

nested repeating groups of data items. The file should not contain extraneous control characters, except record length indicators for variable length records, or marks delimiting a data element, field, record, or file. If records or data elements in different files need to be linked or combined, then each record must contain one or more data elements that constitute primary and/or foreign keys enabling valid linkages between the related records in separate files.

(2) *Textual documents.* Electronic textual documents shall be transferred as plain ASCII files; however, such files may contain Standard Generalized Markup Language (SGML) tags.

(3) *Digital spatial data files.* Digital spatial data files shall be transferred to NARA in accordance with the Spatial Data Transfer Standard (SDTS) as defined in the Federal Information Processing Standard 173-1 (June 10, 1994) which is incorporated by reference. Digital geospatial data files created on systems procured prior to February 1994 which do not have a SDTS capability are exempt from this requirement. Agencies should consult with NARA for guidance on transferring noncompliant digital geospatial data files created between February 1, 1994 and the effective date of this paragraph. The standard cited in this paragraph is available from the National Technical Information Service, Department of Commerce, Springfield, VA 22161. When ordering, cite FIPSPUB173-1, Spatial Data Transfer Standard (SDTS). This standard is also available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, D.C. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated by reference as they exist on the date of approval and a notice of any change in these materials will be published in the **Federal Register**.

(4) *Other categories of electronic records.* Agencies should identify any foreseeable problems in the possible transfer of potentially permanent electronic records in accordance with paragraphs (d) (1), (2), and (3) of this section at the time the records are scheduled. Special transfer requirements agreed upon by NARA and the agency shall be included in the disposition instructions.

(5) *NARA consultation.* The agency shall consult with NARA for guidance on the transfer of types of electronic records other than those prescribed in paragraphs (d) (1), (2), and (3) of this section.

(e) *Documentation.* Documentation adequate to identify, service and interpret electronic records that have been designated for preservation by NARA shall be transferred with the records. This documentation shall include completed NARA Form 14097, Technical Description for Transfer of Electronic Records, and a completed NARA Form 14028, Information System Description Form, or their equivalents. Where possible, agencies should submit required documentation in an electronic form that conforms to the provisions of this section.

(1) *Data files.* Documentation for data files and data bases must include record layouts, data element definitions, and code translation tables (codebooks) for coded data. Data element definitions, codes used to represent data values and interpretations of these codes must match the actual format and codes as transferred.

(2) *Digital spatial data files.* Digital spatial data files shall include the documentation specified in paragraph (e)(1) of this section. In addition, documentation for digital spatial data files may include metadata that conforms to the Federal Geographic Data Committee's Content Standards for Digital Geospatial Metadata, as specified in Executive Order 12906 of April 11, 1994 (3 CFR, 1995 Comp., p. 882).

(3) *Documents containing SGML tags.* Documentation for electronic files containing textual documents with SGML tags shall include a table for interpreting the SGML tags, when appropriate.

PART 1234—ELECTRONIC RECORDS MANAGEMENT

3. The authority citation for part 1234 continues to read:

Authority: 44 U.S.C. 2904, 3101, and 3105

4. In § 1234.30, paragraph (a)(4) is revised to read:

§ 1234.30 Selection and maintenance of electronic records storage media.

(a) * * *

(4) If the media contains permanent records and does not meet the requirements for transferring permanent records to NARA as outlined in § 1228.188 of this chapter, permit the migration of the permanent records at the time of transfer to a medium which does meet the requirements.

* * * * *

Dated: October 15, 1997.

John W. Carlin,

Archivist of the United States.

[FR Doc. 97-27822 Filed 10-20-97; 8:45 am]

BILLING CODE 7515-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[VA079-5020a; FRL-5909-9]

Approval and Promulgation of Air Quality Implementation Plans; Virginia—General Conformity Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia. This revision consists of Virginia's regulation for General Conformity which sets forth policy, criteria, and procedures for demonstrating and assuring conformity of non-transportation related federal projects to all applicable implementation plans. The intended effect of this action is to approve Virginia's General Conformity Rule as a SIP revision.

DATES: This action is effective December 22, 1997 unless notice is received on or before November 20, 1997 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 L. Arnold, Chief, Ozone/CO & 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; the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M. Street, S.W., Washington, D.C. 20460; and the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

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: On January 27, 1997, the Virginia Department of Environmental Quality (DEQ) submitted a formal revision to its State Implementation Plan (SIP) to EPA for the purpose of meeting the

requirements of 40 CFR 51.851, State Implementation Plans, found under 40 CFR 51, subpart W, Determining Conformity of General Actions to State and Federal Implementation Plans. Part 51, subpart W is commonly referred to as the federal General Conformity Rule. The DEQ submittal, which is the subject of this approval action, is Regulation 9 VAC 5 Chapter 160—Regulation for General Conformity. The Commonwealth of Virginia adopted a rule by the State Air Pollution Control Board on August 13, 1996 in accordance with the requirements of § 10.1–1308 of the Virginia Air Pollution Control Law and 40 CFR Part 51, with an effective date of January 1, 1997. This action to approve Virginia's General Conformity regulation as a SIP revision is being taken under section 110 of the Clean Air Act (CAA).

Summary of SIP Revision

Virginia Regulation 9 VAC 5 Chapter 160, Regulation for General Conformity, establishes standards and procedures to follow when evaluating conformity of non-transportation related federal projects to all applicable implementation plans developed pursuant to section 110 and part D of the CAA.

