

DC 20202-4248. Telephone: (202) 708-8558. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: On July 6, 1994 (59 FR 34722), the Secretary published a revision to Part 74—Administration of Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations. Also, on March 11, 1988 (53 FR 8071), the Secretary published a new Part 80—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. These documents established OMB Circular A-21 as the cost principles used by the Department of Education for educational institutions (34 CFR 74.27, 80.22).

After publishing proposed revisions on February 6, 1995 (60 FR 7104), OMB published amendments to Circular A-21 on May 8, 1996 (61 FR 20880). This notice adopts for 34 CFR Parts 74 and 80 the changes made by OMB on that date. The changes adopted in this announcement bind all recipients of Department grants and cooperative agreements to the requirements of Circular A-21 as amended through May 8, 1996. These cost principles apply to educational institutions, except to the extent program regulations or the Department's administrative regulations require a different outcome.

OMB Circular A-21 was originally published in the Federal Register on March 6, 1979 (44 FR 12368). It has been amended several times prior to the amendment made on May 8, 1996, as follows: on August 3, 1982 (47 FR 33658), on June 9, 1986 (51 FR 20908), on December 2, 1986 (51 FR 43487), on October 3, 1991 (56 FR 50224), and on July 26, 1993 (58 FR 39996).

On January 16, 1991, the Secretary published amendments to 34 CFR Parts 74 and 80 to adopt OMB Circular A-133, "Audits of Institutions of Higher Education and Other Nonprofit Organizations," as published in the Federal Register on March 16, 1990 (55 FR 10019). After publishing proposed revisions on March 17, 1995 (60 FR

14594), OMB published in the Federal Register on April 30, 1996 (61 FR 19134), a revised Circular A-133. OMB Circular A-133 establishes a uniform system of auditing for institutions of higher education and other non-profit organizations. There have been no major revisions to this Circular until now. The Circular, as amended April 30, 1996, is adopted by the Department. OMB Circular A-133 is cited in Sections 74.26 and 80.26 of the Education Department General Administrative Regulations.

Both circulars are available by calling OMB's Publication Office at (202) 395-7332, or they can be obtained in electronic form on the OMB Home Page at (<http://www.whitehouse.gov>).

Waiver of Notice and Comment

It is the practice of the Secretary to offer interested parties the opportunity to comment on proposed actions in accordance with the Administrative Procedure Act (5 U.S.C. 553). However, since OMB previously provided the public an opportunity for comment on the revision of Circulars A-21 and A-133, the Secretary finds that soliciting further public comment with respect to adopting the revised circulars is unnecessary and contrary to the public interest under 5 U.S.C. 553(b)(B). For the same reasons, the Secretary waives delayed effective date under 5 U.S.C. 553(d).

(Catalog of Federal Domestic Assistance Number does not apply.)

Mitchell L. Laine,

Acting Chief Financial Officer.

[FR Doc. 96-24725 Filed 9-26-96; 8:45 am]

BILLING CODE 4000-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[WA49-1-7122; WA37-1-6853; OR52-1-7267; FRL-5601-6]

Approval and Promulgation of Implementation Plans: Washington and Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to procedures described in the January 19, 1989 Federal Register, EPA recently approved a number of minor State Implementation Plan (SIP) revisions submitted by the Washington Department of Ecology (WDOE) and the Oregon Department of Environmental Quality (ODEQ). These revisions included; local air pollution control regulations submitted by WDOE from the Puget Sound Air Pollution Control Agency (PSAPCA) which adjust civil penalty and registration fee amounts to cover program costs and which update delegations for Federal New Source Performance Standards (NSPS) and National Emission Standard for Hazardous Air Pollutants (NESHAPS); the repeal of two WDOE regulations which have no adverse impact on air quality; and a revision from ODEQ to better define existing air quality control regions and nonattainment and maintenance areas of Oregon (the revision did not change any existing boundaries). This document lists the revisions EPA approved and incorporates the relevant material into the Code of Federal Regulations.

EFFECTIVE DATE: September 27, 1996.

ADDRESSES: Copies of Washington's and Oregon's State SIP revision requests and EPA's letter notices of approval are available for public inspection during normal business hours at the following locations: EPA, Region 10, Office of Air Quality, 1200 Sixth Avenue, Seattle, WA 98101; WDOE, 300 Desmond Drive, Lacey, WA 98504-8711; and ODEQ, 811 SW 6th Ave., Portland, OR 97204-1390.

