§ 1258.12 Fee schedule.

(a) *Certification:* $10.

(b) *Electrostatic copying:* (1) Paper-to-paper copies (up to and including 11 in. by 17 in.) made by the customer on a NARA self-service copier: $0.10 per copy.

(2) Paper-to-paper copies (up to and including 11 in. by 17 in.) made by NARA staff:

(i) At a Presidential library; at a regional records services facility; and, when ordered on a same-day ''cash and carry'' basis, at a Washington, DC, area facility: $0.50 per copy.

(ii) All other orders placed at a Washington, DC, area facility: $10 for the first 1–20 copies; $5 for each additional block of up to 20 copies.

(3) Oversized electrostatic copies (per linear foot): $2.50.

(4) Electrostatic copies (22 in. by 34 in.): $2.50.

(5) Microfilm or microfiche to paper copies made by the customer on a NARA self-service copier: $0.25.

(6) Microfilm or microfiche to paper copies made by NARA staff: $1.75.

(c) *Microfilm*. (1) Original negative microfilm (paper-to-microfilm): $10 for the first 1–15 images; $14 for each additional block of up to 20 pages.

(2) Direct duplicate copy of accessioned microfilm: $34.00 per roll.

(3) Positive copy of accessioned microfilm: $34.00 per roll.

(d) *Diazo microfiche duplication (per fiche):* $2.10.

(e) *Self-service video copying in the Motion Picture, Sound and Video Research Room:* (1) Initial 90-min use of video copying station with 120-minute videocassette: $20.

(2) Additional 90-minute use of video copying station with no videocassette: $14.

(3) Blank 120-minute VHS videocassette: $6.

(f) *Self-service Polaroid prints:* $9 per print.

* * * * *

7. Section 1258.16 is revised to read:

§ 1258.16 Effective date.

The fees in § 1258.12 are effective on July 14, 1997.

Dated: June 9, 1997.

John W. Carlin,

Archivist of the United States.

[FR Doc. 97–15575 Filed 6–12–97; 8:45 am]

BILLING CODE 7515–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OH104–2a; FRL–5840–8]

Approval and Promulgation of Implementation Plans; Ohio Ozone Maintenance Plan

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Direct final rule; delay of the effective date.

SUMMARY: On May 14, 1997 USEPA published a direct final rule (62 FR 26396) approving, and an accompanying proposed rule (62 FR 26463) proposing to approve a revision submitted on July 9, 1996 and January 31, 1997, to the ozone maintenance plans for the Dayton-Springfield Area (Miami, Montgomery, Clark, and Greene Counties), Toledo Area (Lucas and Wood Counties), Canton area (Stark County), Ohio portion of the Youngstown-Warren-Sharon Area (Mahoning and Trumbell Counties), Columbus Area (Franklin, Delaware, and Licking Counties), Cleveland-Akron-Lorain Area (Ashtabula, Cuyahoga, Lake, Lorain, Medina, Summit, Portage, and Geauga Counties), Preble County, Jefferson County, Columbiana and Clinton Counties. The revision was based on a request from the State of Ohio to revise the federally approved maintenance plan for those areas to provide the state and the affected areas with greater flexibility in choosing the appropiate ozone contingency measures for each area in the event such a measure is needed. The USEPA is postponing the effective date of this rule for 60 days to allow for a 60 day extension of the public comment period. In the proposed rules section of this **Federal Register**, USEPA announces a 60 day extension of the public comment period on these maintenance plans.

DATES: The direct final rule published at 62 FR 26396 becomes effective September 12, 1997 unless substantive written adverse comments not previously addressed by the State or USEPA are received by August 12, 1997. If the effective date is further delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments should be addressed to: J. Elmer Bortzer, Chief, Regulations Development Section, Air Programs Branch (AR–18), at the address below. Copies of the documents relevant to this action are available for public inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 5, Regulation Development Branch, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: John Paskevicz, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Telephone: (312) 886–6084.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Ozone, Volatile organic compounds.

Dated: June 5, 1997.

David A. Ullrich,

Acting Regional Administrator.

Therefore the effective date of the amendment to 40 CFR part 52 which added § 52.1885(a)(5), published at 62 FR 26396, May 14, 1997, is delayed until September 12, 1997.

[FR Doc. 97–15416 Filed 6–12–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[VA–076–5022a; FRL–5841–5]

Approval and Promulgation of Air Quality Implementation Plans; Virginia: Determination of Attainment of Ozone Standard and Determination Regarding Applicability of Certain Requirements in the Richmond Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA has determined that the Richmond ozone nonattainment area has attained the National Ambient Air Quality Standard (NAAQS) for ozone. This determination is based upon three years of ambient air monitoring data for the years 1993–95 that demonstrate that the ozone NAAQS has been attained in this area. EPA has also determined that Richmond has continued to attain the standard to date. On the basis of this determination, EPA is also determining that certain reasonable further progress and attainment demonstration requirements, along with certain other related requirements, of Part D of Title I of the Clean Air Act are not applicable to this area as long as this area continues to attain the ozone NAAQS.

