a revised I/M program, to meet the 15 percent rate of progress requirements and include sufficient contingency measures to achieve a 3 percent reduction.

The EPA believes that approval of the control measures in these plans will strengthen the SIP. Therefore, the EPA is proposing limited approval of the control measures in the 15 Percent Plans and Contingency Plans. The EPA is not addressing whether these control measures, being approved as a strengthening of the SIP, meet any other underlying requirements of the Act such as the requirement for VOC RACT under 182(b)(2). The EPA will address these requirements in separate Federal Register notices.

Under section 179(a)(2), if the Administrator disapproves a submission under section 110(k) for an area designated nonattainment based on the submission's failure to meet one or more of the elements required by the Act, the Administrator must apply one of the sanctions set forth in section 179(b) unless the deficiency has been corrected within 18 months of such disapproval. Section 179(b) provides two sanctions available to the Administrator: highway funding and the imposition of emission offset requirements. The 18-month period referred to in section 179(a) will begin on the effective date established in the final limited disapproval action. If the deficiency is not corrected within 6 months of the imposition of the first sanction, the second sanction will apply. This sanctions process is set forth at 59 FR 39832 (Aug. 4, 1994), to be codified at 40 CFR 52.31. Moreover, the final disapproval triggers the federal implementation plan (FIP) requirement under section 110(c).

Also, 40 CFR 51.448(b) of the Federal transportation conformity rules (40 CFR 51.448(b)) state that if the EPA disapproves a submitted control strategy implementation plan revision which initiates the sanction process under CAA section 179, the conformity status of the transportation plan and transportation improvement plan shall lapse 120 days after the EPA's limited disapproval.

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

Regulatory Process

The Office of Management and Budget has exempted this action from review under Executive Order l2866.

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, the 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, I certify 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 regulatory 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 *US EPA*, 427 US 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

The EPA's proposed limited disapproval of the State request under section 110 and subchapter I, Part D of the CAA does not affect any existing requirements applicable to small entities. Any pre-existing Federal requirements remain in place after this proposed limited disapproval. Federal disapproval of the State submittal does not affect its State-enforceability. Moreover, the EPA's limited disapproval of the submittal does not impose any new Federal requirements. Therefore, the EPA certifies that this proposed limited disapproval action does not have a significant impact on a substantial number of small entities because it does not remove existing requirements, nor does it impose any new Federal requirements.

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, 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 these SIP revisions which have been proposed for limited approval in this action, the State and any affected local or tribal governments have elected to adopt the program provided for under section 175A of the CAA. The rules and commitments given limited approval 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 given limited approval 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 proposed 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, Hydrocarbons, Intergovernmental relations, Reporting and recordkeeping requirements, Ozone, Volatile organic compounds.

Dated: December 12, 1995.

A. Stanley Meiburg,

Acting Regional Administrator (6RA).

[FR Doc. 96–1543 Filed 1–26–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52 And 81

[OH79–2–7115; FRL–5406–5]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Denial of comment period extension on proposed rule.

SUMMARY: This action denies a request to extend the comment period on the proposed rule approving the Cleveland/Akron/Lorain (CAL) ozone nonattainment area redesignation to

attainment request and maintenance plan.

FOR FURTHER INFORMATION CONTACT: Mark J. Palermo, Regulation Development Section, Regulation Development Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Telephone: (312) 886–6082.

SUPPLEMENTARY INFORMATION: On June 15, 1995, the USEPA published a proposed rule (60 FR 31433) to approve a redesignation to attainment request and maintenance plan submitted by the State of Ohio for the CAL ozone nonattainment area, consisting of the Counties of Lorain, Cuyahoga, Lake, Ashtabula, Geauga, Medina, Summit, and Portage. The maintenance plan is designed to help the area meet the ozone air quality standard for the next ten years. The comment period closed on July 17, 1995. On July 19, 1995, the USEPA received a phone message requesting that the public comment period on the proposed rulemaking be extended until 30 to 60 days after Ohio releases the results of its 1994 air toxics monitoring study in order to have adequate time to review the 1994 air toxics monitoring data relating to the city of Cleveland before submitting comments in full. The Ohio study is an intermittent year round monitoring program occurring in certain Ohio cities, such as Cleveland, which samples ambient air concentrations of certain air toxics at monitoring locations in those cities for twenty-four hours every six days. In general, some air toxics compounds are also classified as volatile organic compounds (VOC), which contribute to ground-level ozone formation. The requestor wanted to use the air toxics monitoring data gathered in the city of Cleveland in 1994 relating to VOCs and compare it with VOC emission inventory data used by Ohio to justify the CAL area redesignation request. Results of the Ohio air toxics study has been published from the beginning of the program in 1989 to 1993, and at the time the extension request was made the 1994 study had been completed but not yet published.

