

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. S-012-B]

Review of the Control of Hazardous Energy Sources (Lockout/Tagout) Standard

AGENCY: Occupational Safety and Health Administration, U.S. Department of Labor.

ACTION: Extension of time for filing public comments.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is conducting a review of the Control of Hazardous Energy Sources (Lockout/Tagout) standard in order to determine, consistent with Executive Order 12866 on Regulatory Planning and Review and section 610 of the Regulatory Flexibility Act, whether this standard should be maintained without change, rescinded, or modified in order to make it more effective or less burdensome, consistent with the objectives of the Occupational Safety and Health Act. The review will consider the application of Executive Order 12866 and the directive of the Regulatory Flexibility Act to achieve statutory goals with as little economic impact as possible on small employers.

OSHA published a **Federal Register** notice on May 29, 1997 requesting public comments concerning OSHA's review of the Lockout/Tagout standard (29 CFR 1910.147) and announcing a public meeting on June 30, 1997 (62 FR 29089, May 29, 1997). In the **Federal Register** notice announcing the public meeting, OSHA stated that it would accept written comments through August 1, 1997. In response to requests from persons commenting at the public meeting held on June 30, 1997, OSHA has granted a one week extension of the time period to file written comments.

DATES: Written comments will be accepted through August 8, 1997.

ADDRESSES: Written comments should be sent to the Docket Officer, Docket S-012-B, OSHA Docket Office, Room N2625, 200 Constitution Avenue, NW., Washington, DC 20210, Telephone (202) 219-7894.

FOR FURTHER INFORMATION CONTACT: Nancy Dorris, Office of Regulatory Analysis, Directorate of Policy, Occupational Safety and Health Administration, Room N3627, 200 Constitution Avenue, NW., Washington, DC 20210, Telephone (202) 219-4690, extension 134, Fax (202) 219-4383.

Authority: This document was prepared under the direction of Gregory R. Watchman, Acting Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, D.C., this 25th day of July, 1997.

Gregory R. Watchman,
Acting Assistant Secretary.

[FR Doc. 97-20107 Filed 7-30-97; 8:45 am]

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H-200-C]

Review of the Ethylene Oxide Standard

AGENCY: Occupational Safety and Health Administration, U.S. Department of Labor.

ACTION: Extension of time for filing public comments.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is conducting a review of the Ethylene Oxide standard in order to determine, consistent with Executive Order 12866 on Regulatory Planning and Review and section 610 of the Regulatory Flexibility Act, whether this standard should be maintained without change, rescinded, or modified in order to make it more effective or less burdensome in achieving its objectives, to bring it into better alignment with the objectives of Executive Order 12866, or to make it more consistent with the objectives of the Regulatory Flexibility Act to achieve regulatory goals while imposing as few burdens as possible on small employers.

OSHA published a **Federal Register** notice on May 27, 1997 requesting public comments concerning OSHA's review of the Ethylene Oxide standard (29 CFR 1910.1047) and announcing a public meeting on June 30, 1997 (62 FR 28649, May 27, 1997). In the **Federal Register** notice announcing the public meeting, OSHA stated that it would accept written comments through August 1, 1997. In response to requests from persons commenting at the public meeting held on June 30, 1997, OSHA has granted a one week extension of the time period to file written comments.

DATES: Written comments will be accepted through August 8, 1997.

ADDRESSES: Written comments should be sent to the Docket Officer, Docket H-200-C, OSHA Docket Office, Room N2625, 200 Constitution Avenue, NW.,

Washington, DC 20210, Telephone (202) 219-7894.

FOR FURTHER INFORMATION CONTACT:

Nancy Dorris, Office of Regulatory Analysis, Directorate of Policy, Occupational Safety and Health Administration, Room N3627, 200 Constitution Avenue, NW., Washington, DC 20210, Telephone (202) 219-4690, extension 134, Fax (202) 219-4383.

Authority: This document was prepared under the direction of Gregory R. Watchman, Acting Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, D.C., this 25th day of July, 1997.

Gregory R. Watchman,
Acting Assistant Secretary.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[LA-33-1-7343; FRL-5866-7]

Approval and Promulgation of Air Quality State Implementation Plans (SIP); Louisiana: Enhanced Motor Vehicle Inspection and Maintenance (I/M) Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of proposed conditional approval, and proposed disapproval.

