chapter to terminate the attorney's or agent's right to practice before the Department of Veterans Affairs and the Board of Veterans' Appeals.

[FR Doc. 97–32107 Filed 12–8–97; 8:45 am]
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AZ059–0005; FRL–5933–4]

Approval and Promulgation of Implementation Plans; Arizona State Implementation Plan Revision, Maricopa County Environmental Services Department

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve Maricopa County's Ordinance P–7, Maricopa County Trip Reduction Ordinance, as a revision to the Arizona State Implementation Plan (SIP). EPA's final approval of this proposed rule will incorporate it into the federally approved SIP. EPA has evaluated the rule and is proposing to approve it under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

DATES: Comments must be received on or before January 8, 1998.

ADDRESSES: Comments may be mailed to: Frances Wicher, Office of Air Planning, (AIR–2), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the ordinance and EPA's evaluation of the ordinance is available for public inspection at EPA's Region 9 office during normal business hours.

FOR FURTHER INFORMATION CONTACT: Frances Wicher, Office Of Air Planning (AIR–2), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, (415) 744–1248.

SUPPLEMENTARY INFORMATION:

I. Background

Maricopa County is designated nonattainment and classified as a serious area for ozone, carbon monoxide (CO), and particulate matter. See 62 FR 60001 (November 6, 1997), 61 FR 39343 (July 29, 1996) and 60 FR 30046 (June 7, 1995). Emissions from motor vehicles contribute substantially to exceedances of the national ambient air quality standards for all three pollutants in the Maricopa area. Over the years the State has adopted a comprehensive motor vehicle emission control program including a number of transportation control measures to address this problem.

In 1988, the Arizona legislature adopted a trip reduction program for Maricopa County (see 1988 Session, Arizona House Bill (H.B.) 2206, section 23, codified at Arizona Revised Statutes (A.R.S.) Title 49, Chapter 3, Article 8) and directed Maricopa County to implement the program.

The State submitted this program in its 1988 Carbon Monoxide Plan for the Maricopa County nonattainment area and EPA approved the program as part of its approval of that plan. 53 FR 30224 (August 10, 1988) and 40 CFR 52.120(c)(65)(i)(A)(*l*). In 1990, EPA's approval of the 1988 CO plan was vacated by the Ninth Circuit Court of Appeals in *Delaney* v. *EPA*, 898 F. 2d 687 (1990). EPA subsequently restored its approval of the control measures in that plan, including the trip reduction program. 56 FR 3219 (January 29, 1991).

Since 1988, the legislature has revised the trip reduction program several times to tighten the trip reduction goals, decrease the threshold size of employers subject to the program from 100 to 50 employees, extend the program to schools, and to otherwise revise the program. In addition, the legislature directed Maricopa County to ''make and enforce'' an ordinance consistent with A.R.S. 49–588 (Requirements for major employers). A.R.S. 49–474.01(B) (1993 6th Special Session, H.B. 2001, section 24). On May 26, 1994, in compliance with the statute, the County subsequently adopted Maricopa County Environmental Services Department (MCESD), Ordinance No. P–7 Maricopa County Trip Reduction Ordinance.

II. Maricopa County Trip Reduction Ordinance

MCESD Ordinance No. P–7 was submitted as a SIP revision by the Arizona Department of Environmental Quality to EPA on August 31, 1995. The submittal became complete by operation of law under CAA section 110(k)(1)(B) on February 29, 1996.

The ordinance requires employers with 50 or more employees or schools with 50 or more employees or students to, among other things, conduct and submit annually an employee/student commute survey (section 7(A)); disseminate information on alternative modes and other trip reduction measures (section 7(E)); develop and submit a trip reduction plan designed to meet target reductions in single-occupant-vehicle (SOV) trips and vehicle miles traveled (VMT) (section 7(C)); and implement the trip reduction plan (section 7 (B) and (D)).

Failure to meet trip reduction goals does not constitute a violation of the ordinance if the employer or school is attempting in good faith to meet the goals (section 13(C)(2)); however, failure to comply with other specific requirements of the ordinance, such as the failure to submit or to implement an approved trip reduction plan, do constitute violations of the ordinance and are subject to penalties as provided in A.R.S. 49–593(D).