DATES: This final rule is effective July 28, 1997 unless within July 14, 1997,

adverse or critical comments are received. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments may be mailed to David L. Arnold, Chief, Ozone/Carbon Monoxide, and Mobile Sources Section, Mailcode 3AT21, U.S. Environmental Protection Agency—Region III, 841 Chestnut Building, Philadelphia, Pennsylvania, 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Persons interested in examining these documents should schedule an appointment with the contact person (listed below) at least 24 hours before the visiting day.

FOR FURTHER INFORMATION CONTACT: Christopher Cripps, Ozone/Carbon Monoxide and Mobile Sources Section (3AT21), U.S. Environmental Protection Agency—Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, or by telephone at: (215) 566–2179. Questions may also be sent via e-mail, to the following address: Cripps.Christopher@epamail.epa.gov (Please note that only written comments can be accepted for inclusion in the docket.)

SUPPLEMENTARY INFORMATION:

I. Background

Subpart 2 of Part D of Title I of the Clean Air Act contains various air quality planning and State Implementation Plan (SIP) submission requirements for ozone nonattainment areas. EPA considers it is reasonable to interpret provisions regarding reasonable further progress (RFP) and attainment demonstrations, along with certain other related provisions, so as not to require SIP submissions if an ozone nonattainment area subject to those requirements is monitoring attainment of the ozone standard (i.e., attainment of the NAAQS demonstrated with three consecutive years of complete, quality assured air quality monitoring data). As described below, EPA has previously interpreted the general provisions of subpart 1 of part D of Title I (sections 171 and 172) so as not to require the submission of SIP revisions concerning RFP, attainment demonstrations, or contingency measures. As explained in a memorandum dated May 10, 1995, from John S. Seitz, Director, Office of Air Quality Planning and Standards to the Regional Air Division Directors, entitled ''Reasonable Further Progress, Attainment Demonstration, and Related Requirements for Ozone Nonattainment Areas Meeting the Ozone National Ambient Air Quality Standard'', EPA concludes that it is appropriate to interpret the more specific RFP, attainment demonstration and related provisions of subpart 2 in the same manner.

First, with respect to RFP, section 171(1) states that, for purposes of part D of Title I, RFP ''means such annual incremental reductions in emissions of the relevant air pollutant as are required by this part or may reasonably be required by the Administrator for the purpose of ensuring attainment of the applicable national ambient air quality standard by the applicable date.'' Thus, whether dealing with the general RFP requirement of section 172(c)(2), or the more specific RFP requirements of subpart 2 for classified ozone nonattainment areas (such as the 15 percent plan requirement of section 182(b)(1)), the stated purpose of RFP is to ensure attainment by the applicable attainment date.[1] If an area has in fact attained the standard, the stated purpose of the RFP requirement will have already been fulfilled and EPA concludes that the area does not need to submit revisions providing for the further emission reductions described in the RFP provisions of section 182(b)(1).

EPA notes that it took this view with respect to the general RFP requirement of section 172(c)(2) in the General Preamble for the Interpretation of Title I of the Clean Air Act Amendments of 1990 (57 FR 13498 (April 16, 1992)), and it is now extending that interpretation to the specific provisions of subpart 2. In the General Preamble, EPA stated, in the context of a discussion of the requirements applicable to the evaluation of requests to redesignate nonattainment areas to attainment, that the ''requirements for RFP will not apply in evaluating a request for redesignation to attainment since, at a minimum, the air quality data for the area must show that the area has already attained. Showing that the Commonwealth will make RFP towards attainment will, therefore, have no meaning at that point.'' (57 FR at 13564.)[2]

Second, with respect to the attainment demonstration requirements of section 182(b)(1), an analogous rationale leads to the same result. Section 182(b)(1) requires that the plan provide for ''such specific annual reductions in emissions * * * as necessary to attain the national primary ambient air quality standard by the attainment date applicable under this Act.'' As with the RFP requirements, if an area has in fact monitored attainment of the standard, EPA concludes there is no need for an area to make a further submission containing additional measures to achieve attainment. This is also consistent with the interpretation of certain section 172(c) requirements provided by EPA in the General Preamble to Title I, as EPA stated there that no other measures to provide for attainment would be needed by areas seeking redesignation to attainment since ''attainment will have been reached.'' (57 FR at 13564; *see* also September 1992 Calcagni memorandum at page 6.) Upon attainment of the NAAQS, the focus of state planning efforts shifts to maintenance of the NAAQS and the development of a maintenance plan under section 175A.

