ohio Revised Code). The EPA will be reviewing the effect of the Ohio audit privilege and immunity law on various Ohio environmental programs, including those under the CAA. The EPA will take appropriate action(s), if any, after thorough analysis and opportunity for Ohio to state and explain its views and positions on the issues raised by the law. The action taken herein does not express or imply any viewpoint on the question of whether there are legal deficiencies in this or any Ohio CAA program resulting from the effect of the audit privilege and immunity law. As a consequence of the review process, the regulations subject to the action taken herein may be disapproved, Federal approval for the CAA program under which they are implemented may be withdrawn, or other appropriate action may be taken, as necessary.

E. Submission to Congress and the General Accounting Office
The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit 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 United States prior to the publication of the rule in the Federal Register. This rule is not a “major rule” as defined by 5 U.S.C. 804(2).

F. Petitions for Judicial Review
Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 26, 1998. 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 to grant Ohio and Kentucky an extension to attain the ozone NAAQS in the Cincinnati-Hamilton ozone nonattainment area as defined in 40 CFR 81.318 and 40 CFR 81.336 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, Ozone
40 CFR Part 81
Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: February 27, 1998.
A. Stanley Meiburg,
Acting Regional Administrator, Region 4.

David A. Ullrich,
Acting Regional Administrator, Region 5.

Parts 52 and 81 of chapter I, title 40 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 et seq.

2. Section 52.930 is amended by adding paragraph (f) to read as follows:

§ 52.930 Control strategy: Ozone.

(f) Kentucky's January 7, 1998, request for a one-year attainment date extension for the Kentucky portion of the Cincinnati-Hamilton metropolitan area.
moderate ozone nonattainment area which consists of Kenton, Boone, and Campbell Counties is approved. The date for attaining the ozone standard in these counties is November 15, 1998.

3. Section 52.1885 is amended by adding paragraph (cc) to read as follows:

§ 52.1885 Control strategy: Ozone.

* * * * *

(cc) Ohio's November 14, 1997, request for a one-year attainment date extension for the Ohio portion of the Cincinnati-Hamilton metropolitan moderate ozone nonattainment area which consists of Hamilton, Butler, Clermont and Warren Counties is approved. The date for attaining the ozone standard in these counties is November 15, 1998.

PART 81—[AMENDED]

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

KENTUCKY—OZONE

<table>
<thead>
<tr>
<th>Designated area</th>
<th>Designation Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Date ¹</td>
</tr>
<tr>
<td>Cincinnati-Hamilton Area:</td>
<td></td>
</tr>
<tr>
<td>Boone County</td>
<td>Nonattainment</td>
</tr>
<tr>
<td>Campbell County</td>
<td>Nonattainment</td>
</tr>
<tr>
<td>Kenton County</td>
<td>Nonattainment</td>
</tr>
</tbody>
</table>

¹ This date is November 15, 1990, unless otherwise noted.
² Attainment date extended to November 15, 1998.

3. In section 81.336, the “Ohio—Ozone” table is amended by revising the entry for the “Cincinnati-Hamilton Area” to read as follows:

§ 81.336 Ohio.

* * * * *

O HIO—OZONE

<table>
<thead>
<tr>
<th>Designated area</th>
<th>Designation Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Date ¹</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Cincinnati-Hamilton Area:</td>
<td></td>
</tr>
<tr>
<td>Butler County</td>
<td>Nonattainment</td>
</tr>
<tr>
<td>Clermont County</td>
<td>Nonattainment</td>
</tr>
<tr>
<td>Hamilton County</td>
<td>Nonattainment</td>
</tr>
<tr>
<td>Warren County</td>
<td>Nonattainment</td>
</tr>
</tbody>
</table>

¹ This date is November 15, 1990, unless otherwise noted.
² Attainment date extended to November 15, 1998.

[FR Doc. 98–7760 Filed 3–25–98; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 85
[FRL–5986–2]
RIN 2060–AH45
Retrofit/Rebuild Requirements for 1993 and Earlier Model Year Urban Buses; Additional Update of Post-Rebuild Emission Levels in 1998

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This final rule amends regulations governing EPA's Urban Bus Retrofit/Rebuild Program to provide for the revision of post-rebuild particulate levels based on equipment certified by July 1, 1998. This amendment allows equipment manufacturers additional time to certify equipment capable of influencing compliance under Option 2 (the fleet averaging option) of the program. This amendment provides assurance that the two compliance options of the program remain equivalent, and that urban buses utilize the best retrofit technology reasonably achievable as Congress required. In addition, the amendment provides assurance that urban areas realize the full PM benefits of this program.

DATES: This final rule is effective April 27, 1998.

ADDRESSES: Materials relevant to this amendment are contained in Public Docket No. A–91–28 at the address listed below. This docket is located in room M–1500, Waterside Mall (Ground Floor), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Dockets may be inspected from 8 a.m. until 5:30 p.m., Monday through Friday. As provided in 40 CFR Part 2, a reasonable fee may be charged by EPA for copying docket materials.

FOR FURTHER INFORMATION CONTACT: William Rutledge, Engine Programs and