decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR parts 730, 731, and 732 have been met.

3. National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

4. Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

5. Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal that is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

6. Unfunded Mandates

This rule will not impose a cost of $100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 926

Intergovernmental relations, Surface mining, Underground mining.

Dated: November 23, 1997.

Richard J. Seibel,

Regional Director, Western Regional Coordinating Center.

[FR Doc. 97–31810 Filed 12–4–97; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA–189–0059; FRL–5932–3]

Approval and Promulgation of State Implementation Plans; California; South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a state implementation plan (SIP) revision submitted by the State of California to provide for attainment of the carbon monoxide (CO) national ambient air quality standards (NAAQS) in the Los Angeles-South Coast Air Basin Area (South Coast). EPA is proposing to approve the SIP revision under provisions of the Clean Air Act (CAA) regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards, and plan requirements for nonattainment areas. The demonstration of attainment in the SIP depends, in part, upon reductions from an enhanced inspection and maintenance (I/M) program for motor vehicles. Since EPA has previously granted interim approval to the California I/M program, the Agency is proposing interim approval of the CO attainment demonstration portion of the plan.

DATES: Written comments on this proposal must be received by January 5, 1998.

ADDRESSES: Comments should be addressed to the EPA contact below.

The rulemaking docket for this notice, Docket No. 97–17, may be inspected and copied at the following location during normal business hours. A reasonable fee may be charged for copying parts of the docket. Environmental Protection Agency, Region 9, Air Division, Air Planning Office, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the SIP materials are also available for inspection at the addresses listed below:

California Air Resources Board, 2020 L Street, Sacramento, California

South Coast Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, California

FOR FURTHER INFORMATION CONTACT: Dave Jesson (415) 744–1288, Air Planning Office (AIR–2), Air Division, U.S. EPA, Region 9, 75 Hawthorne Street, San Francisco, California, 94105–3901.

SUPPLEMENTARY INFORMATION:

I. Background

A. The Carbon Monoxide Problem

Carbon monoxide is a colorless, odorless gas emitted in combustion processes. In the South Coast, like most urban areas, CO comes primarily from tailpipe emissions of cars and trucks.[1] Exposure to elevated CO levels is associated with impairment of visual perception, work capacity, manual dexterity, and learning ability, and with illness and death for those who already suffer from cardiovascular disease, particularly angina or peripheral vascular disease.

Under section 109 of the CAA, EPA has established primary, health-related NAAQS for CO: 9 parts per million (ppm) averaged over an 8-hour period, and 35 ppm averaged over 1 hour. Attainment of the 8-hour CO NAAQS is achieved if not more than one non-overlapping 8-hour average in any consecutive 2-year period per monitoring site exceeds 9 ppm (values below 9.5 are rounded down to 9.0 and are not considered exceedances).

The South Coast has continuously achieved the 1-hour NAAQS for the past 6 years. For this reason, the South Coast SIP and this action address primarily the 8-hour NAAQS. In 1995, the South Central Los Angeles County area recorded 13 exceedances of the 8-hour NAAQS, the largest number of CO exceedances within the SCAB and, in fact, within the country. Most of the CO exceedances in the SCAB occur during the months of January, November, and December, with peak concentrations typically around 7 a.m. and 10 p.m.

B. Clean Air Act Requirements

The Federal CAA was substantially amended in 1990 to establish new planning requirements and attainment deadlines for the NAAQS. Under section 107(d)(1)(C) of the Act, areas designated nonattainment prior to enactment of the 1990 amendments, including the South Coast, were designated nonattainment by operation of law.[2] Under section 186(a) of the Act,

[1] In the 1990 base year planning (winter) inventory for the South Coast, onroad vehicles accounted for approximately 80 percent of CO emissions, while nonroad engines and stationary sources contributed roughly 18 and 2 percent, respectively. Despite continued growth in vehicle use, the percent of CO emissions from onroad vehicles is predicted to decline to about 50 percent by the year 2010, as a result of the cleaner motor vehicles mandated by the California low-emission vehicle program.

[2] For a description of the boundaries of the Los Angeles-South Coast Air Basin, see 40 CFR 81.305. The nonattainment area includes all of Orange

Continued

each CO area designated nonattainment under section 107(d) was also classified by operation of law as either moderate or serious, depending on the severity of the area's air quality problem. CO areas with design values at and above 16.5 ppm, such as the South Coast, were classified as serious.

