

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 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, I certify 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 SIPs on such grounds. *Union Electric Co. v. E.P.A.*, 427 U.S. 246, 256-66 (S.Ct. 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 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 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.

D. Submission to Congress and the Comptroller General

Under 5 U.S.C. 801 et seq., as amended 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), 42 U.S.C. 7607(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Fees, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

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

Dated: April 6, 1998.

Chuck Clarke,

Regional Administrator, Region X.

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 WW—Washington

2. Section 52.2470 is amended by adding paragraph (c) (77) to read as follows:

§ 52.2470 Identification of plan.

* * * * *

(c) * * *

(77) On December 30, 1997, the Director of the Washington State Department of Ecology submitted to the Regional Administration of EPA

revisions to the State Implementation Plan consisting of minor amendments to Puget Sound Air Pollution Control Agency (PSAPCA) Regulation I.

(i) Incorporation by reference.

(A) PSAPCA Regulations approved—Regulation I, Sections 3.11, 5.05, 5.07, 6.04, 6.10—State-adopted 9/11/97.

[FR Doc. 98-10399 Filed 4-20-98; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA-203-0062; FRL-5996-4]

Approval and Promulgation of State Implementation Plans; California—Ventura County Air Pollution Control 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 relating to control measures for attaining the ozone national ambient air quality standards (NAAQS) in the Ventura County nonattainment area. The submittal revises control measure adoption schedules in the 1994 ozone SIP for Ventura County. EPA is approving the SIP revision under provisions of the Clean Air Act (CAA or the Act) regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards, and plan requirements for nonattainment areas.

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

ADDRESSES: The rulemaking docket for this document may be inspected and copied at the following locations 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.

Ventura County Air Pollution Control District, 669 County Square Drive, Ventura, 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 of a revision to the Ventura 1994 ozone SIP. The revision was included in the Ventura County 1997 Air Quality Management Plan Revision, which was adopted on October 21, 1997. The revision updates the adoption and implementation dates for 8 measures in the 1994 ozone SIP. On November 5, 1997, CARB adopted and submitted this update as a SIP revision. On November 19, 1997, EPA found the revision to be complete, pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51, Appendix V.¹ On December 5, 1997, CARB submitted a technical correction to the November 5, 1997 submittal.

This action was proposed on December 24, 1997 (62 FR 67320-23). 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 final action to approve the 1997 update to the 1994 ozone SIP for Ventura under sections 110(k)(3) and 301(a) of the Act. The effect of this approval is to amend the federally enforceable adoption and implementation dates and emission reductions for 8 measures in the Ventura 1994 ozone SIP as shown in the tables in the proposed approval entitled "Revised Adoption and Implementation Dates for Ventura Measures" and "Revised Emission Reductions for Ventura Measures" (62 FR 67321-22). The amended measures are: R-303 AIM Architectural Coatings, R-322 Painter Certification Program, R-327 Electronic Component Manufacturing, R-410 Marine Tanker Loading, R-420 Pleasure Craft Fuel Transfer, R-421 Utility

Engine Refueling Operations, R-425 Enhanced Fugitive I/M Program, N-102 Boilers, Steam Generators, Heaters <1 MMBtu.

IV. Regulatory Process

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, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Volatile organic compounds.

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.*

¹ 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).

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.

[FR Doc. 98-10398 Filed 4-20-98; 8:45 am]

BILLING CODE 6560-50-P

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).