

procedure by submitting written comments to the EPA Regional Office listed in the **ADDRESSES** section of this notice.

This revision is being proposed under a procedure called parallel processing, whereby EPA proposes rule-making action concurrently with the State's procedures for amending its regulations. If the proposed revision is substantially changed in areas other than those identified in this notice, EPA will evaluate those changes and may publish another notice of proposed rule-making. If no substantial changes are made other than those areas cited in this notice, ODEQ will publish a Final Rule-making Notice on the revisions. The final rule-making action by EPA will occur only after the SIP revision has been adopted by ODEQ and submitted formally to EPA for incorporation into the SIP.

#### Proposed Action

EPA is proposing to approve the revisions to the State of Oregon Implementation Plan submitted on February 3, 1997, that establish RACT requirements for PCC Structurals, Inc. EPA is proposing this rule-making action concurrently with the State's procedures for amending its regulations. EPA will take final action on this proposal after ODEQ submits its RACT determination to EPA for approval.

Nothing in this action 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 the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

### III. 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, EPA 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

The EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR Part 70. Because this action does not impose any new requirements, it does

not have a significant impact on a substantial number of small entities.

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, 1995, 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 the 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 for informing and advising any small governments that may be significantly or uniquely impacted on by the rule.

EPA has determined that the approval action proposed 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 requirements. Accordingly, no additional costs to State, local, or tribal

governments, or to the private sector, result from this action.

The Administrator's decision to approve the SIP revision will be based on whether it meets the requirements of section 110(a)(2) (A)-(K) and part D of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401-7671q.

Dated: February 27, 1997.

Charles E. Findley,

*Acting Regional Administrator.*

[FR Doc. 97-5873 Filed 3-6-97; 8:45 am]

BILLING CODE 6560-50-P

### 40 CFR Parts 52 and 81

[OR64-7279b, OR36-1-6298b, OR46-1-6802b; FRL-5696-9]

### Approval and Promulgation of State Implementation Plans and Designation of Areas for Air Quality Planning Purposes: Oregon

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

**ACTION:** Proposed rule.

**SUMMARY:** The EPA proposes to approve numerous amendments to the Oregon Department of Environmental Quality's (ODEQ's) rules for stationary sources, including new source review and prevention of significant deterioration rules, as revisions to the Oregon State Implementation Plan (SIP). These revisions were submitted by the Director of the ODEQ on May 20, 1988, January 20, 1989, September 14, 1989, October 13, 1989, November 15, 1991, August 26, 1992, November 16, 1992, May 28, 1993, November 15, 1993, December 14, 1993, November 14, 1994, June 1, 1995, September 27, 1995, October 8, 1996, and January 22, 1997, in accordance with the requirements of section 110, Part C and Part D, of the Clean Air Act. EPA is also proposing to remove the listings for total suspended particulates nonattainment areas in 40 CFR Part 81. In the Final Rules Section of this Federal Register, the EPA is approving the State's SIP revisions and removing the total suspended particulate nonattainment area listings as a direct final rule without prior proposal because the Agency views these as noncontroversial revisions and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in

response to this proposed rule, no further activity is contemplated in relation to this rule. If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action.

**DATES:** Comments on this proposed rule must be received in writing by April 7, 1997.

**ADDRESSES:** Written comments should be addressed to Montel Livingston, Environmental Protection Specialist, U.S. Environmental Protection Agency, Office of Air Quality (OAQ-107), 1200 Sixth Avenue, Seattle, Washington 98101

Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the following locations: EPA, Region 10, Office of Air Quality, 1200 Sixth Avenue, Seattle, Washington 98101, and Oregon Department of Environmental Quality, 811 S.W. Sixth Avenue, Portland, Oregon 97204. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

**FOR FURTHER INFORMATION CONTACT:** David C. Bray, Office of Air Quality (OAQ-107), EPA, Region 10, Seattle, Washington 98101, (206) 553-4253.

**SUPPLEMENTARY INFORMATION:** See the information provided in the Direct Final action which is located in the Rules Section of this Federal Register.

Dated: February 19, 1997.