At 40 CFR part 51, subpart W, EPA promulgated the federal rule for General Conformity to implement section 176(c) of the CAA. This rule sets forth policy, criteria, and procedures for demonstrating and assuring conformity of federal actions to all applicable implementation plans developed pursuant to section 110 and part D of the CAA. The rule generally applies to federal actions except:

- (1) Those required under the transportation conformity rule (40 CFR part 93, subpart A);
- (2) Actions with associated emissions below specified de minimis levels; and
- (3) Certain other actions which are exempt or presumed to conform to applicable air quality implementation plans.

At 40 CFR 51.851, State Implementation Plans, EPA promulgated the requirements that must be adopted by the state and submitted as a SIP revision to implement the General Conformity provisions. The provisions adopted by the Commonwealth of Virginia for General Conformity are those contained in and required by the federal rule. EPA has reviewed Virginia Regulation 9 VAC 5 Chapter 160, Regulation for General Conformity, and has determined that it satisfies the requirements of 40 CFR 51.851. A Technical Support Document (TSD) has been prepared which details

the EPA's evaluation of Virginia Regulation 9 VAC 5 Chapter 160. Interested parties may obtain a copy of the TSD by contacting the EPA Regional Office listed in the ADDRESSES section of this document.

EPA is approving this SIP revision without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, EPA is proposing to approve the SIP revision should adverse and critical comments be filed. This action will be effective December 22, 1997 unless, by November 20, 1997, 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 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 December 22, 1997.

Final Action

EPA is approving the final SIP revision of Virginia Regulation 9 VAC 5 Chapter 160, Regulation for General Conformity, submitted by the Commonwealth of Virginia on January 27, 1997, effective January 1, 1997.

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.

Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this action from review under Executive Order 12866.

B. 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 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 flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA 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 the 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 the publication of the rule of 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 CAA, petitions for judicial review of this action to approve revisions to the Virginia SIP must be filed in the United States Court of Appeals for the appropriate circuit by December 22, 1997. Filing a petition for reconsideration by the Administrator of this 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 a rule or action. This action pertaining to the Virginia General Conformity Rule may not be challenged later in the proceedings to enforce its requirements. (See section (b)(2).)

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: September 29, 1997.

Thomas Voltaggio,

Acting 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 52.2420 is amended by adding paragraph (c)(118) to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) * * *

(118) Revision to the Virginia State Implementation Plan on January 27, 1997 by the Virginia Department of Environmental Quality:

(i) Incorporation by reference.

(A) A letter of January 27, 1997 from the Virginia Department of Environmental Quality transmitting the General Conformity Rule.

(B) Virginia Regulation 9 VAC 5 Chapter 160—Regulation for General Conformity, effective January 1, 1997.

(ii) Additional Material from the Virginia's January 27, 1997 submittal

pertaining to Regulation 9 VAC 5 Chapter 160.

[FR Doc. 97–27846 Filed 10–20–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 193–054; FRL–5907–9]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Bay Area Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is finalizing the approval of revisions to the California State Implementation Plan (SIP) proposed in the **Federal Register** on July 11, 1997. The revisions concern rules from the following District: Bay Area Air Quality Management District (BAAQMD). This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to implement the transportation conformity provisions of the Clean Air Act, as amended in 1990 (CAA or the Act). The rules define the criteria and procedures for transportation conformity actions and consultation for the Bay Area. EPA is finalizing the approval of these revisions into the California SIP under provisions of the CAA regarding EPA action on SIP submittals.

DATES: This action is effective on November 20, 1997.

ADDRESSES: Copies of the rule revisions and EPA's evaluation report for each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revisions are available for inspection at the following locations:

Air Planning Office (AIR–2), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105; Ruth Verlar, 415–744–1208. Environmental Protection Agency, Air Docket (6102), 401 "M" Street, SW., Washington, DC 20460. California Air Resources Board, Transportation Strategies Group, 2020 "L" Street, Sacramento, CA 92123–1095; Eric Simon, 916–322–2700. Bay Area Air Quality Management District, 939 Ellis St., San Francisco, CA 94109, David Marshall, 415–749–4678.

FOR FURTHER INFORMATION CONTACT: Mark Brucker, Air Planning Office, AIR–2, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: 415–744–1231, brucker.mark@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Applicability

The rules being approved into the California SIP include: BAAQMD, "The San Francisco Bay Area Transportation Air Quality Conformity Procedures," which include sections 93.100–93.104 and sections 93.106–93.136 and "The San Francisco Bay Area Transportation Air Quality Conformity Interagency Consultation Procedures". These rules were submitted by the California Air Resources Board to EPA on December 16, 1996.

II. Background

On July 11, 1997 in 62 FR 37172, EPA proposed to approve the following rules into the California SIP: BAAQMD: "The San Francisco Bay Area Transportation Air Quality Conformity Procedures," which includes sections 93.100–93.104 and sections 93.106–93.136 and "The San Francisco Bay Area Transportation Air Quality Conformity Interagency Consultation Procedures". The rules were adopted by BAAQMD on November 6, 1996. The California Air Resources Board (CARB) submitted these revisions to EPA on December 16, 1996. These rules were adopted as part of BAAQMD's efforts to achieve the National Ambient Air Quality Standards (NAAQS) and in response to section 176(c) transportation conformity requirements of the Clean Air Act (CAA). A detailed discussion of the background for each of the above rules is provided in the proposed rule cited above.

EPA has evaluated the above rule(s) for consistency with the requirements of the CAA and EPA regulations and EPA interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in the proposed rule cited above. EPA has found that the rules meet the applicable EPA requirements. A detailed discussion of the rule provisions and evaluations has been provided in the proposed rule and in the technical support document (TSD), dated June, 1997, which is available at EPA's Region IX office.

III. Response to Public Comments

A 30-day public comment period was provided in 62 FR 37172. No comments were received, so no response has been prepared.