

action to approve VOC and NO_x RACT determinations for a number of individual sources in Pennsylvania as a revision to the Commonwealth's SIP 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, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: February 3, 1998.

William T. Wisniewski,

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 *et seq.*

Subpart NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraph (c)(130) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(130) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC and NO_x RACT, submitted on December 31, 1997 by the Pennsylvania Department of Environmental Protection.

(i) Incorporation by reference.

(A) A December 31, 1997 letter submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or NO_x RACT determinations in the form of operating and compliance permits.

(B) Operating permits (OP), compliance permits (CP):

(1) Allegro MicroSystems W.G., Inc. (Montgomery County)—OP 46-0006, effective December 19, 1997, except for the expiration date and items Nos. 9, 13 and 14(D) relating to non-RACT provisions.

(2) Hale Products, Inc. (Montgomery County)—OP 46-0057, effective November 21, 1997, except for the expiration date.

(3) Con-Lime, Inc. (Centre County)—OP 14-0001, effective January 7, 1998, except for the expiration date and items (or portions thereof) Nos. 8, 9, 17, 18, 19, 20, 21, 22, 24, 25, and 28 relating to non-RACT provisions.

(4) Coastal Aluminum Rolling Mills, Inc. (Lycoming County)—OP 41-0007, effective November 21, 1997, except for

the expiration date and items (or portions thereof) Nos. 9, 20, and 28 relating to non-RACT provisions.

(5) International Envelope Company (Chester County)—OP 15-0023, effective November 2, 1995, except for the expiration date.

(6) Brown Printing Company (Montgomery County)—CP 46-0018, effective September 26, 1996, except for the expiration date.

(ii) Additional material.

(A) Remainder of the Commonwealth of Pennsylvania's December 31, 1997 VOC and NO_x RACT SIP revision submittal.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[LA 25-1-7375a; FRL-5971-5]

Approval and Promulgation of Implementation Plans for Louisiana: General Conformity Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: This action approves a revision to the Louisiana State Implementation Plan (SIP) that contains section LAC 33:III.1405.B of the State general conformity rule and removes the conditional approval in 40 CFR 52.994(a). The EPA approved the Louisiana general conformity rule on September 13, 1996 (61 FR 48409) conditioned upon the State making certain revisions to LAC 33:III.1405.B. The State of Louisiana has fully satisfied the condition for approval with the revision submitted by the Governor on September 8, 1997.

The EPA is approving this SIP revision under sections 110(k) and 176 of the Clean Air Act (the Act). The rationale for the approval and other information are provided in this notice.

DATES: This action is effective on May 8, 1998, unless adverse or critical comments are received by April 8, 1998. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments should be mailed to Mr. Thomas H. Diggs, Chief, Air Planning Section (6PDL) at the Region 6 address. Copies of the State's submittal and other relevant information are available for inspection during normal business hours at the following locations. Interested persons

wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air Planning Section (6PDL), Multimedia Planning and Permitting Division, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202, Telephone: (214) 665-7214.

Air Quality Division, Louisiana Department of Environmental Quality, 7290 Bluebonnet Boulevard, Baton Rouge, Louisiana 70810, Telephone: (504) 765-0219.

Documents which are incorporated by reference are available for public inspection at Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. J. Behnam, P. E., Air Planning Section (6PDL), Multimedia Planning and Permitting Division, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202, telephone (214) 665-7247.

SUPPLEMENTARY INFORMATION:

I. Background

Conformity provisions first appeared in the Act, as amended, in 1977 (Public Law 95-95). Although these provisions did not define conformity, they provided that no Federal department could engage in, support in any way, or provide financial assistance for, license or permit, or approve any activity which did not conform to a SIP that has been approved or promulgated for the nonattainment or maintenance areas.

The 1990 Amendments of the Act expanded the scope and content of the conformity provisions by defining conformity to an implementation plan. Conformity is defined in section 176(c) of the Act as conformity to the SIP's purpose of eliminating or reducing the severity and number of violations of the National Ambient Air Quality Standards and achieving expeditious attainment of such standards, and that such activities will not: (1) Cause or contribute to any new violation of any standard in any area, (2) increase the frequency or severity of any existing violation of any standard in any area, or (3) delay timely attainment of any standard or any required interim emission reductions or other milestones in any area.

