PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1 (g), 6.04–1, 6.04–6 and 160.5; 49 CFR 1.46.

2. A temporary section 165.T13–011 is added to read as follows:

§ 165.T13–011 Safety Zone; Lake Washington, Seattle, WA.

(a) *Location.* The following area is a safety zone: All waters of Lake Washington, Seattle, Washington, bounded by a line commencing at position latitude 47°35′35″N, longitude 122°15′13″W; thence to position latitude 47°35′55″N, longitude 122°15′44″W; thence to position latitude 47°35′48″N, longitude 122°15′44″W; thence to position latitude 47°33′02″N, longitude 122°15′28″W; thence to position latitude 47°33′44″N, longitude 122°15′01″W; thence to position latitude 47°33′43″N, longitude 122°13′53″W; thence returning along the shore of Mercer Island to the point of origin. [Datum NAD 83]

(b) *Regulations.* In accordance with the general regulations in Section 165.23 of this part, no person or vessel may enter or remain in this zone, except for participants in the event, supporting personnel, vessels registered with the event organizer, or other vessels authorized by the Captain of the Port or his designated representatives.

(c) *Effective dates.* This regulation is effective on August 7, 8, 9, and 10, 1997, from 6 a.m. (PDT) to 4 p.m. (PDT) each day.

Dated: June 21, 1997.

Myles S. Boothe,

Captain, U.S. Coast Guard, Captain of the Port Puget Sound.

[FR Doc. 97–18267 Filed 7–10–97; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA014–0035; FRL–5850–4]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Four Local Air Pollution Control Districts

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing the approval of revisions to the California State Implementation Plan (SIP) proposed in the **Federal Register** on June 12, 1996. The revisions concern rules from the following: El Dorado County Air Pollution Control District (EDCAPCD), Kern County Air Pollution Control District (KCAPCD), Placer County (PCAPCD), and Santa Barbara County Air Pollution Control District (SBCAPCD). This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The revised rules control VOC emissions from graphic arts operations. Thus, EPA is finalizing the approval of these revisions into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

EFFECTIVE DATE: This action is effective on August 11, 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:

Rulemaking Section (Air–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Environmental Protection Agency, Air Docket (6102), 401 ''M'' Street, SW., Washington, DC 20460.

El Dorado County APCD, 2850 Fairlane Court, Placerville, CA 95667.

Kern County APCD, 2700 M Street, Suite 290, Bakersfield, CA 93301.

Placer County APCD, 11464 B Avenue, Auburn, CA 95603.

Santa Barbara County APCD, 26 Castilian Drive, B–23, Goleta, CA 93117.

FOR FURTHER INFORMATION CONTACT: Andrew Steckel, Rulemaking Office, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

SUPPLEMENTARY INFORMATION:

I. Applicability

The rules being approved into the California SIP include the following: EDCAPCD Rule 231, ''Graphic Arts Operations''; KCAPCD Rule 410.7, ''Graphic Arts''; PCAPCD Rule 239, ''Graphic Arts Operations''; and SBCAPCD Rule 354, ''Graphic Arts''. These rules were adopted by the local air pollution control agencies on the following respective dates: September 27, 1994; May 6, 1991; June 8, 1995; and June 28, 1994.

The above rules were submitted by the California Air Resources Board (CARB) to EPA, in respective order, on November 30, 1994, May 30, 1991, October 13, 1995, and July 13, 1994.

II. Background

On June 12, 1996, EPA published a notice of direct final rulemaking action (61 FR 29659) and a action of proposed rulemaking (61 FR 29725).[1] This direct final rule would have appro9ved the rules described in the applicability section above, as well as South Coast Air Quality Management District Rule 1130.1, ''Screen Printing Operations'', into the California SIP. However, prior to the close of the comment period for the direct final rulemaking, EPA received a request from SCAQMD to withdraw Rule 1130.1 from the SIP. Because this request to withdraw was essentially an adverse comment, EPA was required by the provisions of the Administrative Procedures Act to withdraw the direct final rule. A **Federal Register** action withdrawing the direct final rule of June 12 was published on August 27, 1996 (61 FR 43976).