FOR FURTHER INFORMATION CONTACT: Montel Livingston, Office of Air Quality, EPA, Seattle, WA, (206) 553-0180.

SUPPLEMENTARY INFORMATION: EPA Region 10 has approved the following minor SIP revision requests under section 110(a) of the Act:

State	Subject matter	Date of submission	Date of approval
WA	Amendment to SIP affecting PSAPCA's regulation I and regulation II—adjusts civil penalty and registration fee amounts for inflation, and updates delegation of federal NSPS and NESHAPS.	12-27-95	1-25-96
WA	Amendment to SIP to repeal two state regulations: Chapter 173-402 and Chapter 173-440	1-26-95	3-20-96
OR	Amendment to SIP which better defines the air quality control regions and nonattainment and maintenance areas of Oregon.	9-20-95	2-29-96

The repeal request from WDOE affected two state regulations, Chapter 173-402 WAC Civil Sanctions under Washington Clean Air Act, and Chapter 173-440 WAC Sensitive Areas. The repeal of Chapter 173-402 WAC did not affect the state of the law, and the repeal of Chapter 173-440 WAC did not have an adverse impact on air quality as a result of emission increases at affected wigwam burners.

EPA has determined that each of these SIP revisions complies with all applicable requirements of the Act and EPA policy and regulations concerning such revisions. Due to the minor nature of these revisions, EPA concluded that conducting notice-and-comment rulemaking prior to approving the revisions would have been "unnecessary and contrary to the public interest," and hence, was not required by the Administrative Procedure Act, 5 U.S.C. section 553(b). Each of these SIP approvals became final and effective on the date of EPA approval as listed in the chart above.

Administrative Requirements

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.

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 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).

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 Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

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).

Petitions for Judicial Review

Under section 307(b)(1) of the Act, as amended, judicial review of this action is available only by filing a petition for review in the United States Court of Appeals for the appropriate circuit by November 26, 1996. These actions may not be challenged later in proceedings to

enforce their requirements. See section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: August 15, 1996.

Charles Findley,

Acting Regional Administrator.

Note: Incorporation by reference of the Implementation Plans for the States of Washington and Oregon were approved by the Director of the Office of Federal Register on July 1, 1982.

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401-7671q.

Subpart WW—Washington

2. Section 52.2470 is amended by adding paragraph (c)(64) to read as follows:

§ 52.2470 Identification of plan.

* * * * *

(c) * * *

(64) Minor revisions consisting of amended regulations affecting WDOE and a local air agency, PSAPCA, were submitted to EPA from WDOE for inclusion into the Washington SIP.

(i) Incorporation by Reference.

(A) Letters dated January 26, 1995 and December 27, 1995 from the Director of the WDOE to the EPA Regional Administrator which included deletion of two regulations from the Washington SIP (Chapter 173-402 WAC Civil Sanctions under Washington Clean Air Act, and Chapter 173-440 WAC Sensitive Areas), adopted on February 1, 1995, and the following revisions to PSAPCA's regulations for inclusion into the SIP: Regulation I, Section 3.11 Civil Penalties, Section 5.07 Registration Fees, and Section 5.11 Registration of Oxygenated Gasoline Blenders; and Regulation III, Section 1.01 Policy, all adopted on September 14, 1995.

Subpart MM—Oregon

2. Section 52.1970 is amended by adding paragraph (c)(115) to read as follows:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

(115) A minor revision consisting of clarification of existing air quality control regions and nonattainment and

maintenance areas of Oregon (the revision did not change any existing boundaries) was submitted to EPA from ODEQ for inclusion into the Oregon SIP.

(i) Incorporation by Reference.

(A) Letter dated September 20, 1995 from the Director of the ODEQ to the EPA Regional Administrator submitting a revision to better define Oregon's existing air quality boundaries found in State regulations OAR 340-23-065 through 340-23-075 (Rules for Open Burning), OAR 340-31-120 (Air Pollution Control Standards for Air Purity and Quality), and OAR 340-31-500 through 340-31-530 (The Air Quality Control Regions and Nonattainment and Maintenance Areas of Oregon), effective May 25, 1995.