Section 172 of the Act contains general requirements applicable to SIPs for nonattainment areas. Sections 186 and 187 of the Act set out additional air quality planning requirements for CO nonattainment areas.

The most fundamental of these provisions is the requirement that CO nonattainment areas submit by November 15, 1992, a SIP demonstrating attainment of the NAAQS as expeditiously as practicable but no later than the deadline applicable to the area's classification: December 31, 1995, for moderate areas, and December 31, 2000, for serious areas like the South Coast. CAA sections 186(a)(1), 187(a)(7), and 187(b)(1). Such a demonstration must provide enforceable measures to achieve emission reductions each year leading to emissions at or below the level predicted to result in attainment of the NAAQS throughout the nonattainment area.

EPA has issued a ''General Preamble'' describing the Agency's preliminary views on how EPA intends to act on SIPs submitted under Title I of the Act. See generally 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992). The reader should refer to the General Preamble for a more detailed discussion of EPA's preliminary interpretations of Title I requirements. In this proposed rulemaking action, EPA is applying these policies to the South Coast CO SIP submittal, taking into consideration the specific factual issues presented.

C. EPA Actions on Prior South Coast CO SIP Revisions

The South Coast Air Quality Management District (SCAQMD) adopted a CO plan on November 6, 1992. This plan was forwarded to the California Air Resources Board (CARB), which submitted the plan as a proposed revision to the California SIP on December 31, 1992. On April 29, 1993, CARB submitted a letter correcting certain adoption and implementation dates for measures under CARB's jurisdiction. On May 5, 1994, EPA proposed to approve in part and disapprove in part the SIP submittal (59 FR 23264). The proposed disapprovals derived from the State's failure, at the time, to adopt and submit regulations for an enhanced I/M program, since progress and attainment under the South Coast CO plan depended, to a large extent, on this program.

On December 28, 1994, CARB amended and submitted the South Coast Carbon Monoxide Attainment Plan (Revised), adopted by the SCAQMD on September 9, 1994. The 1994 CO plan provided technical amendments to the 1992 submittal and wholly superseded it.

On February 14, 1995, the Administrator signed final and direct final partial approval and partial disapproval of the revised South Coast CO plan, as part of a notice promulgating Federal Implementation Plans (FIPs) for California, including a CO FIP for the South Coast. Again, the disapproval actions were the result of the plan's dependence upon reductions from an enhanced I/M program, which had not yet been adopted.

On April 10, 1995, legislation was enacted mandating that the California FIPs ''shall be rescinded and shall have no further force and effect'' (Pub. L. 104–6, Defense Supplemental Appropriation, H.R. 889). At the time of enactment of this legislation, the FIP and SIP actions had not yet been published in the **Federal Register**.[3] Because the State was in the process of adopting legislation and regulations for an enhanced I/M program and developing a revised CO attainment plan, EPA did not reissue the South Coast CO SIP partial approval and partial disapproval actions. For this reason, the Agency's direct final approval and disapproval action did not become effective. As part of today's action, EPA is proposing to rescind the 1995 approval and disapproval actions taken on the 1994 CO SIP submittal.

On January 22, 1996, CARB submitted regulations adopted by the California Bureau of Automotive Repair for the implementation of an enhanced I/M program. California's program mandates loaded mode testing of all vehicles, with the majority of vehicles to be tested at test-and-repair facilities.

On March 18, 1996 (61 FR 10920), EPA proposed to grant interim approval to the enhanced I/M program and regulations, as meeting the high enhanced performance standard requirements of 40 CFR Part 51, Subpart S, as amended, and section 348(c) of the National Highway System Designation Act (''the Highway Act,'' Public Law 104–59, enacted on November 28, 1995). The Highway Act provides for approval of decentralized or test-and-repair programs for the full credit proposed by the state if the proposed credits reflect a good faith estimate and the program otherwise complies with the CAA. The approval remains effective for up to 18 months after the date of final rulemaking. After the 18-month period, permanent approval of the program is granted if the data collected on operation of the program demonstrates that the credits are appropriate. In order to ensure that at least 6 months of operational data can be collected to evaluate program performance, EPA requires program start-up no later than 12 months after the effective date of approval.

