

based on the consideration received by any other person.

(3) A nonexhaustive list of the factors that may be relevant to determine whether, or in what amount, a reduction should be granted, includes:

(i) Whether the employer apportioned the amount paid for the waiver agreement among the rights waived, if the waiver purports to waive rights other than ADEA rights. If the employer did not apportion the consideration among the rights waived, the apportionment should be done on an equitable basis;

(ii) Whether the employer's noncompliance with the ADEA waiver requirements was inadvertent or was in bad faith or fraudulent;

(iii) The nature and severity of the underlying employment discrimination in the case, including whether the employer willfully violated the ADEA. If a willful violation occurred, any deduction from the award should be made after the damages are doubled pursuant to § 7(b) of the ADEA;

(iv) The employee's financial condition;

(v) The employer's financial condition;

(vi) The effect of the reduction upon the purposes and enforcement of the ADEA and the deterrence of future violations by the employer.

(d) No employer may unilaterally abrogate its duties under a waiver agreement to any signatory, even if one or more of the signatories to the agreement or EEOC successfully challenges the validity of that agreement under the ADEA.

[FR Doc. 99-10143 Filed 4-22-99; 8:45 am]

BILLING CODE 6570-01-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[TX-84-1-7341b; FRL-6324-1]

#### Approval and Promulgation of Air Quality State Implementation Plans (SIP); Texas: Motor Vehicle Inspection and Maintenance (I/M) Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

**SUMMARY:** This action proposes approval of the State of Texas supplemental I/M SIP submittals dated May 29, 1997, June 23, 1998, and December 22, 1998, which would thereby remove the conditions from the July 11, 1997, conditional interim approval. The May 29, 1997,

submittal changes the definition of "primarily operated," includes a Memorandum of Agreement between the Texas Natural Resource Conservation Commission and the Texas Department of Public Safety, and removes the test-on-resale requirement from the SIP. The June 23, 1998, submittal commits the State to implementing On-Board Diagnostic testing in January 2001. The December 22, 1998, submittal is the legislative authority needed to meet the requirements of the Clean Air Act and the Federal I/M regulations. In the Rules section of this **Federal Register**, EPA is issuing direct final approval of the above SIP submittals and removing the conditions from the July 11, 1997, conditional interim approval. The Agency views this rulemaking as noncontroversial and anticipates no adverse comment. A rationale for the approval is set forth in the direct final rule. If no adverse comments are received, no further action is contemplated with regard to this proposal. 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 action. Any parties interested in commenting on this action should do so at this time.

**DATES:** Comments must be received in writing by May 24, 1999.

**ADDRESSES:** Written comments on this action should be addressed to Mr. Thomas H. Diggs, Chief, Air Planning Section, at the EPA Regional Office listed below. Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations. Persons interested in examining these documents should make an appointment with the appropriate office at least 24 hours before the visiting day. Environmental Protection Agency, Region 6, Air Planning Section (6PD-L), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733. Texas Natural Resource Conservation Commission, 12100 Park 35 Circle, Austin, Texas 78711-3087.

**FOR FURTHER INFORMATION CONTACT:** Sandra Rennie, Air Planning Section (6PD-L), EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-7214.

**SUPPLEMENTARY INFORMATION:** See the information provided in the Direct Final action of the same title located in the Rules section of this **Federal Register**.

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

Dated: March 30, 1999.

**Jerry Clifford,**

*Acting Regional Administrator, Region 6.*

[FR Doc. 99-9461 Filed 4-22-99; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[CA126-0129b FRL-6233-2]

#### Approval and Promulgation of Implementation Plans for Arizona and California; General Conformity Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

**SUMMARY:** This action proposes to approve various revisions to State Implementation Plans (SIP) which contain regulations for implementing and enforcing the general conformity rules which the EPA promulgated on November 30, 1993. EPA is proposing to approve SIP revisions which contain general conformity rules for the Arizona SIP and the California SIP for the following California Air Pollution Control Districts (APCD) and Air Quality Management Districts (AQMD): El Dorado County APCD, Great Basin Unified APCD, Monterey Bay Unified APCD, San Joaquin Valley Unified APCD, Santa Barbara County APCD, South Coast AQMD, Feather River AQMD, Placer County APCD, Sacramento Metro AQMD, Imperial County APCD, Bay Area AQMD, San Diego County APCD, Butte County AQMD, Ventura County APCD, Mojave Desert AQMD and Yolo-Solano AQMD.

The approval of these general conformity rules into the SIP will result in the SIP criteria and procedures governing general conformity determinations instead of the Federal rules at 40 CFR Part 93, Subpart B. The Federal actions by the Federal Highway Administration and Federal Transit Administration (under Title 23 U.S.C. or the Federal Transit Act) are covered by the transportation conformity rules under 40 CFR Part 51, Subpart T—Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act (and 40 CFR Part 93, Subpart A) and are not affected by this action.

EPA proposes to approve these SIP revisions under sections 110(k) and 176(c) of the Clean Air Act (CAA or the Act). A more detailed discussion of