

Subpart F—California

2. Section 52.220 is amended by adding paragraph (c)(251) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(251) New and amended plans for the following agency were submitted on November 5, 1997, by the Governor's designee.

(i) Incorporation by reference.

(A) Ventura County Air Pollution Control District.

(I) Commitments to adopt and implement control measures contained in the Ventura 1997 Air Quality Management Plan, adopted on October 21, 1997.

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[CA-189-0059; FRL-5996-5]

Approval and Promulgation of State Implementation Plans; California—South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action to approve a state implementation plan (SIP) revision submitted by the State of California to provide for attainment of the carbon monoxide (CO) national ambient air quality standards (NAAQS) in the Los Angeles-South Coast Air Basin Area (South Coast). EPA is approving the SIP revision under provisions of the Clean Air Act (CAA) regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards, and plan requirements for nonattainment areas. The demonstration of attainment in the SIP depends, in part, upon reductions from an enhanced inspection and maintenance (I/M) program for motor vehicles. Since EPA has previously granted interim approval to the California I/M program, the Agency is granting interim approval to the reasonable further progress and attainment demonstration portions of the plan.

EFFECTIVE DATE: This action is effective on May 21, 1998.

ADDRESSES: The rulemaking docket for this document, Docket No. 97-17, may

be inspected and copied at the following location during normal business hours. A reasonable fee may be charged for copying parts of the docket.

Environmental Protection Agency, Region 9, Air Division, Air Planning Office, 75 Hawthorne Street, San Francisco, CA 94105-3901.

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

Copies of the SIP materials are also available for inspection at the addresses listed below:

California Air Resources Board, 2020 L Street, Sacramento, California; South Coast Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, California.

FOR FURTHER INFORMATION CONTACT:

Dave Jesson (415) 744-1288, Air Planning Office (AIR-2), Air Division, U.S. EPA, Region 9, 75 Hawthorne Street, San Francisco, California, 94105-3901.

SUPPLEMENTARY INFORMATION:**I. Background**

EPA is finalizing approval and interim approval of the 1997 CO plan for the South Coast,¹ which was adopted on November 15, 1996, by the South Coast Air Quality Management District (SCAQMD), submitted as a SIP revision by the California Air Resources Board (CARB) on February 5, 1997. EPA determined this submission to be complete on April 1, 1997.²

The 1997 CO plan addresses applicable CAA requirements for the South Coast, which is classified as a serious nonattainment area for CO, including the requirement to demonstrate expeditious attainment of the CO NAAQS no later than December 31, 2000. The demonstration must provide enforceable measures to achieve emission reductions each year leading to emissions at or below the level predicted to result in attainment of the NAAQS throughout the nonattainment area.

Specifically, EPA is finalizing approval of procedural requirements, baseline and projected emission inventories, and vehicle miles traveled (VMT) forecasts and commitments, and interim approval of the attainment demonstration and quantitative

milestones and reasonable further progress.

EPA is also finalizing action to rescind EPA's February 14, 1995 partial approval and partial disapproval of the 1994 South Coast CO SIP submittal. These actions on the 1994 CO SIP submittal have not been in effect, since EPA's final rulemaking was never published in the **Federal Register**. The 1997 CO plan updates and supersedes the 1994 CO SIP submittal and corrects the deficiencies in the 1994 submittal that were the subject of the partial disapproval actions.

These actions were proposed on December 5, 1997 (62 FR 64329-64334). The reader is referred to that notice for additional detail on the affected area and the SIP submittal, as well as a summary of relevant CAA provisions and EPA interpretations of those provisions.

II. Public Comments

EPA received no comments on the proposal.

III. EPA Final Action

In this document, EPA is taking the following actions on elements of the 1997 South Coast Air Quality Management Plan, as adopted on November 15, 1996, and submitted on February 5, 1997:

(1) Approval of procedural requirements, under section 110(a)(1) of the CAA;

(2) Approval of the baseline and projected emission inventories, under sections 172(c)(3) and 187(a)(1) of the CAA;

(3) Interim approval of the attainment demonstration, under section 187(a)(7) of the CAA and section 348(c) of the National Highway System Designation Act ("Highway Act," Public Law 104-59, enacted on November 28, 1995);

(4) Interim approval of quantitative milestones and reasonable further progress, under sections 171(1), 172(c)(2), and 187(a)(7) of the CAA and section 348(c) of the Highway Act; and

(5) Approval of VMT forecasts and the responsible agencies' commitments to revise and replace the VMT projections as needed and monitor actual VMT levels in the future, under section 187(a)(2)(A) of the CAA.

EPA also takes final action to rescind EPA's prior partial approval and partial disapproval of the 1994 South Coast CO SIP submittal, taken on February 14, 1995. As discussed in the proposal (62 FR 64330), these actions have not been in effect, since the final rule was never published in the **Federal Register**.

Along with EPA's prior interim approval of California's enhanced motor

¹ For a description of the boundaries of the Los Angeles-South Coast Air Basin, see 40 CFR 81.305.

² EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

vehicle inspection and maintenance (I/M) program under section 187(a)(6) of the CAA and section 348(c) of the Highway Act, these interim approvals expire on August 7, 1998, or earlier if by such date California submits the required demonstration that the CO credits are appropriate. 61 FR 10920, March 18, 1996.

IV. 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 business, small not-for-profit enterprises and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under sections 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, 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 regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIP's on such grounds. *Union Electric Co. v. U.S.E.P.A.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

Under sections 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 also determined that this final action does not include a mandate that may result in estimated costs of \$100 million or more to 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 action must be filed in the United States Court of Appeals for the appropriate circuit by June 22, 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 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, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Dated: April 2, 1998.

Felicia Marcus,

Regional Administrator, Region IX.

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: 42 U.S.C. 7401 *et seq.*

Subpart F—California

2. Section 52.220 is amended by adding paragraph (c)(247) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(247) New and amended plans for the following agency were submitted on February 5, 1997, by the Governor's designee.

(i) Incorporation by reference.

(A) South Coast Air Quality Management District.

(1) Carbon monoxide emissions inventory, VMT forecasts and commitments to monitor actual VMT levels and revise and replace the VMT projections as needed in the future, as contained in the South Coast 1997 Air Quality Management Plan.

3. Section 52.243 is added to subpart F to read as follows:

§ 52.243 Interim approval of the Carbon Monoxide plan for the South Coast.

The Carbon Monoxide plan for the Los Angeles-South Coast Air Basin is approved as meeting the provisions of sections 171(1), 172(c)(2), and 187(a)(7) for quantitative milestones and reasonable further progress, and the provisions of section 187(a)(7) for attainment demonstration. This approval expires on August 7, 1998, or earlier if by such earlier date the State has submitted as a SIP revision a demonstration that the carbon monoxide emission reduction credits for the enhanced motor vehicle inspection and maintenance program are appropriate and that the program is otherwise in compliance with the Clean Air Act and EPA takes final action approving that revision, as provided by section 348(c) of the National Highway System Designation Act (Public Law 104-59).

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