On January 8, 1997 (62 FR 1160), EPA finalized the interim approval of California's enhanced I/M program, effective February 7, 1997. This action set February 9, 1998, as the deadline for program start-up. The approval expires on August 7, 1998, or earlier if by such date the State has submitted as a SIP revision the required demonstration that the credits claimed for the program are appropriate and that the program is otherwise in compliance with the CAA, and EPA takes final action approving the revision.

EPA's final interim approval of California's enhanced I/M program also granted interim approval to the State's submittal as meeting the requirements of section 187(a)(6) of the Act for enhanced I/M for the South Coast. Section 187(a)(6) requires CO nonattainment areas with a design value greater than 12.7 ppm to implement enhanced I/M programs in the urbanized portion of the nonattainment area, as defined by the Bureau of Census, with 1980 populations of 200,000 or more.

On February 5, 1997, CARB submitted as a revision to the California SIP the 1997 Air Quality Management Plan for the South Coast Air Basin (SCAB), Antelope Valley, and Coachella Valley, adopted by the SCAQMD on November 15, 1996. This submittal, which included the South Coast Carbon Monoxide Attainment Plan (Revised), was found to be complete on April 1, 1997, with respect to portions of the AQMP relating to CO and nitrogen dioxide SIP requirements.[4] This 1997 CO plan supersedes all prior submittals.

This 1997 CO plan provides, among other things, a revised CO attainment demonstration based on updated vehicle

County and the more populated portions of Los Angeles, San Bernardino, and Riverside Counties.

[3] On August 21, 1995 (60 FR 43468), EPA issued a notice of Congressional action rescinding the California FIP and also published notices relating to many of the SIP approvals included with the final FIP.

[4] EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

miles traveled (VMT) projections reflecting new forecasts prepared by the Southern California Association of Governments (SCAG), an amended Regional Mobility Element adopted by SCAG, revised motor vehicle emissions modeling, new emissions inventories, amended control measures, and updated areawide Urban Airshed Modeling (UAM) and hotspot (CAL3QHC) air quality modeling analyses using the updated inventories and improvements to other modeling inputs.

II. EPA Action

A. Summary of Proposed Action

In this document, EPA is proposing to approve the 1997 CO plan, with respect to the CAA requirements for notice and adoption, baseline and projected emissions inventory, and VMT forecasts. EPA proposes to grant interim approval to the CO attainment demonstration, quantitative milestones, and reasonable further progress. Along with EPA's prior interim approval of California's enhanced I/M program under section 187(a)(6) of the CAA and section 348(c) of the Highway Act, these interim approvals expire on August 7, 1998, or earlier if by such date California submits the required demonstration that the CO credits are appropriate.

As noted above, EPA is also proposing to rescind the Agency's partial approval and partial disapproval of the 1994 CO SIP submittal, taken on February 14, 1995.

B. Procedural Requirements

Both the SCAQMD and CARB have satisfied applicable statutory and regulatory requirements for reasonable public notice and hearing prior to adoption of the plan and each of the plan amendments. The SCAQMD conducted numerous public workshops and public hearings prior to the adoption hearing on November 15, 1996, at which the 1997 AQMP was adopted by the Governing Board of the SCAQMD (Resolution No. 96–23). On January 23, 1997, the Governing Board of CARB adopted the plan (Resolution No. 97–1). The plan was submitted to EPA by Michael P. Kenny, Executive Officer of CARB, on February 5, 1997. The SIP submittal includes proof of publication for notices of SCAQMD and CARB public hearings, as evidence that all hearings were properly noticed. Therefore, EPA proposes to approve the 1997 CO plan as meeting the procedural requirements of section 110(a)(1) of the CAA.

C. Baseline and Projected Emissions Inventory

The revised and updated emissions inventory included in the 1997 CO plan is consistent with EPA's guidance documents.[5] This EPA guidance allows approval of California's motor vehicle emissions factors in place of the corresponding federal emissions factors. The motor vehicle emissions factors used in the plan were generated by the CARB EMFAC7G and BURDEN7G program. The gridded CO inventory for motor vehicles was then produced using an updated Caltrans Direct Travel Impact Model (DTIM2) (Systems Applications International, 1994) to combine EMFAC7G data with transportation modeling performed by SCAG.

SCAG provided the baseline socioeconomic data used in the plan. These forecasts include the following predicted growth through the CO attainment year.