SUMMARY: The EPA previously published a **Federal Register** (FR) notice proposing conditional approval of the Louisiana I/M SIP. The notice was published on June 9, 1997 (62 FR 31388). The approval was conditioned on the State obtaining reauthorization and continuous operating authority for the I/M program, and program start-up on January 1, 1999. The State failed to obtain the necessary legislation during the 1997 regular Legislative Session. Consequently, EPA believes that conditional approval is no longer appropriate. Therefore, EPA is withdrawing its proposed conditional approval. At the same time, EPA is proposing disapproval of the revision to the I/M SIP submitted by the State of Louisiana on August 18, 1995 and May 30, 1996. This action is taken under section 110 of the Clean Air Act (the Act) as amended in 1990. The EPA is proposing a disapproval because the State has not obtained the legislative authority needed for reauthorization

and continuous implementation of the program. The EPA cannot approve a SIP, under the Clean Air Act, which lacks continuing legislative authority.

DATES: This withdrawal is made on July 31, 1997. Comments on the proposed disapproval must be received on or before September 2, 1997.

ADDRESSES: Written comments on the proposed action should be addressed to Mr. Thomas H. Diggs, Chief, Air Planning Section, at the EPA Regional Office listed below. 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.

Louisiana Department of Environmental
Quality, Air Quality Compliance
Division, 7290 Bluebonnet, 2nd Floor,
Baton Rouge, Louisiana.

Louisiana Department of Environmental
Quality Capital Regional Office, 11720
Airline Highway, Baton Rouge,
Louisiana.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra G. Rennie, Air Planning Section (6PD-L), EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-7367.

SUPPLEMENTARY INFORMATION:

I. Background

On August 18, 1995, and in a later submittal, the State of Louisiana submitted plans for an I/M program in response to the requirements of the Act and to Federal I/M rules promulgated on November 5, 1992 (40 CFR 51.350, *et seq.*). Serious ozone nonattainment areas are required by the Act to implement enhanced vehicle I/M programs. The Louisiana plan would put a vehicle I/M program in place in the six parish Baton Rouge ozone nonattainment area starting January 1999. The plan was not submitted under the National Highway System Designation Act, which amended the Clean Air Act I/M requirement in certain respects. An I/M program is not needed to provide the reductions necessary to support a demonstration of the Baton Rouge 15% Rate-of-Progress Plan or the Post-1996 Rate of Progress/Attainment Demonstration Plan. A proposed conditional approval of this plan was published in the **Federal Register** on June 9, 1997 (62 FR 31388). The plan was proposed for approval

with the conditions that the program start in January 1999, and that the State obtain legislative authority for continuous program operation. The State statute had required program reauthorization in 1997 and in odd-numbered years thereafter.

II. Analysis of Legislative Authority

Under 40 CFR 51.372(a)(6) of the Federal I/M rule, the SIP submittal must include legal authority for the I/M program until such time as it is no longer necessary. Legal authority in the revised Louisiana SIP is limited to reauthorization by the State Legislature in odd-numbered years starting in 1997. The EPA considered this a major deficiency in the SIP, and made correcting this deficiency one condition toward full approval of the SIP. The Clean Air Act section 110(a)(2)(E) requires that all SIPs, to be approvable, must include adequate authority under State law to implement the plan.

The State Legislature held a regular session from April 1, 1997, through June 23, 1997. Neither of the two bills relating to I/M were enacted. The Legislature recessed without providing the necessary legal authority for program reauthorization or continuous program operation, and will not meet in regular session until the spring of 1999. A fee bill to fund program development also was not acted upon. Consequently, the State will not have legal authority to implement the I/M program after 1997.

III. Rulemaking Action

The EPA is withdrawing the proposed conditional approval appearing at 62 FR 31388, June 9, 1997, since Louisiana failed to enact continuing legislative authority during the 1997 session. Louisiana could not comply with the proposed condition in the notice.

The EPA also proposes to disapprove the Louisiana I/M SIP under sections 110(k) and 182 of the Act since the State did not obtain reauthorization and continuous legislative authority for I/M program operation. A disapproval is being proposed because the State's I/M SIP does not meet all the requirements of the Act and the federal I/M rules.

Today's rulemaking action withdraws the previous proposed conditional approval, and proposes to disapprove the State's I/M SIP until such time as the State corrects the major deficiency relating to legislative authority.