As a result of SCAQMD's withdrawal request, EPA is finalizing the approval into the California SIP of the rules described in the rulemaking actions of June 12, with the exception of SCAQMD Rule 1130.1. Therefore, EPA is approving the rules listed in the applicability section into the California SIP.

The rules being approved in this action were submitted in response to EPA's 1988 SIP–Call and the CAA section 182(a)(2)(A) requirement that nonattainment areas fix their reasonably available control technology (RACT) rules for ozone in accordance with EPA guidance that interpreted the requirements of the pre-amendment Act. A detailed discussion of the background for each of these rules and nonattainment areas is provided in the Direct Final action of June 12, 1996.

EPA has evaluated all of these rules for consistency with the requirements of the CAA and EPA regulations and EPA interpretation of these requirements as expressed in the various EPA policy

[1] Unless a direct final rulemaking is withdrawn (if EPA receives an adverse comment), such a notice of proposed rulemaking is moot. However, if EPA receives an adverse comment, the direct final rulemaking is withdrawn, and the notice of proposed rulemaking, together with the notice of direct final rulemaking, serves to propose approval for subsequent finalization.

guidance documents referenced in the Direct Final action 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 61 FR 29659 and in technical support documents (TSDs) available at EPA's Region IX office (TSDs dated March 18, 1996).

Final approval of SBCAPCD Rule 354, ''Graphic Arts'', will permanently stop the FIP clock associated with this rule.

III. Response to Public Comments

A 30-day public comment period was provided in 61 FR 29659. As described above, EPA received one significant comment from the SCAQMD on SCAQMD Rule 1130.1. SCAQMD management requested that Rule 1130.1, as submitted to EPA on November 18, 1993, be withdrawn from consideration for SIP approval. The SCAQMD requested that this rule be withdrawn because, in light of information provided to them by the coating industry, they believed that the VOC limits of the rule as submitted to EPA were too stringent, and they were in the process of drafting and adopting a new version of the rule with less stringent limits.

IV. EPA Action

EPA is finalizing action to approve the above rules for inclusion into the California SIP. EPA is approving the submittal under section 110(k)(3) as meeting the requirements of section 110(a) and Part D of the CAA. This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of VOCs in accordance with the requirements of the CAA.

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

V. 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 (OMB) has exempted this regulatory action from E.O. 12866 review.

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 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).

C. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1996, 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 or 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.

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 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 Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 9, 1997. Filing a petition for reconsideration by the Administrator of this final 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 rule or action. 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, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: June 15, 1997.

Felicia Marcus,

Regional Administrator.

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. 7401–7671q.

Subpart F—California

2. Section 52.220 is amended by adding paragraph (c)(185)(i)(A)(*9*), (198)(i)(K), (207)(i)(B)(*2*), and (225)(i)(B)(*3*) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(185) * * *

(i) * * *

(A) * * *

(*9*) Rule 410.7, adopted May 6, 1991.

* * * * *

(198) * * *

(i) * * *

(K) Santa Barbara County Air Pollution Control District.

(*1*) Rule 354, adopted June 28, 1994.

* * * * *

(207) * * *

(i) * * *

(B) * * *

(*2*) Rule 231, adopted September 27, 1994.

* * * * *

(225) * * *

(i) * * *

(B) * * *

(*3*) Rule 239, revised June 8, 1995.

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[FR Doc. 97–18254 Filed 7–10–97; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TX–55–1–7335; FRL–5856–3]

Approval and Promulgation of Air Quality Implementation Plans; Texas; Motor Vehicle Inspection and Maintenance Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final rule.