1997 AQMP BASELINE SOCIOECONOMIC FORECASTS

[In millions]

Category	1993	2000	% growth
Population	13.8	14.8	7
Daily Vehicle Miles Traveled	293.3	317.9	8
Daily Vehicle Trips	31.2	33.2	6

EPA notes that these predictions assume that the key categories of VMT and daily trip levels will increase at growth rates considerably below long-term historic trends. This makes it particularly important for transportation agencies to track actual VMT and trip numbers carefully, and to trigger remedial actions, if necessary, before the plan fails to meet scheduled reduction targets.

The planning emissions inventory from the 1997 CO plan is summarized in the table below, ''Carbon Monoxide Emissions by Major Source Category,'' from Table 5–3 in Appendix V of the 1997 AQMP.

CARBON MONOXIDE EMISSIONS BY MAJOR SOURCE CATEGORY

[In tons per day]

Source category	1993	1995	2000
Stationary Sources	127	170	297
Onroad Vehicles	5908	5381	3298
Other Mobile	1538	1637	1550
Total	7573	7188	5145

The sharp decline in baseline emissions from onroad vehicles and, consequently, the decrease in total CO emissions, from 1993–2000 is attributed to the adopted California motor vehicle and clean fuels regulations, and benefits from vehicle fleet turnover.

[5] See, for example, Emission Inventory Requirements for Carbon Monoxide State Implementation Plans, EPA—450/4–91–011; Procedures for the Preparation of Emission Inventories for Carbon Monoxide and Precursors of Ozone, Volume I: General Guidance for Stationary Sources, EPA—450/4–91–016; Procedures for Emission Inventory Preparation, Volume IV: Mobile Sources, EPA—450/4–91–026d Revised.

The methodologies used to prepare the base year and projected emissions inventory, as described in Chapter 3 and Appendix 3 of the AQMP, are acceptable. Accordingly, EPA proposes to approve the 1997 CO plan with respect to the emissions inventory requirements of sections 172(c)(3) and 187(a)(1) the CAA.

D. Attainment Demonstration

The attainment demonstration includes both an areawide and a hot-spot modeling analysis at four heavily traveled intersections.

The areawide analysis was conducted using the Urban Airshed Model, according to EPA's ''Guidance for Application of Urban Areawide Models for CO Attainment Demonstration'' (1992). The UAM analysis uses a December 6–7, 1989 episode. This episode recorded a 1-hour CO concentration of 31 ppm and an 8-hour concentration of 21.8 ppm. These were the highest monitored values in recent years. The UAM analysis performed for the 1997 CO plan makes one significant change in the meteorological inputs: the mixing height was raised from 15 meters to 50 meters, to reflect the results of studies in the Lynwood area. The adjusted mixing height is also within the uncertainties of estimating night time mixing height.

Emissions used in the UAM analysis are shown in the table below, titled ''Peak CO Emissions and South Coast UAM Results.'' These emissions, representing day-specific emissions, were disaggregated into 5 kilometer grid cells throughout the modeling domain.

PEAK CO EMISSIONS AND SOUTH COAST UAM RESULTS

[In ppm]

Scenario	Emissions (tpd)	Regional maximum (8-hour)	Maximum Lynwood (8-hour)	Regional maximum (1-hour)
1989 Base	9140	22.1	16.4	26.1
2000 Base	4511	7.7	6.6	10.7
2000 Control	4349	7.4	6.4	10.3

Source: 1997 AQMP, Appendix V, Tables 5–12 and 5–13.

The table shows the results of the UAM analysis for both the 8-hour and 1-hour average (the corresponding NAAQS are 9 ppm and 35 ppm). Concentrations for the 8-hour average are shown for the Lynwood receptor, since the monitor at this site typically records peak concentrations.

Model performance for the UAM simulation is within EPA's acceptable range of accuracy: +1 percent for the unpaired peak prediction, −25 percent for the paired peak prediction, and 22 percent for the paired absolute error. See 1997 AQMP, Appendix V, pages V–5–6 and V–5–7.

The predicted regional maximum 8-hour average CO concentration is 7.7 ppm in the year 2000, assuming no new control measures. The UAM analysis thus shows attainment with a margin of safety based solely on fully adopted regulations.