Similar reasoning applies to the contingency measure requirements of section 172(c)(9). EPA has previously interpreted the contingency measure requirement of section 172(c)(9) as no longer being applicable once an area has attained the standard since those ''contingency measures are directed at ensuring RFP and attainment by the applicable date.'' (57 FR at 13564; *see also* September 1992 Calcagni memorandum at page 6.) Similarly, as the section 172(c)(9) contingency measures are linked with the RFP requirements of section 182(b)(1), the requirement no longer applies once an area has attained the standard.

EPA emphasizes that the lack of a requirement to submit the SIP revisions discussed above exists only for as long as an area designated nonattainment continues to attain the standard. If EPA subsequently determines that such an area has violated the NAAQS, the basis for the determination that the area need not make the pertinent SIP revisions would no longer exist. The EPA would notify the Commonwealth of that determination and would also provide notice to the public in the **Federal**

[1] EPA notes that paragraph (1) of subsection 182(b) is entitled ''Plan Provisions for Reasonable Further Progress'' and that subparagraph (B) of paragraph 182(c)(2) is entitled ''Reasonable Further Progress Demonstration,'' thereby making it clear that both the 15 percent plan requirement of section 182(b)(1) and the 3 percent per year requirement of section 182(c)(2) are specific varieties of RFP requirements.

[2] *See also* ''Procedures for Processing Requests to Redesignate Areas to Attainment,'' from John Calcagni, Director, Air Quality Management Division, to Regional Air Division Directors, September 4, 1992, at page 6 (stating that the ''requirements for reasonable further progress * * * will not apply for redesignations because they only have meaning for areas not attaining the standard'') (hereinafter referred to as ''September 1992 Calcagni memorandum'').

Register. Such a determination would mean that the area would have to address the pertinent SIP requirements within a reasonable amount of time, which EPA would establish taking into account the individual circumstances surrounding the particular SIP submissions at issue. Thus, a determination that an area need not submit one of the SIP submittals amounts to no more than a suspension of the requirement for so long as the area continues to attain the standard.

The Commonwealth must continue to operate an appropriate air quality monitoring network, in accordance with 40 CFR Part 58, to verify the attainment status of the area. The air quality data relied upon to determine that the area is attaining the ozone standard must be consistent with 40 CFR Part 58 requirements and other relevant EPA guidance and recorded in EPA's Aerometric Information Retrieval System (AIRS).

The determinations that are being made by this action are not equivalent to the redesignation of the area to attainment. Attainment of the ozone NAAQS is only one of the criteria set forth in section 107(d)(3)(E) that must be satisfied for an area to be redesignated to attainment. To be redesignated the Commonwealth must submit and receive full approval of a redesignation request for the area that satisfies all of the criteria of that section, including the requirement of a demonstration that the improvement in the area's air quality is due to permanent and enforceable reductions, that the area has a fully-approved SIP meeting all of the applicable requirements under section 110 and Part D, and of a fully-approved maintenance plan. On July 26, 1996 the Commonwealth of Virginia submitted a redesignation request and maintenance plan for the Richmond area.

The redesignation request and maintenance plan is the subject of a separate rulemaking action.

Furthermore, the determinations of this action will not shield an area from future EPA action to require emissions reductions from sources in the area where there is evidence, such as photochemical grid modeling, showing that emissions from sources in the area contribute significantly to nonattainment in, or interfere with maintenance by, other nonattainment areas. EPA has authority under sections 110(a)(2)(A) and 110(a)(2)(D) to require such emission reductions as necessary and appropriate to deal with transport situations.

II. Analysis of Air Quality Data

EPA has reviewed the ambient air monitoring data for ozone (consistent with the requirements contained in 40 CFR Part 58 and recorded in AIRS) for the Richmond moderate ozone nonattainment area in the Commonwealth of Virginia from 1993 through the present time. On the basis of that review EPA has concluded that the area attained the ozone standard during the 1993–95 period and continues to attain the standard through the present time.

The current design value for the Richmond nonattainment area, computed using ozone monitoring data for 1994 through 1996, is 116 parts per billion (ppb). The average annual number of expected exceedances is 0.7 for that same time period. For the 1993 to 1995 time period, the average annual number of expected exceedances was 1.0, and the corresponding design value was 124 ppb. An area is considered in attainment of the standard if the average annual number of expected exceedances is less than or equal to 1.0. Thus, this areas is no longer recording violations of the air quality standard for ozone. A more detailed summary of the ozone monitoring data for the area is provided in the Technical Support Document (TSD) for this action. A copy of this TSD is available from the EPA Regional Office listed in the **ADDRESSES** section of this document.