The Act requires EPA to promulgate criteria and procedures for determining conformity of all other Federal actions in the nonattainment or maintenance areas (actions other than those under Title 23 U.S.C. or the

Federal Transit Act) to a SIP. The criteria and procedures developed for this purpose are called "general conformity" rules. The rules pertaining to actions under Title 23 U.S.C. or the Federal Transit Act were published in a separate **Federal Register** notice on November 24, 1993 (see 58 FR 62188). The EPA published the final general conformity rules on November 30, 1993 (58 FR 63214) and codified them at 40 CFR part 51, subpart W—Determining Conformity of General Federal Actions to State or Federal Implementation Plans. The general conformity rules require the States and local air quality agencies (where applicable) to adopt and submit a general conformity SIP revision to the EPA not later than November 30, 1994.

The EPA conditionally approved the Louisiana general conformity rule on September 13, 1996 (61 FR 48409). At the time of initial review, section 1405.B of the State rule allowed the State administrative authority to approve changes to the emissions estimating methods and use of new or modified models in the air quality and conformity analyses. This is contrary to 40 CFR 51.859 of the EPA general conformity rule which requires use of the EPA approved procedures and models, and retains the EPA's approval authority for any deviation from the recommended provisions. In addition, section LAC 33:III.1411 of the State rule which contains identical requirements as EPA's 40 CFR 51.859, requires approval of the EPA Regional Administrator for use of the modified emissions estimating methods and models if they are deviations from the EPA's recommended procedures or models. The EPA could not approve this SIP revision unless this inconsistency was corrected in section 1405.B of the State's general conformity rule. The State was required to make this correction and submit a SIP revision within twelve months of the final approval date of the conditional approval action (September 15, 1997).

II. Evaluation of State's Submission

On September 8, 1997, the Governor of Louisiana submitted a SIP revision in compliance with the conditional approval action of the State general conformity rule. The State has adequately corrected the deficiency which was cited in the original action of September 13, 1996 (61 FR 48409) and has revised section 1405.B to achieve consistency with the Federal rule. This correction makes the entire State general conformity rule consistent with the Federal requirements in 40 CFR part 51, subpart W.

III. Final Action

The EPA is approving a revision to the Louisiana general conformity SIP, specifically LAC 33:III.1405.B, based on the Governor's submission of September 8, 1997, and rationale provided in this action. This correction makes the entire State general conformity rule consistent with the Federal requirements in 40 CFR part 51, subpart W. The State has undertaken appropriate public participation and interagency consultations during revision of LAC 33:III.1405.B at the local level.

The EPA is publishing this action without prior proposal because the EPA views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision, should adverse or critical comments be filed. This action will be effective May 8, 1998, unless adverse or critical comments concerning this action are submitted and postmarked by April 8, 1998. If the 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 concerning this action will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The 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 on this action, the public is advised that this action will be effective May 8, 1998.

IV. Administrative Requirements

A. Executive Order 12866

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

B. Regulatory Flexibility

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, under 5 U.S.C. 605(b), the EPA may certify that the rule will not have a significant impact on a substantial number of small entities (see 46 FR 8709). Small entities include small businesses, small not-for-profit enterprises, and governmental entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the 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 EPA certifies that it does not have a significant impact on small entities. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Act forbids the EPA from basing 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. section 7410(a)(2).

Nothing in this action shall be construed as permitting, allowing, or establishing a precedent for any future request for a 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.

C. Unfunded Mandates

Under sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, the EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

Through submission of this SIP or plan revision approved in this action, the State and any affected local or tribal governments have elected to adopt the program provided for under sections 110 and 176 of the Clean Air Act. The rules and commitments approved in this action may bind State, local, and tribal governments to perform certain actions and also require the private sector to perform certain duties. To the extent that the rules and commitments being approved by this action will impose or lead to the imposition of any mandate upon the State, local, or tribal governments, either as the owner or operator of a source or as a regulator, or would impose or lead to the imposition of any mandate upon the private sector, the EPA's action will impose no new requirements; such sources are already subject to these requirements under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. Therefore, the EPA has determined that this final action does not include a mandate that may result in estimated costs of \$100 million or more to State, local, or tribal

governments in the aggregate or to the private sector.