The SCAQMD also modeled a ''control'' scenario, which assumes a combined reduction of 173 tpd in the year 2000 from two CARB measures which are currently under development, M1 (Accelerated Retirement of Light-Duty Vehicles) and M2 (Improved Control Technology for Light-Duty Vehicles). These State measures have already been approved as part of the 1994 ozone SIP. Reductions from M1 and M2 are not needed for purposes of the attainment demonstration, but the control scenario illustrates additional ambient air quality improvements possible with a greater level of control.[6]

The hot-spot analysis was performed for four intersections (Lynwood, Hollywood, Westwood and Inglewood), using CAL3QHC (a roadway intersection model) and base case as well as worst case meteorological data. Projected peak 8-hour average hot-spot concentrations under base case meteorology were 2.1 ppm at Lynwood, 2.2 ppm at Inglewood, and 3.2 ppm at Westwood and Hollywood. Under worst case meteorology, concentrations are predicted to range from 3.5 ppm at Lynwood to 5.3 ppm at Hollywood.

The areawide analysis and hot-spot analysis concentrations were not aggregated, because CARB's 1991 study of CO in the Lynwood area indicated that the projected maximum hot-spot concentrations were at different times of day from the maximum areawide peak concentrations.

The hot-spot modeling follows applicable EPA guidelines and demonstrates attainment of the 8-hour CO standard for the year 2000 with the proposed control measures.

Because the enhanced I/M regulations have now been adopted, the 1997 CO plan demonstrates attainment with adopted measures, which reduce areawide emissions to 4511 tpd, substantially below the estimated carrying capacity of 4968 tpd. However, attainment depends, in part, upon specific reductions from the enhanced I/M program, which was granted interim approval in prior rulemaking. Therefore, under section 348(c) of the Highway Act, EPA proposes to grant interim approval to the 1997 CO plan with respect to the attainment demonstration requirement of section 187(a)(7) of the CAA.

E. Quantitative Milestones and Reasonable Further Progress (RFP)

EPA disapproved the 1994 South Coast CO SIP submittal with respect to the milestone and RFP requirement because the plan depended heavily upon reductions from the as yet unadopted enhanced I/M program to achieve scheduled progress and eventual attainment by the year 2000 deadline in the Act. EPA's interim approval of California's enhanced I/M regulations cures this defect and allows for interim approval of the milestone and RFP provision.

The 1997 CO plan shows steady annual reductions in CO emissions from 1993 through 2000, despite annual growth in VMT and stationary source emissions (see 1997 AQMP, Appendix

[6] EPA approved M1 on January 8, 1997 (62 FR 1150). M2 was approved on August 21, 1995 (60 FR 43379) under the provisions of section 182(e)(5) of the CAA, which authorizes the Administrator to approve as part of an extreme ozone area SIP conceptual measures dependent upon new control technologies or new control techniques. EPA notes that the M2 reductions may help ensure maintenance of the CO NAAQS, but any reductions from this measure would not be creditable for purposes of the CO attainment SIP, because the State has committed to begin implementation of the measure in 2004–2005, several years beyond the year 2000 attainment deadline for CO.

V, Tables 5–1, 5–2, and 5–3). The CO emissions decline is displayed below in the summary table entitled ''South Coast CO Emissions,'' taken from Table 5–3 in Appendix V of the 1997 AQMP.

SOUTH COAST CO EMISSIONS

[Planning Inventory—tpd]

Source category	1993	1995	2000
On-Road Vehicles	5908	5381	3298
Other Mobile	1538	1637	1550
Stationary Sources	127	170	297
Total	7573	7188	5145

In this action, therefore, EPA proposes to grant interim approval, under section 348(c) of the Highway Act, to the 1997 CO plan with respect to the RFP requirements in sections 171(1), 172(c)(2), and 187(a)(7) of the CAA.

F. Vehicle Miles Traveled (VMT) Forecast

Section 187(a)(2)(A) of the CAA requires the 1997 CO plan to contain a forecast of vehicle miles traveled (VMT) for each year until attainment of the CO NAAQS. Also, as required by section 187(a)(2)(A), the 1997 CO plan must provide for annual updates of the forecasts along with annual reports to be submitted regarding the extent to which the preceding annual forecasts proved to be accurate. These annual reports must contain estimates of actual VMT in each previous year for which the forecast was required, including the year prior to the report.

The 1997 CO plan revises VMT forecasts in the prior South Coast CO plans. The VMT forecasts have been updated by using new transportation modeling and incorporating more recent socioeconomic data compared with the VMT forecasts contained in the earlier plans. The required VMT forecasts for each year from 1993 through 2000 are displayed in Table 5–1 in Appendix V to the 1997 AQMP. The forecasts are broken down by 7 motor vehicle categories. Table 5–2 shows the CO emissions from each category for each year.

