the inventory; and assessing, where possible, the significance of the calculated quantities to assure accuracy and justifiable precision.

EPA has concluded that the baseyear emission inventories in the MAG *CO Plan* and *Addendum* conform to EPA's guidance and the CAA requirements for CO inventories and are therefore proposed for approval.

B. Projected Emissions Inventory

The *CO Plan* contained a 1995 attainment year projected emission inventory. See *Addendum*, Exhibit 3. This inventory was prepared by MAG using the methodologies in EPA's guidance.[4] The *Addendum* modified the projected inventory in several respects. First, in response to comments received during the public hearing on the Plan, MCAPC revised the growth factors used to project 1990 emissions to 1995. Secondly, in November 1993, the Arizona legislature passed H.B. 2001 which included additional commitments for measures designed to bring the region into attainment for CO. A few minor additional adjustments to modeling inventories were also made and the effects of the existing oxygenated fuels program on non-road emissions was included. Overall, these changes resulted in slight decreases (1–4 percent) in projected CO emissions for future years.

EPA has concluded from its review of the 1995 projected year emission inventory in the MAG *CO Plan* and *Addendum* that it conformed EPA's guidance for CO projected inventories.

III. Summary of EPA Actions

Because EPA has concluded that it conforms to EPA guidance for base year emission inventories, EPA is proposing to approve, pursuant to sections 172(c)(3) and 187(a)(1) of CAA, the 1990 CO base year inventory for the Maricopa CO nonattainment area. EPA is also finding that the 1995 projected year inventory conforms to EPA guidance.

Nothing in this proposed action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for a 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.

[4] While the *CO Plan* and *Addendum* include a year 2005 CO projected emission inventory, EPA did not review that inventory. Neither the Clean Air Act nor EPA guidance requires states to demonstrate maintenance after the applicable attainment date until an area requests redesignation to attainment under section 175A(a).

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 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 business, small not-for-profit enterprises and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under subchapter I, part D of the Clean Air Act, do not create any new requirements, but simply approve requirements that a state is already imposing. The action proposed today is simply the approval of technical information required to be developed under the CAA and imposes no state or federal requirements on any entity. Therefore, 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.E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 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 that 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 this rule.

EPA has determined that the approval action proposed does not include a federal mandate that may result in estimate 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, imposes no new federal requirements. Accordingly, no additional costs to State, local or tribal governments, or to the private sector, results from this action. Accordingly, no costs to State, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations.

Authority: 42 U.S.C. 7401–7671q.

Dated: September 9, 1996.

Felicia Marcus,

Regional Administrator.

[FR Doc. 96–23822 Filed 9–17–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Parts 52

[FL–60–1–6929b; FRL–5609–4]

Approval and Promulgation of Lead State Implementation Plan for the State of Florida

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve the state implementation plan (SIP) revision submitted by the State of Florida on August 18, 1994, through the Florida Department of Environmental Protection. The revision includes amendments to the rules in the Florida Administrative Code, Chapters 17–275, Air Quality Areas, and 17–296, Stationary Sources—Emission Standards. These revisions provide for the control of lead emissions from facilities in the State of Florida, and will replace the Federal Implementation Plan requirements codified in 40 CFR 52.535.

In the final rules section of this Federal Register, the EPA is approving the State of Florida'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

detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed 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 document should do so at this time.

DATES: To be considered, comments must be received by October 18, 1996.

ADDRESSES: Written comments on this action should be addressed to Kimberly Bingham, at the EPA Regional Office listed below. Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460

Environmental Protection Agency, Region IV, Air Programs Branch, 100 Alabama Street, SW, Atlanta, GA 30303–3104

Florida Department of Environmental Protection, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399–2400

FOR FURTHER INFORMATION CONTACT: Kimberly Bingham of the EPA Region 4, Air Programs Branch at (404) 347–3555 extension 4195 and at the above address.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the rules section of this Federal Register.

Dated: August 15, 1996.

R.F. McGhee,

Acting Regional Administrator.

[FR Doc. 96–23821 Filed 9–17–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Parts 61, 63 and 70

[AD–FRL–5612–1]

Clean Air Act Proposed Interim Approval, Operating Permits Program; State of Alaska and Clean Air Act Proposed Approval in Part and Proposed Disapproval in Part, Section 112(l) Program Submittal; State of Alaska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed interim approval, and proposed approval in part and proposed disapproval in part.

SUMMARY: EPA proposes interim approval of the operating permits program submitted by the Alaska Department of Environmental Conservation for the purpose of complying with Federal requirements for an approvable State program to issue operating permits to all major stationary sources, and to certain other sources.

EPA also proposes approval in part and disapproval in part of the program submitted by the Alaska Department of Environmental Conservation for the purpose of implementing and enforcing the hazardous air pollutant requirements under section 112 of the Act.

DATES: Comments on this proposed action must be received in writing by October 18, 1996.

ADDRESSES: Comments should be addressed to David C. Bray, Office of Air Quality, OAQ–107, U.S. Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101. Copies of the State's submittal and other supporting information used in developing this action are available for inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 10, Office of Air Quality, 1200 Sixth Avenue, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: David C. Bray, Office of Air Quality, OAQ–107, U.S. Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101; telephone (206) 553–4253.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

A. Title V Background

As required under title V of the 1990 Clean Air Act Amendments (sections 501–507 of the Clean Air Act (''the Act'')), EPA has promulgated rules which define the minimum elements of an approvable State operating permits program and the corresponding standards and procedures by which EPA will approve, oversee, and withdraw approval of State operating permits programs (see 57 FR 32250 (July 21, 1992)). These rules are codified at 40 Code of Federal Regulations (CFR) part 70. Title V requires States to develop, and submit to EPA, programs for issuing these operating permits to all major stationary sources and to certain other sources.

The Act requires that States develop and submit these programs to EPA by November 15, 1993, and that EPA act to approve or disapprove each program within one year after receiving the submittal. EPA's program review occurs pursuant to section 502 of the Act and the part 70 regulations, which together outline criteria for approval or disapproval. Where a program substantially, but not fully, meets the requirements of part 70, EPA may grant the program interim approval for a period of up to two years. If EPA has not fully approved a program by two years after the November 15, 1993 date, or by the end of an interim program, it must establish and implement a Federal program.

EPA must apply sanctions to a State 18 months after EPA disapproves the program. In addition, discretionary sanctions may be applied any time during the 18-month period following the date required for program submittal or program revision. If the State has no approved program two years after the date required for submission of the program, EPA will impose additional sanctions, where applicable, and EPA must promulgate, administer, and enforce a Federal permits program for the State. EPA has the authority to collect reasonable fees from the permittees to cover the costs of administering the program.

B. Section 112 Background

Section 112(l) of the Act established new, more stringent requirements for a State or local agency that wishes to implement and enforce a hazardous air pollutant program pursuant to section 112 of the Act. Prior to November 15, 1990, delegation of NESHAP regulations to the State and local agencies could occur without formal rulemaking by EPA. However, the new section 112(l) of the Act requires EPA to approve State and local hazardous air pollutant rules and programs under section 112 through formal notice and comment rulemaking. Now State and local air agencies that wish to implement and enforce a Federally-approved hazardous air pollutant program must make a showing to EPA that they have adequate authorities and resources. Approval is