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, the 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 Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 8, 1998. Filing a petition for reconsideration of this final rule by the Regional Administrator does not affect the finality of this rule for purposes of judicial review; nor does it extend the time within which a petition for judicial review may be filed, or postpone the effectiveness of this rule. 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, Carbon monoxide, General conformity, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Volatile organic compounds.

Dated: February 9, 1998.

Lynda F. Carroll,

Acting Regional Administrator, Region 6.

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 *et seq.*

Subpart T—Louisiana

2. Section 52.970 is amended by adding paragraph (c)(75) to read as follows:

§ 52.970 Identification of plan.

* * * * *

(c) * * *

(75) A revision to the Louisiana State Implementation Plan for General Conformity: LAC 33:III. Chapter 14. Subchapter A "Determining Conformity

of General Federal Actions to State or Federal Implementation Plan," Section 1405.B as adopted by the Louisiana Department of Environmental Quality Secretary and published in the Louisiana Register, Vol. 23, No. 6, 720, June 20, 1997, was submitted by the Governor on September 8, 1997.

(i) Incorporation by reference.

(A) Louisiana General Conformity: LAC 33:III. Chapter 14. Subchapter A "Determining Conformity of General Federal Actions to State or Federal Implementation Plan", Section 1405.B as adopted by the Louisiana Department of Environmental Quality Secretary and published in the Louisiana Register, Vol. 23, No. 6, 720, June 20, 1997.

§ 52.994 [Removed]

3. Section 52.994 is removed.

[FR Doc. 98-5983 Filed 3-6-98; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[AMS-FRL-5975-2]

RIN 2060-AF75

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines: Finding of National Low Emission Vehicle Program in Effect

AGENCY: Environmental Protection Agency (EPA).

ACTION: Finding of National Low Emission Vehicle (LEV) Program in effect.

SUMMARY: Today EPA is finding the National LEV program in effect. Nine northeastern states and 23 manufacturers have opted into this voluntary clean car program and the opt-ins have met the criteria set forth by EPA in its National LEV regulations. This means light-duty vehicles and light light-duty trucks cleaner than those available today will be produced and sold starting later this year. The National LEV program demonstrates how cooperative, partnership efforts can produce a smarter, cheaper program that reduces regulatory burden while increasing protection of the environment and public health.

DATES: This finding is effective March 2, 1998.

ADDRESSES: Materials relevant to this finding have been placed in Public Docket No. A-95-26. The docket is located at the Air Docket Section, U.S. Environmental Protection Agency, 401 M Street SW, Washington, DC 20460

(Telephone 202-260-7548; Fax 202-260-4400) in Room M-1500, Waterside Mall, and may be inspected weekdays between 8:00 a.m. and 5:30 p.m. A reasonable fee may be charged by EPA for copying docket materials. For further information on electronic availability of this final rule, see the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: Karl Simon, Office of Mobile Sources, U.S. Environmental Protection Agency, 401 M Street SW, Washington, DC 20460. Telephone (202) 260-3623; Fax (202) 260-6011; e-mail simon.karl@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

Obtaining Electronic Copies of the Regulatory Documents

This finding, along with rulemaking documents and other documents related to this finding are available electronically from the EPA Internet Web site. This service is free of charge, except for any cost you already incur for internet connectivity. An electronic version of this finding is made available on the day of publication on the primary Web site listed below. The EPA Office of Mobile Sources also publishes **Federal Register** notices and related documents on the secondary Web site listed below.

1. <http://www.epa.gov/docs/fedrgstr/EPA-AIR/> (either select desired date or use Search feature)
2. <http://www.epa.gov/OMSWWW/lev-nlev.htm>

Please note that due to differences between the software used to develop the document and the software into which the document may be downloaded, changes in format, page length, etc. may occur.

In Effect Finding

Today EPA is taking the final step necessary for the National Low Emission Vehicle program to come into effect. The National LEV program is a voluntary clean car program which will reduce smog and other pollution from new motor vehicles. On December 16, 1997, EPA finalized the regulations for the National Low Emission Vehicle (National LEV) program. 63 FR 926 (January 7, 1998). Because it is a voluntary program, it could only come into effect if agreed upon by the northeastern states and the auto manufacturers. EPA has now received notifications from all the auto manufacturers and the relevant states lawfully opting into the program. As a result, starting in the northeastern states in model year 1999 and nationally in model year 2001, new cars and light