EPA proposes to approve these new VMT forecasts as meeting the section 187(a)(2)(A) requirement. Also, EPA proposes to approve the responsible agencies' commitments to revise and replace the VMT projections as needed and monitor actual VMT levels in the future.

G. Summary of Proposed EPA Actions

EPA proposes the following actions on elements of the South Coast CO Attainment Plan (Revised), as submitted on February 5, 1997:

(1) Approval of procedural requirements, under section 110(a)(1) of the CAA;

(2) Approval of baseline and projected emission inventories, under sections 172(c)(3) and 187(a)(1) of the CAA;

(3) Interim approval of attainment demonstration, under section 187(a)(7) of the CAA and section 348(c) of the Highway Act;

(4) Interim approval of quantitative milestones and reasonable further progress, under sections 171(1), 172(c)(2), and 187(a)(7) of the CAA and section 348(c) of the Highway Act; and

(5) Approval of VMT forecasts and the responsible agencies' commitments to revise and replace the VMT projections as needed and monitor actual VMT levels in the future, under section 187(a)(2)(A) of the CAA.

EPA also proposes to rescind EPA's prior partial approval and partial disapproval of the 1994 South Coast CO SIP submittal, taken on February 14, 1995. As discussed above, these actions have not been in effect, since the final rulemaking was never published in the **Federal Register**.

III. Regulatory Process

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 business, small not-for-profit enterprises and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under sections 110 and 301 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, 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 EPA to base its actions concerning SIP's 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).

The OMB has exempted this action from review under Executive Order 12866.

IV. Unfunded Mandates

Under sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act'') signed into law on March 22, 1995, 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 these SIP revisions, the State and any affected local or tribal governments have elected to adopt the program provided for under section 110 and 182(b) of the CAA. These rules 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 being approved or disapproved by this action will impose 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 any mandate upon the private sector, 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. EPA has also 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.

List of Subjects in 40 CFR Part 52

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

Authority: 42 U.S.C. 7401–7671q.

Dated: November 26, 1997.

Felicia Marcus,

Regional Administrator.

[FR Doc. 97–31915 Filed 12–4–97; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 194

RIN 2060–AE30

[FRL–5932–9]

Opportunity To Present Oral Testimony on EPA's Proposed Rule: ''40 CFR Part 194, Criteria for the Certification and Recertification of the Waste Isolation Pilot Plant's (WIPP) Compliance With the 40 CFR Part 191 Disposal Regulations: Certification Decision;'' Notice of Public Hearings

AGENCY: Environmental Protection Agency.

ACTION: Notice of Public Hearings.

SUMMARY: EPA will conduct public hearings to receive comments on the proposed certification decision, published October 30, 1997, for the Waste Isolation Pilot Plant (WIPP) in Carlsbad, Albuquerque, and Santa Fe, New Mexico.

DATES: The schedule for these hearings is as follows: Carlsbad, January 5, 1998, from 6:00 p.m. to 9:00 p.m. and January 6, 1998, from 9:00 a.m. to 4:00 p.m.; Albuquerque, January 7, 1998, from 12:00 Noon to 9:00 p.m. and January 8, 1998, from 9:00 a.m. to 12:00 Noon; and Santa Fe, January 8, 1998, from 3:00 p.m. to 9:00 p.m. and January 9, 1998, from 9:00 a.m. to 5:00 p.m. Procedures for these public hearings are detailed in the section entitled ''Hearing Procedures'' in **SUPPLEMENTARY INFORMATION.** Specific locations for each city is detailed in the section entitled **ADDRESSES.**

ADDRESSES: EPA's public hearings to accept comments on EPA's Proposed Compliance Certification Decision for the WIPP will be held on January 5–6, 1998, at the Pecos River Village Conference Center, Room #3, 711 Muscatel, Carlsbad, NM; on January 7–8 at the Albuquerque Convention Center, Aztec/Galisteo Room, 401 Second Street, NW, Albuquerque, NM; on January 8–9, 1998, at the Harold Runnels Building, 1190 St. Francis Drive, Santa Fe, NM.

