

Paragraph 20 is otherwise appropriate for inclusion in the SIP.

Although the EPA is not proposing to approve the provision in Paragraph 20, we note that the state may adopt and implement the provision to the extent authorized by state law. Section 116 of the Act provides that states may adopt requirements, including additional requirements which are not addressed by the Act, concerning control of air pollution if: (1) The requirement is not preempted or otherwise prohibited by specified provisions of the Act; and (2) the provision is no less stringent than requirements in effect under specified provisions of the Act. The EPA believes that the state's requirement meets the requirements of section 116.

G. Enforceability

All measures and other elements in the SIP must be enforceable by the state and the EPA (see sections 172(c)(6), 110(a)(2)(A), and 57 FR 13556). The state submittal includes a Compliance Order which contains all of the control and contingency measures, with enforceable dates for implementation.

As mentioned earlier, a Work Practice Manual was included in the state's submission as an integral part of the enforceable plan which achieves attainment of the standard. These work practices are designed to limit the fugitive emissions at the facility, and are enforced through recordkeeping requirements. Noncompliance with the established work practices is a violation of the state's Compliance Order. The EPA approves the Work Practice Manual with the understanding that any change to the Work Practice Manual requires a revision to the Nebraska SIP.

As noted above, Asarco has challenged one provision of the state's Compliance order in state court. The challenge is limited to the provision regarding future violations of the NAAQS, on which the EPA is proposing no action. Asarco does not challenge any other portion of the Order, and the EPA believes that the Order continues in force under state law. The EPA believes that the legal challenge will not affect the enforceability of the portions of the Order proposed for approval. The EPA requests comments on this issue.

IV. Implications of This Action

This SIP revision will significantly revise the current SIP. The modeling performed in support of the SIP revision indicates that the emissions control strategy will result in attainment of the NAAQS for lead by January 1, 1997.

V. Proposed Action

By this action the EPA proposes to approve Nebraska's August 28, 1996, submittal. This proposed SIP revision meets the requirements of section 110 and Part D of Title I of the Clean Air Act and 40 CFR part 51.

All public comments received will be addressed prior to final rulemaking. Any parties interested in commenting on this action should do so at this time.

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

VI. Administrative Requirements

A. 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 has exempted this regulatory action from Executive Order 12866 review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, the 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, the 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 CAA 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 regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids the EPA to base its actions concerning SIPs on such grounds (*Union Electric Co. v. U.S.*

E.P.A., 427 U.S. 246, 256-66 (S.Ct. 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, the 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, the 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 the EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the approval action proposed 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 preexisting 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.

List of Subjects in 40 CFR Part 52

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

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

Dated: November 14, 1996.

Dennis Grams,

Regional Administrator.

[FR Doc. 96-30473 Filed 12-3-96; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Part 52

[MD037-3008, MD037-3009; FRL-5659-6]

Approval and Promulgation of Air Quality Implementation Plans; State of Maryland; Enhanced Motor Vehicle Inspection and Maintenance Program; Extension of Comment Period and Commitment Letter Time Frame

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule; extension of the comment period and commitment letter time frame.

SUMMARY: EPA is extending the comment period and commitment letter time frame for a notice published on October 31, 1996 (61 FR 56183). In the October 31, 1996 notice, EPA proposed a conditional approval of an enhanced motor vehicle I/M program submitted by the state of Maryland. On November 25, 1996, EPA received requests for an extension of the public comment period and commitment letter time frame by 30 days until January 2, 1997, as Maryland is in active negotiations regarding issues involving the transfer of its I/M contract. Based on these requests, EPA is extending the comment period and commitment letter time frame from December 2, 1996 until January 2, 1997.

DATES: Comments on and the commitment letter for the October 31, 1996 proposed conditional approval of the Maryland I/M program must be received in writing on or before January 2, 1997.

ADDRESSES: Comments may be mailed to David L. Arnold, Chief, Ozone/CO & Mobile Sources Section, Mailcode 3AT21, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107.

FOR FURTHER INFORMATION CONTACT: Jeffrey M. Boylan, (215) 566-2094, at the EPA Region III office or via e-mail at boylan.jeffrey@epamail.epa.gov.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: November 26, 1996.

W. Michael McCabe,
Regional Administrator, Region III.

[FR Doc. 96-30869 Filed 12-3-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[CA 181-0024b; FRL-5649-9]

Approval and Promulgation of Implementation Plan for South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the South Coast Air Quality Management District (District) Rules 212, 1301, 1302, 1303, 1304, 1306, 1309, 1309.1, 1310, and 1313 for the purpose of meeting requirements of the Clean Air Act, as amended in 1990 (CAA or

Act) with regard to new source review (NSR) in areas that have not attained the national ambient air quality standards (NAAQS).

This proposed approval action will incorporate these rules into the federally approved State Implementation Plan (SIP) for California. The rules were submitted by the State to satisfy certain Federal requirements for an approvable NSR SIP. In the Final Rules Section of this Federal Register, the EPA is approving the state's SIP revision as a direct final rule without prior proposal in part because the District has provided public workshops in the development of the submitted rules, and provided the opportunity for public comment prior to adoption of the submitted rules. At that time, no significant comments were received by the District. The Agency therefore views this as a non-controversial amendment and anticipates no adverse comments. If no adverse comments are received in response to this proposed rulemaking, no further activity is contemplated in relation to these rules. If EPA receives adverse comments, the direct final rulemaking will be withdrawn and all public comments received will be addressed in a subsequent final rulemaking based on these proposed rules. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on these proposed rules must be received in writing by January 3, 1997.

ADDRESSES: Written comments on this action should be addressed to: Matt Haber, New Source Section (A-5-1), Air and Toxics Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Copies of the rules and EPA's evaluation report of each rule are available for public inspection at EPA's Region 9 office during normal business hours at the following address: New Source Section (A-5-1), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901. Copies of the submitted rules are also available for inspection at the following locations:

California Air Resources Board,
Stationary Source Division, Rule
Evaluation Section, 2020 "L" Street,
Sacramento, CA 95814.

South Coast Air Quality Management
District, 21865 E. Copley Drive,
Diamond Bar, CA 91765-4182.

FOR FURTHER INFORMATION CONTACT:

Gerardo C. Rios, (A-5-1), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901, Telephone: (415) 744-1259.

SUPPLEMENTARY INFORMATION: This document concerns South Coast Air Quality Management District Regulation XIII, New Source Review, and Rule 212, Standards for Approving Permits, submitted to EPA on August 28, 1996 by the California Air Resources Board. For further information, please see the information provided in the Direct Final action which is located in the Rules Section of this Federal Register.

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

Dated: October 29, 1996.

John Wise,

Acting Regional Administrator.

[FR Doc. 96-30871 Filed 12-3-96; 8:45 am]

BILLING CODE 6560-50-W

40 CFR Part 81

[NE-012-1012b; FRL-5655-7]

Designation of Areas for Air Quality Planning Purposes; State of Nebraska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to correct a previous action published on November 6, 1991, that designated portions of Omaha, Nebraska, as nonattainment for the lead National Ambient Air Quality Standard (see 56 FR 56694). Specifically, this action corrects a mistake made in designating the southern boundary of that nonattainment area. This correction has no practical effect on the sources which are subject to the nonattainment provisions of the original designation.

In the final rules section of the Federal Register, the EPA is approving the correction as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If the 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 document. Any parties