The Maricopa County Trip Reduction Program is staffed by the Maricopa County Trip Reduction Program Staff under MCESD. The 1996 annual report on the program states that in 1996, 2,501 employment sites were processed, more than 570,000 employees and students were surveyed, and more than 1,500 trip reduction plans were reviewed. The report demonstrates that the program has been effective in reducing both SOV trips and VMT in the Maricopa area. See Annual Report 1996, Maricopa County Trip Reduction Program, MCESD.

III. Clean Air Act Requirements

In determining the approvability of a rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans).

There are currently no Clean Air Act requirements mandating trip reduction programs (also known as employer commute options or ECO programs). The CAA Amendments of 1990 required severe and above ozone nonattainment areas and serious CO nonattainment areas to adopt ECO programs (see sections 182(d)(1)(B) and 187(b)(2), respectively, of the Clean Air Act as amended on November 15, 1990). However, prior to the July 1996 reclassification of the Maricopa area from a moderate to a serious CO nonattainment area, Congress passed legislation amending section 182(d)(1)(B) to make the adoption and implementation of ECO programs voluntary (Public Law 104–70, § 1, 109 Stat. 773, signed into law on December 23, 1995). Therefore, to be approvable, the ordinance need only meet the general SIP provisions of CAA section 110(a) (1) and (l) and EPA's regulations and policies implementing these provisions.

IV. EPA Evaluation

EPA has evaluated the submitted ordinance and has determined that it is consistent with the CAA, EPA regulations, and EPA policy. Specifically, the ordinance is enforceable and there is evidence of sufficient personnel, funding, and authority under State law for Maricopa County to carry out the program. Finally, this ordinance is more stringent than the existing SIP-approved trip reduction program in both applicability (50 employee threshold versus 100 employee threshold in the SIP-approved rule) and in the overall trip and VMT reduction goals. As a result, this ordinance, if approved into the SIP, will strenghten the SIP and not interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirement of the CAA. CAA section 110(l). Therefore, EPA is proposing to approve MCESD's Ordinance P–7, Maricopa County Trip Reduction Ordinance (May 26, 1994) under section 110(k)(3) of the CAA as meeting the requirements of section 110 (a) and (l).

Nothing in this 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.

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

SIP approvals under section 110 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 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.

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 Federal requirements. Accordingly, no additional 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, Hydrocarbons, Intergovernmental relations, Ozone, Carbon monoxide, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compound.

Authority: 42 U.S.C. 7401–7671q.

Dated: December 1, 1997.

Felicia Marcus,

Regional Administrator.

[FR Doc. 97–32185 Filed 12–8–97; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[OPPTS–50629; FRL–5752–9]

RIN 2070–AB27

Proposed Revocation of Significant New Use Rules for Certain Chemical Substances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to revoke significant new use rules (SNURs) for 12 substances promulgated under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for certain chemical substances based on new data. Based on the new data the Agency no longer finds that activities not described in the corresponding TSCA section 5(e) consent order or the premanufacture notice (PMN) for these chemical substances may result in significant changes in human or environmental exposure.

DATES: Written comments must be received by EPA by January 8, 1998.

ADDRESSES: Each comment must bear the docket control number OPPTS–50629 and the name(s) of the chemical substance(s) subject to the comment. All comments should be sent in triplicate to: OPPT Document Control Officer (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Room G–099, East Tower, Washington, DC 20460.

Comments and data may also be submitted electronically to: oppt.ncic@epamail.epa.gov. Follow the instructions under Unit III. of this document. No Confidential Business Information (CBI) should be submitted through e-mail.

All comments which contain information claimed as CBI must be clearly marked as such. Three sanitized copies of any comments containing information claimed as CBI must also be submitted and will be placed in the public record for this rulemaking. Persons submitting information on any portion of which they believe is entitled to treatment as CBI by EPA must assert a business confidentiality claim in accordance with 40 CFR 2.203(b) for each portion. This claim must be made