EPA's review of this material indicates that the Richmond area attained the NAAQS for ozone based upon air quality monitoring data for 1993 to 1995 and has continued to attain the standard to date. EPA is making this determination regarding the applicability of certain requirements without prior proposal. However, in a separate document in this **Federal Register** publication, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective July 28, 1997 unless, within 30 days of publication, adverse or critical comments are received.

If EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. EPA will not institute a second comment period on this action. Any and all parties 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 July 28, 1997.

Final Action

EPA has determined that the Richmond ozone nonattainment area has attained the ozone standard and continues to attain the standard at this time. As a consequence of this determination, the requirements of section 182(b)(1) concerning the submission of the 15 percent plan and ozone attainment demonstration and the requirements of section 172(c)(9) concerning contingency measures are no longer applicable to the area so long as the area does not violate the ozone standard.

EPA emphasizes that this determination will be contingent upon the continued monitoring and continued attainment and maintenance of the ozone NAAQS in the affected area. When and if a violation of the ozone NAAQS is monitored in the Richmond nonattainment areas (consistent with the requirements contained in 40 CFR Part 58 and recorded in AIRS), EPA will provide notice to the public in the **Federal Register**. Such a violation would mean that the area would thereafter have to address the requirements of section 182(b)(1) and section 172(c)(9) since the basis for the determination that they do not apply would no longer exist.

As a consequence of the determination that these areas have attained the NAAQS and that the RFP and attainment demonstration requirements of section 182(b)(1) do not presently apply, the sanctions and Federal Implementation Plan (FIP) clocks started by EPA on January 20, 1994, for failure to submit the RFP SIP required under section 182(b)(1) are hereby stopped since the deficiency for which the clocks were started no longer exists.

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.

Administrative Requirements

I. Executive Order 12866

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR

2214–2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

II. 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. Today's determination does not create any new requirements, but suspends the indicated requirements. Therefore, because this action does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected.

III. 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 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 does not create any new requirements, but suspends the indicated requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

IV. 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).

V. 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 12, 1997. 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).)

The Administrator's decision to issue a determination that the Richmond area has attained the NAAQS for ozone and that certain reasonable further progress and attainment demonstration requirements, along with certain other related requirements, of Part D of Title I of the Clean Air Act are not applicable to this area as long as this area continues to attain the ozone NAAQS will be based on whether it meets the requirements of section 110(a)(2) (A)–(K) and part D of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone.

Dated: June 5, 1997.

W. Michael McCabe,

Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart VV—Virginia

2. Section 52.2428 is added to read as follows:

§ 52.2428 Control Strategy: Carbon monoxide and ozone.

Determination—EPA has determined that, as of July 28, 1997, the Richmond ozone nonattainment area, which consists of the counties of Charles City, Chesterfield, Hanover and Henrico, and of the cities of Richmond, Colonial Heights and Hopewell, has attained the ozone standard and that the reasonable further progress and attainment demonstration requirements of section 182(b)(1) and related requirements of section 172(c)(9) of the Clean Air Act do not apply to this area for so long as the Richmond ozone nonattainment area does not monitor any violations of the ozone standard. If a violation of the ozone NAAQS is monitored in the Richmond ozone nonattainment area, these determinations shall no longer apply.

[FR Doc. 97–15567 Filed 6–12–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL–5831–9]

Final Rule Making Findings of Failure To Submit Required State Implementation Plan: Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action in making a finding, pursuant to sections 179(a)(1) and 110(k) of the Clean Air Act (CAA or Act), as amended in 1990 (Pub. L. No. 101–549, November 15, 1990), 42 U.S.C. 7509(a)(1) and 7410, for the state of Oregon. The EPA has determined that Oregon has failed to submit a state implementation plan (SIP) for particulate matter less than or equal to 10 microns (PM–10) as required under the provisions in the Act for the Medford-Ashland nonattainment area. This rule addresses the requirement under section 189(a)(2)(A) of the Act that each state shall submit the SIP required under section 189(a)(1) within one year of the date of the enactment of the Clean Air Act Amendments of 1990 (i.e., by November 15, 1991) for areas designated nonattainment for PM–10 under section 107(d)(4). Other provisions required under section 189(a)(1)(A) were due at a later date (i.e., provisions relating to new source review).

This action triggers the 18-month time clock for mandatory application of sanctions in the Medford-Ashland PM–10 nonattainment area under the Act. This action is consistent with the CAA mechanism for assuring SIP submission.

EFFECTIVE DATE: June 13, 1997.