on page 19679, in the first column, the third amendatory instruction is corrected to read as follows:

''3. Section 52.1075 is amended by adding paragraph (e) to read as follows:'' and the new text is designated as paragraph (e).

Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and, is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), or require prior consultation with State officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

Because this corrective rulemaking action for Maryland's 1990 base year ozone emissions inventory is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

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 this rule in today's **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Dated: June 11, 1997.

Stanley L. Laskowski,

Acting, Regional Administrator, Region III.

[FR Doc. 97–16738 Filed 6–25–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IN79–1A; FRL–5848–4]

Approval and Promulgation of State Implementation Plan; Indiana

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The United States Environmental Protection Agency (USEPA) is approving a February 5, 1997, request from Indiana, for a State Implementation Plan (SIP) revision for the Vanderburgh County ozone nonattainment area. The revision is for a transportation control measure (TCM) to reduce the emissions of volatile organic compounds (VOCs) from motor vehicles by converting city-owned vehicles to compressed natural gas as a fuel. Reductions in VOCs help protect the public's health and welfare by reducing ground level ozone, commonly known as urban smog. High concentrations of ground level ozone can aggravate asthma, cause inflammation of lung tissue, decrease lung function, and impair the body's defenses against respiratory infection.

DATES: This ''direct final'' rule is effective on August 25, 1997, unless USEPA receives written comments that are adverse or critical by July 28, 1997. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Copies of the documents relevant to this action are available for inspection during normal business hours at the following location: Regulation Development Section, Air Programs Branch, (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

Please contact Patricia Morris at (312) 353–8656 before visiting the Region 5 office.

Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch, (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

FOR FURTHER INFORMATION CONTACT: Patricia Morris, Environmental Scientist, Regulation Development Section, Air Programs Branch (AR–18J), U.S.Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8656.

SUPPLEMENTARY INFORMATION:

I. Background

Section 108(e) of the Clean Air Act, as amended in 1990 (Act), provides for transportation-air quality planning guidance for the development and implementation of transportation and other measures necessary to demonstrate and maintain attainment of national ambient air quality standards. Section 108(f)(1)(A) provides a list of transportation control measures with emission reduction potential. The USEPA has further provided guidance in the final report entitled *Transportation Control Measures: State Implementation Plan Guidance* dated September 1990; and also in *Transportation Control Measure Information Documents* dated March 1992.

Section 108(f)(1)(A) of the Act lists sixteen TCMs for consideration by States and planning agencies to use to reduce emissions and help attain and maintain the national ambient air quality standards. Programs to reduce motor vehicle emissions consistent with title II of the Act are listed in section 108(f)(1)(A)(xii).

II. Evaluation of the State Submittal

On February 5, 1997, Indiana submitted to the USEPA a SIP revision request for Vanderburgh County Transportation Control Measures, specifically, a fleet conversion request. A public hearing was held on March 12, 1997, and documentation on the public hearing was submitted to complete the SIP revision request. The SIP submission was found to be complete by the USEPA in a letter dated April 3, 1997.

The TCM for Vanderburgh County is the conversion of 40–60 city-owned vehicles from using gasoline as a fuel to compressed natural gas. This project is consistent with the title II provisions in section 241 for clean-fuel vehicles, and is thus consistent with section 108(f)(1)(A)(xii) as a program to reduce motor vehicle emissions. Vanderburgh County is currently designated as marginal nonattainment for ozone, but can adopt any and all measures to help reduce ozone precursor pollutants and thus attain and maintain the ozone ambient air quality standard. This TCM is consistent with the measures provided in section 108(f)(1)(A)(xii) of the Act.

The project was formally endorsed by the Evansville Urban Transportation Study (EUTS) Board at its June 18, 1996, public meeting. EUTS is seeking Congestion Mitigation and Air Quality (CMAQ) funds for the project from the Department of Transportation, to be matched with local money.