[FR Doc. 96-24526 Filed 9-26-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[MD033-7157a; FRL-5603-1]

Approval and Promulgation of Air Quality Implementation Plans; Maryland 1990 Base Year Emission Inventory

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the Maryland State Implementation Plan (SIP) which pertains to the 1990 base year emission inventory for the marginal and severe ozone nonattainment areas within the state. The ozone nonattainment areas consist of the counties of Cecil, Ann Arundel, Baltimore City, Baltimore, Carroll, Harford, and Howard (all severe); Queen Anne's and Kent (both marginal). The SIP was submitted by the Maryland Department of the Environment (MDE) for the purpose of establishing the 1990 baseline emissions contributing to the ozone nonattainment problems in Maryland. This action is being taken under section 110 of the Clean Air Act.

DATES: This action is effective November 26, 1996 unless notice is received on or before October 28, 1996 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Comments may be mailed to David Arnold, Section Chief, Ozone/CO & Mobile Sources Section, Mailcode 3AT21, 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, Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW., Washington, DC. 20460; and Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland 21224.

FOR FURTHER INFORMATION CONTACT: Rose Quinto, (215) 566-2182, at the EPA Region III office, or via e-mail at quinto.rose@epamail.epa.gov. While information may be requested via e-mail, comments must be submitted in writing to the above Region III address.

SUPPLEMENTARY INFORMATION:

Background

Under the 1990 Clean Air Act Amendments (CAAA), states have the responsibility to inventory emissions contributing to NAAQS nonattainment, to track these emissions over time, and to ensure that control strategies are being implemented that reduce emissions and move areas towards attainment. The CAAA requires ozone nonattainment areas designated as moderate, serious, severe, and extreme to submit a plan within three years of 1990 to reduce VOC emissions by 15 percent within six years after 1990 (15% plan). The baseline level of emissions, from which the 15 percent reduction is calculated, is determined by adjusting the 1990 base year inventory to exclude biogenic emissions and to exclude certain emission reductions not creditable towards the 15% plan. The 1990 base year emission inventory is the primary inventory from which the periodic inventory, the Reasonable Further Progress (RFP) projection inventory, and the modeling inventory are derived. Further information on these inventories and their purpose can be found in the "Emission Inventory Requirements for Ozone State Implementation Plans," Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina, March 1991. The 1990 base year inventory may also serve as part of statewide inventories for purposes of regional modeling in transport areas. The 1990 base year inventory plays an important role in modeling demonstrations for areas classified as moderate and above that are located outside transport regions.

The air quality planning requirements for marginal to extreme ozone nonattainment areas are set out in

section 182(a)-(e) of Title I of the CAAA. EPA has issued a General Preamble describing EPA's preliminary views on how EPA intends to review SIP revisions submitted under Title I of the CAAA, including requirements for the preparation of the 1990 base year inventory [see 57 FR 13502; April 16, 1992 and 57 FR 18070; April 28, 1992]. Because EPA is describing its interpretations here only in broad terms, the reader should refer to the General Preamble for a more detailed discussion of the interpretations of Title I advanced in today's proposal and the supporting rationale. In today's rulemaking action on the Maryland ozone 1990 base year emissions inventory, EPA is applying its interpretations taking into consideration the specific factual issues presented.

Those states containing ozone nonattainment areas classified as marginal to extreme are required under section 182(a)(1) of the CAAA to submit a final, comprehensive, accurate, and current inventory of actual ozone season, weekday emissions from all sources by November 15, 1992. This inventory is for calendar year 1990 and is denoted as the 1990 base year inventory. It includes both anthropogenic and biogenic sources of volatile organic compound (VOC), nitrogen oxides (NO_x), and carbon monoxide (CO). The inventory is to address actual VOC, NO_x, and CO emissions for the area during the peak ozone season, which is generally comprised of the summer months. All stationary point and area sources, as well as highway mobile sources within the nonattainment area, are to be included in the compilation. Available guidance for preparing emission inventories is provided in the General Preamble (57 FR 13498, April 16, 1992).

Criteria for Inventory Approval

There are general and specific components of an acceptable emission inventory. In general, the state must submit a revision to its SIP and the emission inventory must meet the minimum requirements for reporting by source category. Specifically, the source requirements are detailed below.

The Level I and II review process is used to determine that all components of the base year inventory are present. The review also evaluates the level of supporting documentation provided by the state and assesses whether the emissions were developed according to current EPA guidance. The data quality is also evaluated.

The Level III review process is outlined here and consists of 10 points that the inventory must include. For a base year emission inventory to be