To fulfill one of the Clean Air Act's criteria for redesignating ozone nonattainment areas under section 107(d)(3)(E), the State of Ohio included ozone precursor emissions inventory data to demonstrate that levels of VOCs in the CAL area decreased from 1990 to 1993 due to enforceable emissions reductions resulting from the implementation of two federal programs; lower fuel volatility and the Federal Motor Vehicle Control Program. During that period ozone air pollution levels also decreased in the CAL area as demonstrated by ozone ambient air monitoring data. This data demonstrated that the area met the ozone National Ambient Air Quality Standards (NAAQS) during 1992 through 1994. Preliminary ozone monitoring data for the 1995 ozone season demonstrate that the CAL area continues to maintain compliance with the ambient air quality standards for ozone.

There is no justification to reopen the comment period to allow time to review the 1994 Ohio air toxics study because the study was neither designed nor intended to collect data which could identify the aggregate ozone precursor emissions of VOC from every source in the CAL area for a typical summer day or determine whether these emissions have in fact risen or declined over time. The emission inventory data, submitted in the CAL area redesignation request, on the other hand, serves both these functions. As discussed in the June 15, 1995, Federal Register, the State's data supporting the CAL area redesignation request fully comports with requirements under the Clean Air Act and was appropriately compiled in accordance with USEPA guidance (*See* 60 FR at 31433). For the reasons discussed above, the request to extend the comment period on the proposed rulemaking has been denied.

Dated: December 15, 1995.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 96–1558 Filed 1–26–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 55

[FRL–5405–3]

Outer Continental Shelf Air Regulations Consistency Update for California

AGENCY: Environmental Protection Agency (''EPA'').

ACTION: Notice of proposed rulemaking; consistency update.

SUMMARY: EPA is proposing to update a portion of the Outer Continental Shelf (''OCS'') Air Regulations. Requirements applying to OCS sources located within 25 miles of states' seaward boundaries must be updated periodically to remain consistent with the requirements of the corresponding onshore area (''COA''), as mandated by section 328(a)(1) of the Clean Air Act (''the Act''), the Clean Air Act Amendments of 1990. The portion of the OCS air regulations that is being updated pertains to the requirements for OCS sources for which the Santa Barbara County Air Pollution Control District (Santa Barbara County APCD), South Coast Air Quality Management District (South Coast AQMD) and Ventura County Air Pollution Control District (Ventura County APCD) are the designated COAs. The OCS requirements for the above Districts, contained in the Technical Support Document, are proposed to be incorporated by reference into the Code of Federal Regulations and are listed in the appendix to the OCS air regulations. Proposed changes to the existing requirements are discussed in Supplementary Information.

DATES: Comments on the proposed update must be received on or before February 28, 1996.

ADDRESSES: Comments must be mailed (in duplicate if possible) to: EPA Air Docket (A–5), Attn: Docket No. A–93–16 Section IX, Environmental Protection Agency, Air and Toxics Division, Region 9, 75 Hawthorne St., San Francisco, CA 94105. Docket: Supporting information used in developing the proposed notice and copies of the documents EPA is proposing to incorporate by reference are contained in Docket No. A–93–16 (Section IX). This docket is available for public inspection and copying Monday—Friday during regular business hours at the following locations:

EPA Air Docket (A–5), Attn: Docket No. A–93–16 Section IX, Environmental Protection Agency, Air and Toxics Division, Region 9, 75 Hawthorne St., San Francisco, CA 94105.

EPA Air Docket (LE–131), Attn: Air Docket No. A–93–16 Section IX, Environmental Protection Agency, 401 M Street SW., Room M–1500, Washington, DC 20460.

A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Christine Vineyard, Air and Toxics Division (A–5–3), U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105, (415) 744–1197.

SUPPLEMENTARY INFORMATION:

Background

On September 4, 1992, EPA promulgated 40 CFR part 55 [1], which established requirements to control air

[1] The reader may refer to the Notice of Proposed Rulemaking, December 5, 1991 (FR 63774), and the preamble to the final rule promulgated September 4, 1992 (FR 40792) for further background and information on the OCS regulations.