SUMMARY: The EPA is granting conditional interim approval of a State Implementation Plan (SIP) revision submitted by Texas. This revision establishes and requires the implementation of an enhanced inspection and maintenance (I/M) program in the Houston/Galveston and El Paso areas and a basic I/M program in the Dallas/Fort Worth area. The effect of this action is to conditionally approve Texas's I/M program for an interim period to last 18 months, based upon the good faith estimate of the program's performance. This action is being taken under section 110 of the Clean Air Act (Act) and section 348 of the National Highway Systems Designation Act (NHSDA).

DATES: This interim final rule is effective on August 11, 1997.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations. Persons interested in examining these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Environmental Protection Agency, Region 6, Air Planning Section (6PD–L), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

Texas Natural Resource Conservation Commission, 12100 Park 35 Circle, Austin, Texas 78711–3087.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Davis, Air Planning Section (6PD–L), EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 665–7584.

SUPPLEMENTARY INFORMATION:

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I. Background

On October 3, 1996 (61 FR 51651), EPA published a Notice of Proposed Rulemaking (NPR) for the State of Texas. The NPR proposed conditional interim approval of Texas' I/M program, submitted to satisfy the applicable requirements of both the Act and the NHDSA. The formal SIP revision was submitted by Texas on March 14, 1996.

As described in that notice, the NHSDA directs EPA to grant interim approval for a period of 18 months to approvable I/M submittals. The NHSDA also directs EPA and the states to review the interim program results at the end of that 18-month period, and to make a determination as to the effectiveness of the interim program. Following this demonstration, EPA will adjust any credit claims made by the state in its good faith effort, to reflect the emissions reductions actually measured by the state during the program evaluation period. The NHSDA is clear that the interim approval shall last for only 18 months, and that the program evaluation is due to EPA at the end of that period. Therefore, EPA believes Congress intended for these programs to start up as soon as possible, which EPA believes should be on or before November 15, 1997, so that at least six months of operational program data can be collected to evaluate the interim programs. The EPA believes that in setting such a strict timetable for program evaluations under the NHSDA, Congress recognized and attempted to mitigate any further delay with the start-up of this program. If Texas fails to fully start its program according to this schedule, this conditional interim approval granted under the provisions of the NHSDA will convert to a disapproval after a finding letter is sent to the state. Unlike the other specified conditions of this rulemaking, which are explicit conditions under section 110(k)(4) of the Act and which will trigger an automatic disapproval should Texas fail to meet its commitments, the startdate provision will only trigger a disapproval upon EPA's notification to the State by letter that the startdate has been missed. This letter will not only notify Texas that this rulemaking action has been converted to a disapproval, but also that the sanctions clock associated with this disapproval has been triggered as a result of this failure. Because the startdate condition is not imposed pursuant to a commitment to correct a deficient SIP under section 110(k)(4), EPA does not believe it is necessary to have the SIP approval convert to a disapproval automatically if the startdate is missed. The EPA is imposing the startdate condition under its general SIP approval authority of section 110(k)(3), which does not require automatic conversion. It should be noted that the State of Texas has already started major elements of its program in all three program areas.

The program evaluation to be used by the state during the 18-month interim period must be acceptable to EPA. The Environmental Council of States (ECOS) group has developed such a program evaluation process which includes both short term qualitative and long term quantitative measures, and this process has been deemed acceptable to EPA. The core requirement for the long term quantitative measure is that a Mass Emission Transient Test be performed on 0.1 percent of the subject fleet, as required by the I/M Rule at 40 CFR 51.353 and 366.

Per the NHSDA requirements, this conditional interim rulemaking will expire on February 11, 1999. A full approval of Texas final I/M SIP revision (which will include Texas' 18-month program evaluation) is still necessary under section 110 and under sections 182, 184 or 187 of the Act. After EPA reviews Texas' submitted program evaluation and other required elements for final approval, final rulemaking on the Texas' I/M SIP revision will occur.