

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 section 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 section 804(2) of the APA as amended.

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 September 29, 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).)

List of Subjects in 40 CFR Part 52

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

Dated July 16, 1997.

Felicia Marcus,

Regional Administrator.

Subpart F of 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. 7401–7671q.

Subpart F—California

2. Section 52.222 is being amended by adding paragraph (a) (2) and (a)(3) to read as follows:

§ 52.222 Negative declarations.

(a) * * *

(2) Sacramento Metropolitan Air Quality Management District.

(i) Plastic Parts Coating: Business Machines and Plastic Parts Coating: Other were submitted on June 6, 1996 and adopted on May 2, 1996.

(3) Santa Barbara County Air Pollution Control District.

(i) Industrial Wastewater, Plastic Parts Coating: Business Machines, Plastic Parts Coating: Other, Industrial Cleaning Solvents, Offset Lithography, and Shipbuilding Coatings were submitted on July 12, 1996 and adopted on May 16, 1996.

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BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[DC032–2006; FRL–5864–4]

Approval and Promulgation of Air Quality Implementation Plans; District of Columbia, New Source Review Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the District of Columbia. This revision amends the District's new source review program including the regulations for the preconstruction permitting new major sources and major modifications in nonattainment areas. This action is being taken under the provisions of the Clean Air Act for the approval of SIP revisions.

EFFECTIVE DATE: This final rule is effective on September 2, 1997.

ADDRESSES: 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; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; District of Columbia Department of Consumer and Regulatory Affairs, 2100 Martin Luther King Ave, S.E., Washington, DC 20020.

FOR FURTHER INFORMATION CONTACT: Linda Miller, (215) 566–2068.

SUPPLEMENTARY INFORMATION: On October 22, 1993, the District of

Columbia submitted new source review (NSR) regulations that were subsequently disapproved by EPA in a direct final rulemaking on March 24, 1995. (60 FR 15483). Pursuant to section 179 of the Clean Air Act (CAA), EPA's disapproval required the imposition of sanctions in two phases starting 18 months after disapproval unless and until the deficiencies were corrected. The first sanction, which started on October 24, 1996, required 2:1 emission offsets for the construction of new and modified sources. The second sanction, which was to be imposed 6 months later, would have required the withholding of federal highway funds for all new highway projects in the District.

The District submitted revised NSR regulations on May 2, 1997, which corrected the deficiencies. On June 2, 1997, EPA published a notice of proposed rulemaking (NPR) approving the District's NSR program (62 FR 29682). On the same day, EPA published and solicited comment on an interim final rule that stayed application of the offset sanction and deferred imposition of the highway sanction, based on EPA's proposed full approval of the District's NSR program (62 FR 29668). No public comments were received on the NPR or the interim final rule.

The intended effect of this action is to approve the District's NSR program for the permitting of major new and modified sources pursuant to the requirements of the CAA. Other specific requirements of the NSR program and the rationale for EPA's proposed action were explained in the NPR and will not be restated here. As a consequence of today's final approval of the District's NSR regulations as a SIP revision, the sanctions resulting from EPA's March 24, 1995 disapproval action are hereby lifted and no longer applicable.

Final Action

EPA is approving the new source review (NSR) program as a revision to the District of Columbia SIP. 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

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

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 District 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 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).

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 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 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 September 29, 1997. Filing a petition for reconsideration by the Administrator of this final rule to approve the District of Columbia New Source Review program 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, Incorporation by reference.

Dated: July 17, 1997.

Thomas Voltaggio,

Acting Regional Administrator, Region III.

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. 7401-7671q.

Subpart J—District of Columbia

2. Section 52.470 is amended by adding paragraph (c)(37) to read as follows:

§ 52.470 Identification of plan.

* * * * *

(c) * * *

(37) Revisions to the District of Columbia Municipal Regulations submitted on May 2, 1997 and May 9, 1997 by the District of Columbia Department of Consumer and Regulatory Affairs:

(i) Incorporation by reference.

(A) Letter of April 29, 1997 from the Department of Consumer and Regulatory Affairs transmitting new source review (NSR) program.

(B) Regulations adopted on April 29, 1997; Title 20 of the District of

Columbia Municipal Regulations (DCMR) Chapter 2, sections 200 (as amended), 201, 202, 204 (as amended), 206, 299 and the amended definition of "modification" in Chapter 1, section 199.

(ii) Additional material.

(A) Remainder of May 2, 1997 State submittal.

(B) District Register for May 9, 1997.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MD037-3015; FRL-5864-8]

Approval and Promulgation of Air Quality Implementation Plans; State of Maryland; Enhanced Motor Vehicle Inspection and Maintenance Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final conditional approval.

SUMMARY: EPA is granting conditional approval of a State Implementation Plan (SIP) revision submitted by the State of Maryland. This revision establishes and requires the implementation of an enhanced motor vehicle inspection and maintenance (I/M) program in the counties of Anne Arundel, Baltimore, Calvert, Carroll, Cecil, Charles, Frederick, Harford, Howard, Montgomery, Prince George's, Queen Anne's, Washington, and the City of Baltimore. The intended effect of this action is to conditionally approve the Maryland enhanced motor vehicle I/M program. EPA is conditionally approving Maryland's SIP revision based on the fact that: Maryland's SIP is deficient in certain aspects with respect to the requirements of the Act and EPA's I/M program regulations, and Maryland has made a commitment in a letter, dated December 23, 1996, to work with EPA to address and correct all deficiencies as necessary to ensure full compliance with I/M requirements by a date certain within one year from September 2, 1997. This action is taken under section 110 of the 1990 Clean Air Act (CAA, or the Act).

EFFECTIVE DATE: This final rule is effective on September 2, 1997.

ADDRESSES: 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,