Jane S. Moore,

*Acting Regional Administrator.*

[FR Doc. 97-5641 Filed 3-6-97; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Parts 52 and 81

[WA63-7138; WA58-7133; OR57-7272; FRL-5700-2]

#### Approval and Promulgation of Implementation Plans and Redesignation of Areas for Air Quality Planning Purposes; States of Washington and Oregon

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) invites public comment on its proposed approval of revisions to the Washington and Oregon State Implementation Plans (SIPs), and EPA's

proposed redesignation to attainment of the Portland/Vancouver (Pdx/Van) interstate ozone (O<sub>3</sub>) nonattainment area. Under the Clean Air Act (CAA) as amended in 1990, designations can be revised if sufficient data are available to warrant such revisions. EPA is proposing to approve the Washington and Oregon maintenance plans and other redesignation submittals because they meet the maintenance plan and redesignation requirements and will ensure that the area remains in attainment. The approved maintenance plans will become a federally enforceable part of the Oregon and Washington SIPs. In this action, EPA is also proposing to approve the Washington and Oregon 1990 baseline emission inventories for this area, revisions to the approved Inspection and Maintenance (I/M) SIPs of both States, and a number of revisions to both SIPs.

**DATES:** Comments must be postmarked on or before April 7, 1997.

**ADDRESSES:** Written comments should be addressed to: Montel Livingston, SIP Manager, EPA, Office of Air Quality (OAQ-107), 1200 Sixth Avenue, Seattle, Washington 98101.

Copies of the States' requests and other information supporting this proposed action are available for inspection during normal business hours at the following locations: EPA, Office of Air Quality (OAQ-107), 1200 Sixth Avenue, Seattle, Washington 98101, and at the States' offices: Washington State Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, and Oregon State Department of Environmental Quality, 811 SW Sixth Avenue, Portland, OR 97204-1390.

**FOR FURTHER INFORMATION CONTACT:** Sue Ennes, Office of Air Quality (OAQ-107), EPA, Seattle, Washington, (206) 553-6249.

#### SUPPLEMENTARY INFORMATION

EPA's discussion of the proposed approval is in the following order:

- I. Background
- II. Evaluation Criteria
- III. Review of State Submittal
  - A. Attainment of the O<sub>3</sub> National Ambient Air Quality Standards (NAAQS)
  - B. The Area Has Met All Applicable Requirements Under Section 110 and Part D of the CAA
    1. New Source Review (NSR)
    2. Conformity
    3. Emissions Inventory
    4. Reasonably Available Control Technologies (RACT) Requirements
    5. Emission Statement
    6. Vehicle Inspection and Maintenance (I/M) Program

C. Section 107 (d)(3)(E)(iii), Permanent and Enforceable Emission Reductions

D. Section 107 (d)(3)(E)(iv), Fully Approved Maintenance Plan

1. Attainment Emission Inventory
2. Maintenance Demonstration
3. Verification of Continued Attainment
4. Contingency Plan
5. Subsequent Maintenance Plan Revisions

#### IV. Supporting Rules

A. NSR Changes For Maintenance Plan

1. SWAPCA 400 "General Regulations for Air Pollution Sources"
2. OAR Chapter 340 Division 28 "Stationary Source Air Pollution Control and Permitting Procedures"

B. SWAPCA 490 "Emission Standards and Controls for Sources Emitting Volatile Organic Compounds"

C. SWAPCA 491 "Emission Standards and Controls for Sources Emitting Gasoline Vapors"

D. SWAPCA 493 "VOC Area Source Rules"

E. Inspection and Maintenance (I/M)

1. Oregon I/M Submittal
12. Washington I/M Submittal
- F. Oregon Miscellaneous O<sub>3</sub> Supporting Rules

1. Background

2. Discussion

#### V. Proposed Action

#### VI. Interim Implementation Policy (IIP) Impact

#### VII. Administrative Review

- A. Executive Order 12866
- B. Regulatory Flexibility Act
- C. Unfunded Mandates

#### I. Background

The Oregon Department of Environmental Quality (ODEQ) and the Washington Department of Ecology (WDOE) submitted maintenance plans and requested redesignation of the Pdx/Van interstate nonattainment area from nonattainment to attainment for O<sub>3</sub>. The SIP revision requests were submitted by the WDOE on June 13, 1996, and by ODEQ on August 30, 1996. No tribal lands are within the maintenance plan area nor have any tribal lands been identified as being affected by the maintenance plans.

The Pdx/Van air quality maintenance area (AQMA) was designated an interstate O<sub>3</sub> nonattainment area in 1978 under the 1977 CAA. On November 15, 1990, the CAA Amendments of 1990 were enacted. (Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q). Under section 181(a)(1) of the 1990 CAA, the area was further classified as a "marginal" O<sub>3</sub> nonattainment area, and an attainment deadline of November 15, 1993, was established. This interstate nonattainment area consists of the southern portion of Clark County, Washington, and portions of Multnomah, Clackamas, and Washington Counties in Oregon.

The AQMA has ambient monitoring data that show no violations of the O<sub>3</sub>