The SIP revision request provides an estimate of the emission reduction for a fuel conversion of 40 light duty vehicles from the city and county fleets to compressed natural gas. The air quality benefits are estimated utilizing emission test results from the California Air Resources Board and, assuming that each vehicle will average 20,000 miles of use per year with a five year life cycle. The estimated air quality benefit is calculated as 0.141 tons per year of hydrocarbon emissions, 1.225 tons per year of carbon monoxide emissions, and 0.194 tons per year of oxides of nitrogen

emissions. These pollutants are precursors of ground level ozone or smog, and reductions in precursors will reduce the concentrations of ground level ozone.

The SIP revision request thus meets the requirements for a TCM, as defined in section 108 of the Act, and meets the requirements for emission reductions to help attain and maintain the national ambient air quality standards.

As an approved TCM in the SIP for Vanderburgh County, this TCM will need to be included in the transportation improvement program and transportation plan for the area, and tracked and reported for conformity purposes. The requirements for transportation conformity cannot be met unless TCMs in the approved SIP for the area are proceeding according to schedule.

III. USEPA Action

The USEPA approves Indiana's February 5, 1997, SIP revision request to implement the transportation control measure of fleet conversion of city and county vehicles (at least 40) to compressed natural gas as a fuel.

The USEPA is publishing this action without prior proposal because USEPA views this as a noncontroversial revision and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the USEPA is proposing to approve the SIP revision should adverse or critical written comments be filed. This action will be effective on August 25, 1997, unless, by July 28, 1997, adverse or critical written comments on the approval are received.

If the USEPA receives adverse written comments, the approval will be withdrawn before the effective date by publishing a subsequent rulemaking that will withdraw the final action. All written public comments received will be addressed in a subsequent final rule based on this action serving as a proposed rule. The USEPA 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 August 25, 1997.

Nothing in this action should be construed as permitting, 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.

IV. 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 D. Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

B. Regulatory Flexibility

Under the Regulatory Flexibility Act, 5 U.S.C. section 600 *et seq.*, USEPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. sections 603 and 604. Alternatively, USEPA 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 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 Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Clean Air Act forbids USEPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *EPA.*, 427 U.S. 246, 256–66 (1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, USEPA must undertake various actions in association with 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. 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 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, USEPA 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).

F. 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 August 25, 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, Intergovernmental relations, Ozone, Transportation control measure.

Dated: June 11, 1997.

Michelle D. Jordan,

Acting 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 P—Indiana

2. Section 52.777 is amended by adding paragraph (q) to read as follows:

§ 52.777 Control strategy: Photochemical oxidants (hydrocarbons).

* * * * *

(q) Approval—On February 5, 1997, Indiana submitted a transportation control measure under section 108(f)(1)(A) of the Clean Air Amendments of 1990 for Vanderburgh County, Indiana to aid in reducing emissions of precursors of ozone. The transportation control measure being approved as a revision to the ozone state implementation plan is the conversion

of at least 40 vehicles from gasoline as a fuel to compressed natural gas.

[FR Doc. 97–16739 Filed 6–25–97; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[VA–066–5024 and VA–068–5024; FRL–5846–7]

Approval and Promulgation of Air Quality Implementation Plans; Designation of Areas; Virginia; Redesignation of Hampton Roads Ozone Nonattainment Area, Maintenance Plan and Mobile Emissions Budget

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a redesignation request and two state implementation plan (SIP) revisions submitted by the Commonwealth of Virginia. On August 27, 1996, the Commonwealth of Virginia submitted a request to redesignate the Hampton Roads marginal ozone nonattainment area to attainment and a maintenance plan, as a SIP revision. This request is based upon three years of complete, quality-assured ambient air monitoring data for the area which demonstrate that the National Ambient Air Quality Standard (NAAQS) for ozone has been attained. On August 29, 1996 Virginia submitted a second SIP revision establishing the mobile emissions budget (also known as a motor vehicle emissions budget) for the Hampton Roads ozone nonattainment area. The SIP revisions establish a maintenance plan for Hampton Roads, including contingency measures which provide for continued attainment of the ozone NAAQS until the year 2008; and adjust the motor vehicle emissions budget established in the maintenance plan for Hampton Roads to support the area's transportation plans in the horizon years 2015 and beyond. Under the Clean Air Act (the Act), nonattainment areas may be redesignated to attainment if sufficient data are available to warrant the redesignation and the area meets the Act's other redesignation requirements. The intended effect of this action is to approve the redesignation request, the maintenance plan, and the motor vehicle emissions budget for Hampton Roads. This action is being taken under sections 107 and 110 of the Act.