Under section 179(a)(2), if the EPA Administrator takes final disapproval action on 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) of the Act (unless the deficiency has been corrected within 18 months of such disapproval). Section 179(b) provides two sanctions available to the Administrator: revocation of 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 disapproval action. If the deficiency is not corrected within six months of the imposition of the first sanction, the second sanction will also apply. This sanctions process is set forth in 40 CFR 52.31. Today's action serves only to propose disapproval of the State's revision, and does not constitute final agency action. Thus, the sanctions process described above does not commence with today's action.

Also, 40 CFR 51.448(b) of the federal transportation conformity rules currently state that if the EPA disapproves a submitted control strategy implementation plan revision which initiates the sanction process under section 179 of the Act, the conformity status of the transportation plan and transportation improvement program shall lapse 120 days after the EPA's final disapproval without a protective finding, and no new project-level conformity determinations may be made. Furthermore, no new transportation plan, Transportation Improvement Program, or projects may be found to conform, until another control strategy implementation plan revision fulfilling the same Clean Air Act requirements is submitted, found complete, and conformity to this submission is determined.

The timeframe for the conformity lapse, which, as discussed above, is 120 days after the effective date of EPA's final disapproval action, could be changed by a revision to EPA's conformity rule. On July 9, 1996, EPA published (61 FR 36112) a proposed rule which would modify the Transportation Conformity rule. A key provision contained in the proposal was a change in the penalty that occurs 120 days after a final disapproval action. Instead of a lapse, a less punitive conformity freeze was proposed to occur in 120 days. In EPA's proposed conformity rule revision, the more restrictive lapse would be imposed 2 years after a final disapproval action. Therefore, if the conformity rule is finalized as proposed, the conformity lapse will take place 2 years from the effective date of the final disapproval action, and a freeze would be imposed in the period between 120 days and 2 years following the effective date of this

action. Louisiana will ultimately be subject to the provisions contained in EPA's final conformity rule.

Nothing in today's 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.

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

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from Executive Order 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. See 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.

The EPA's proposed disapproval of the State request under section 110 and subchapter I, part D of the Act does not affect any existing requirements applicable to small entities. Any preexisting Federal requirements remain in place after this disapproval. Federal disapproval of the state submittal does not affect its state-enforceability. Moreover, EPA's disapproval of the submittal does not impose any new Federal requirements. Therefore, EPA certifies that this disapproval action does not have a significant impact on a substantial number of small entities because it does not remove existing requirements and does not impose any new Federal requirements.

C. Small Business Regulatory Enforcement Fairness Act

Under section 801(a)(1)(A) of the Administrative Procedures Act (APA) as amended 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. 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 section 804(2) of the APA as amended.

D. Unfunded Mandates Act

Under section 202 of the Unfunded Mandate Reform Act of 1995, 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 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 by the rule. This Federal action imposes no new requirements.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Nitrogen dioxide, Ozone.

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

Dated: July 21, 1997.

Lynda F. Carroll,

Acting Regional Administrator.

[FR Doc. 97-20179 Filed 7-30-97; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 173-0044b; FRL-5867-4]

Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision, Sacramento Metropolitan Air Quality Management District and Santa Barbara County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to act on revisions to the California State Implementation Plan (SIP) consisting of two volatile organic compound (VOC) negative declarations from the Sacramento Metropolitan Air Quality Management District for Plastic Parts Coating: Business Machines and Plastic

Parts Coating: Other and six negative declarations from the Santa Barbara County Air Pollution Control District for the following VOC source categories: Industrial Wastewater, Plastic Parts Coating: Business Machines, Plastic Parts Coating: Other, Industrial Cleaning Solvents, Offset Lithography, and Shipbuilding Coatings. The intended effect of proposing to include these negative declarations in the SIP is to meet the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In the Final Rules Section of this **Federal Register**, the EPA is acting on the state's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A rationale for this action 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 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 document. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed rule must be received in writing by September 2, 1997.

ADDRESSES: Written comments on this action should be addressed to: Julie A. Rose, Rulemaking Office (AIR-4), Air Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Copies of the negative declarations are available for public inspection at EPA's Region 9 office and at the following locations during normal business hours.

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

Air Docket (6102), U.S. Environmental Protection Agency, 401 "M" Street, S.W., Washington, D.C. 20460
California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95812

Sacramento Metropolitan Air Quality Management District, 8411 Jackson Road, Sacramento, CA 95826

Santa Barbara County Air Pollution Control District, Agency, 26 Castilian Drive, B-23, Goleta, CA 93117.

FOR FURTHER INFORMATION CONTACT: Julie A. Rose, Rulemaking Office (AIR-4), Air Division, U.S. Environmental Protection