EPA's official docket for all rulemaking activities under the Waste Isolation Pilot Plant Land Withdrawal Act, as amended, is located in Washington, DC, in the Air Docket, Room M1500, Mailcode 6102, U.S. EPA, 401 M Street, SW, Washington, DC 20460. Information on EPA's radioactive waste disposal standards (40 CFR Part 191), the compliance criteria (40 CFR Part 194), and DOE's compliance certification application is filed in the official EPA Air Docket, Dockets No. R–89–01, A–92–56, and A–93–02, respectively, and is available for review at the following three EPA WIPP docket locations in New Mexico: in Carlsbad at the Municipal Library, Hours: Mon–Thu, 10–9, Fri–Sat, 10–6, and Sun 1–5; in Albuquerque at the Government Publications Department, Zimmerman Library, University of New Mexico, Hours: Mon–Thu, 8–9, Fri, 8–5, Sat–Sun, 1–5; and in Santa Fe at the Fogelson Library, College of Santa Fe, Hours: Mon–Thu, 8–12 Midnight, Fri, 8–5, Sat, 9–5, and Sun, 1–9.

Note: The dockets in New Mexico only contain major items from the official Air docket in Washington, DC, plus all those docu-ments added to the official docket since the October 1992 enactment of the WIPP LWA.

As provided in EPA's regulations at 40 CFR Part 2, and in accordance with normal Air docket procedures, if copies of any docket materials are requested, a reasonable fee may be charged for photocopying.

FOR FURTHER INFORMATION CONTACT: Rafaela Ferguson, Office of Radiation and Indoor Air, (202) 564–9362 or call EPA's 24-hour toll-free WIPP Information Line, 1–800–331–WIPP.

SUPPLEMENTARY INFORMATION:

Background

On October 23, 1997, the Environmental Protection Agency (EPA) announced its proposed decision to issue to the Secretary of the Department of Energy (DOE) a ''certification of compliance'' for the Department of Energy's Waste Isolation Pilot Plant (WIPP), subject to several conditions related to: (1) waste characterization (to determine the radionuclides and other contents of waste disposal containers); (2) quality assurance programs at DOE waste generator sites; (3) implementation of passive institutional controls (PICs) (intended to warn future generations about the hazards of the radioactive waste buried in the WIPP); and (4) panel seals (used to contain the waste within compartments in the facility). In addition, DOE is required to report to EPA any change in the activities or conditions at the WIPP that differ from those described in the Compliance Certification Application (CCA), and to immediately inform EPA of any activities or conditions at the WIPP that might cause the WIPP to exceed the containment requirements of the disposal regulations. This proposal, entitled ''Criteria for the Certification and Recertification of the Waste Isolation Pilot Plant's Compliance with the 40 CFR Part 191 Disposal Regulations: Certification Decision; Proposed Rule,'' was published in the **Federal Register** at 62 FR 58791–58838 on October 30, 1997, which marked the start of a 120-day public comment period.

The WIPP is being constructed by DOE near Carlsbad, New Mexico, as a potential repository for the safe disposal of transuranic radioactive waste. Pursuant to the WIPP Land Withdrawal Act (WIPP LWA) of 1992, Pub. L. No. 102–579, as amended, EPA is required to perform several activities including certifying whether the WIPP will comply with EPA's radioactive waste disposal standards before DOE may commence disposal of radioactive waste at the WIPP. On October 29, 1996, DOE submitted a CCA containing information intended to demonstrate that WIPP will comply with the EPA's disposal regulations. EPA published an Advance Notice of Proposed Rulemaking (ANPRM) on November 15, 1996, announcing receipt of the CCA and requesting comments on all aspects of DOE's application for 120 days until March 17, 1997. EPA conducted a preliminary review of the CCA and requested DOE to submit supplemental information. DOE submitted the additional information EPA requested and on May 22, 1997, the Agency announced that DOE's application was deemed to be ''complete'' (62 FR 27996–27998). EPA's finding that the CCA was complete commenced a statutory one-year period to determine, by rulemaking, whether WIPP will comply with the disposal regulations (WIPP LWA, section 8(d)(2); 40 CFR 194.11).

EPA has conducted an extensive independent technical review and evaluation (including confirmatory audits and inspections) of the DOE's CCA and supplemental materials based on the requirements specified in the WIPP Compliance Criteria at 40 CFR Part 194. In response to public comments, EPA subsequently extended the ANPRM public comment period until publication of the proposed rule, thus resulting in an approximately 264-