IV. Miscellaneous

A. Applicability to Future SIP Decisions

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

B. Executive Orders 12866 and 13045

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

The final rule is not subject to E.O. 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks,'' because it is not an ''economically significant'' action under E.O. 12866.

C. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because this disapproval only affects one source, Leon Plastics, Inc. Therefore, I certify that this action will not have a significant economic impact on a substantial number of small entities. Furthermore, as explained in this action, the request does not meet the requirements of the Clean Air Act and EPA cannot approve the request. EPA has no option but to disapprove the submittal.

EPA's disapproval of the State request under Section 110 and subchapter I, part D of the Clean Air Act does not affect any existing requirements applicable to small entities. Any pre-existing Federal requirements remain in place after this disapproval. Federal disapproval of the State submittal does not affect its State enforceability. Moreover, EPA's disapproval of the submittal does not impose any new Federal requirements. Therefore, I certify that this disapproval action does not have a significant impact on a substantial number of small entities.

D. 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 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 this disapproval action 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 disapproval action imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result.

E. Small Business Regulatory Enforcement Fairness Act

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. Section 804, however, exempts from section 891 the following types of rules: rules of particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding this action under section 801 because this is a rule of particular applicability.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401–7671q.

Dated: June 12, 1998.

David A. Ullrich,

Acting Regional Administrator.

[FR Doc. 98–16672 Filed 6–23–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[GA–035–2–9815a; FRL–6115–1]

Approval and Promulgation of Implementation Plans Georgia: Approval of Revisions for a Transportation Control Measure

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the Georgia State Implementation Plan (SIP) submitted by the State through the Department of Natural Resources (DNR) on August 29, 1997, requesting the incorporation of several transportation control measures (TCMs) into the SIP and the deletion of two TCMs from the existing SIP. This action only addresses the incorporation of one of the five TCMs submitted for approval into the SIP. Action was taken on the other TCMs in a separate rulemaking. The subject of this action is an alternative fuel refueling station/park and ride transportation center project located in Douglas County.

DATES: This final rule is effective August 10, 1998 unless adverse or critical comments are received by July 24, 1998. Should the Agency receive such comments, it will publish in the **Federal Register** a timely withdrawal of the direct final rule informing the public that this rule did not take effect.

ADDRESSES: Written comments on this action should be addressed to Kelly A. Sheckler 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 GA35–9807. The Region 4 office may have additional background documents not available at the other locations.

Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303. Attn: Kelly Sheckler, 404/562–9042.

Georgia Department of Natural Resources, Environmental Protection Division, Air Protection Division, 4244 International Parkway, Suite 136, Atlanta, Georgia 30354.

FOR FURTHER INFORMATION CONTACT: Kelly A. Sheckler at 404/562–9042.

SUPPLEMENTARY INFORMATION:

I. Background

Section 108(e) of the Clean Air Act, as amended in 1990 (the Act), provides air quality planning guidance for the development and implementation of transportation and other measures necessary to demonstrate and maintain attainment of national ambient air quality standards. Section 108(f)(1)(A) provides a list of transportation control measures (TCMs) with emission reduction potential. The USEPA has further provided guidance in the final report entitled Transportation Control Measures: State Implementation Plan Guidance dated September 1990; and in Transportation Control Measure Information Documents dated March 1992.

Section 108(f)(1)(A) of the Act lists sixteen TCMs for consideration by states and planning agencies to reduce emissions and maintain the national ambient air quality standards. Programs to reduce motor vehicle emissions consistent with title II of the Act are listed in section 108(f)(1)(A)(xii).

II. Evaluation of the State Submittal

On August 29, 1997, the State of Georgia through the DNR submitted to the EPA a request to approve five Atlanta TCMs into the SIP, specifically, the addition of a High Occupancy Vehicle (HOV) lane, an employer-based transit subsidy program, a university rideshare program, development of transportation management associations, and an alternative fuel refueling station/park and ride transportation center. In addition, the State requested the removal of two existing TCMs because they will not be implemented. These TCMs include five express bus routes on Cobb Community Transit and two park and ride lots on Cobb Community Transit routes. A public hearing on the proposed SIP revision was held on August 27, 1997. The SIP submission was found complete by EPA in a letter dated October 27, 1997.