EFFECTIVE DATE: This final rule is effective on July 28, 1997.

ADDRESSES: 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, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Kristeen Gaffney, Ozone/Carbon Monoxide and Mobile Sources Section (3AT21), USEPA—Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, or by telephone at: (215) 566–2092. Questions may also be addressed via e-mail, at the following address: Gaffney.Kristeen@epamail.epa.gov

SUPPLEMENTARY INFORMATION:

I. Background

On March 12, 1997, EPA published a direct final rule [62 FR 11337] approving the Commonwealth of Virginia's request to redesignate the Hampton Roads marginal ozone nonattainment area from nonattainment to attainment and the 10 year maintenance plan and mobile emissions budget submitted by the Commonwealth for the Hampton Roads area as revisions to the Virginia SIP. As stated in the March 12, 1997 rulemaking document, EPA's action to approve the redesignation was based upon its review of the Commonwealth's submittal and its determination that all five criteria for redesignation in section 107 of the Act have been met by and for the Hampton Roads area. The ambient air quality data monitored in the Hampton Roads area indicated that it had attained the National Ambient Air Quality Standard (NAAQS) for ozone for the years 1993–1995. Review of the data monitored in 1996 has indicated continued attainment of the ambient standard. EPA also determined that the Commonwealth had a fully approved Part D SIP for the Hampton Roads area, was fully implementing that SIP, and that the air quality improvement in the Hampton Roads area was due to permanent and enforceable control measures. In the same rulemaking, EPA approved the maintenance plan submitted by the Commonwealth of Virginia as a SIP revision because it provides for maintenance of the ozone standard for 10 years and a mobile emissions budget for the Hampton Roads area.

In its March 12, 1997 rulemaking, EPA stated that if adverse comments were received on the direct final rule within 30 days of its publication, EPA would publish a document announcing the withdrawal of its direct final rulemaking action. Because EPA received adverse comments on the direct final rulemaking within the prescribed comment period from the Allies in Defense of Cherry Point and U.S. Senator Lauch Faircloth of North Carolina, EPA withdrew the March 12, 1997 final rulemaking action pertaining to the Hampton Roads nonattainment area. This withdrawal document appeared in the **Federal Register** on April 29, 1997 (62 FR 23139).

A companion proposed rulemaking was published in the Proposed Rules section of the March 12, 1997 **Federal Register** for the Hampton Roads redesignation (62 FR 11405). In the proposed notice, EPA also stated that if adverse comments were received on the direct final action within 30 days of its publication, it would withdraw the direct final rule. In their letter submitting adverse comments, the Allies in Defense of Cherry Point also indicated that they intended to submit additional adverse comments and requested that the comment period on the proposed rulemaking be extended. However, because the 30 day public comment period EPA provided on the proposed rule was due to close two days after receipt of their request, there was insufficient time for EPA to publish a document extending the comment period. In order, therefore, to provide additional time to the Allies in Defense of Cherry Point to review EPA's rulemaking decision and provide additional comment, EPA reopened the public comment period on the proposed rule for a period of two weeks. This notice was published on April 29, 1997 in the **Federal Register** at 62 FR 23196. The second public comment period closed on May 13, 1997.

II. Response to Comments

EPA received two letters of adverse comment and numerous letters of support for EPA's action to redesignate the Hampton Roads area. Letters of support for EPA's rulemaking decision were received from: all the local governments in the nonattainment area, the Hampton Roads Planning District Commission, the United States Navy, the Office of the Attorney General for the Commonwealth of Virginia; U.S. Senators John Warner and Charles Robb from Virginia and U.S. Congressman Owen Pickett from Virginia, among