The alternative fuel refueling station/park and ride transportation center TCM for the Atlanta Metropolitan Area is described below. An emissions analysis of this TCM was performed which demonstrated that an emission benefit would result from the implementation of this TCM. Although the State has requested that the TCM be approved in the SIP, no emissions credit is being claimed in the SIP for the measure. Therefore, the emissions analysis was reviewed only to determine that no further air quality degradation would result from the implementation of this TCM. EPA's review determined that the data assumptions and calculations provided reasonable assurance that an air quality benefit would occur.

Alternative Fuel Station/Multi-Modal Transportation Center. This project is referenced as DO–AR 211. A multi-modal/park and ride transportation center, which includes an alternative fuel refueling station, will offer service to the Douglas County vehicle fleets, buses and vanpools. The Douglas County Rideshare Program, that will manage the facility, currently operates 14 vanpools with 15 additional vanpools anticipated in the future. The Douglas County Board of Commissioners committed to implement the alternative fuel refueling station in conjunction with the construction of the multi-modal transportation center. An emissions analysis performed by the Atlanta Regional Commission (ARC) indicated that this project will result in reductions of emissions of volatile organic compounds (VOCs) and oxides of nitrogen (NO_X) in the 13-county Atlanta ozone nonattainment area by reducing congestion, reducing use of single occupancy vehicles and improving traffic flow.

This project was formally endorsed by the Douglas County Board of Commissioners in letters dated April 15, 1997 and February 27, 1998. The primary funding sources for this project are congestion Mitigation and Air Quality funds and a grant from the Georgia Environmental Facilities Authority.

This project is included in the Atlanta Interim Transportation Improvement Program (ITIP) contingent upon approval in the SIP. Based upon the schedule provided for in the ITIP, the multi-modal center and alternative fuel refueling station will be implemented in a timely manner and given funding priority. The alternative fuel refueling station and park and ride lot are scheduled for completion in December 1999.

III. EPA Action

EPA is approving the aforementioned changes to the SIP. The Agency has reviewed this request for revision of the Federally-approved SIP for conformance with the provisions of the amendments enacted on November 15, 1990. The Agency has determined that this action conforms with those requirements.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should relevant adverse comments be filed. This rule will be effective August 10, 1998 without further notice unless the Agency receives relevant adverse comments by July 24, 1998.

If the EPA receives such comments, then EPA will publish a notice withdrawing the final rule and informing the public that the rule did not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on the proposed rule. Any parties interested in commenting on the proposed rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on August 10, 1998 and no further action will be taken on the proposed rule.

EPA has determined that today's rule falls under the good cause exemption in section 553(d)(3) of the Administrative Procedures Act (APA) which, upon finding good cause, allows an agency to make a rule effective prior to the 30-day delayed effective date otherwise provided for in the APA. Today's rule simply approves non regulatory transportation control measures.

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

A. Executive Order 12866

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

B. Executive Order 13045

This final rule is not subject to Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks, because it is not an ''economically significant'' action under Executive Order 12866.

C. 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.

SIP approvals under section 110 and subchapter I, part D of the Clean Air Act 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 Regional 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 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) and 7410(k)(3).

D. 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 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.

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. However, section 808 provides that any rule for which the issuing agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule) that notice and public procedure thereon are impracticable, unnecessary or contrary to the public interest, shall take effect at such time as the agency promulgating the rule determines. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefore, and established an effective date of August 10, 1998. 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 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 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 August 24, 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, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: June 10, 1998.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

Part 52 of chapter I, title 40, 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 L—Georgia

2. Section 52.582, is amended by adding paragraph (b)(5) to read as follows:

§ 52.582 Control strategy: Ozone.

* * * * *

(b) * * *

(5) *Alternative Fuel Refueling Station/ Park and Ride Transportation Center*—This project is referred to as DO–AR–211.

[FR Doc. 98–16801 Filed 6–23–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300654A; FRL–5797–3]

RIN 2070–AB78

Peroxyacetic Acid; Exemption From the Requirement of a Tolerance; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: EPA published in the **Federal Register** of May 6, 1998, a final rule establishing an exemption from the requirement of a tolerance for residues of the antimicrobial pesticide peroxyacetic acid up to 100 parts per million (ppm), in or on raw agricultural commodities, in processed commodities, when such residues result from the use of peroxyacetic acid as an antimicrobial agent on fruits, tree nuts, cereal grains, herbs, and spices. The word ''vegetables'' was omitted from the specific tolerance exemption language which is reproduced in five places of the final rule. This document corrects the final rule by inserting the word ''vegetables'' into each place that contains the specific tolerance exemption language.

EFFECTIVE DATE: This correction is effective June 24, 1998.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP–300654A], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests