

format to be codified in 40 CFR part 9 of the Agency's regulations, and in each CFR volume containing EPA regulations. The table lists the section numbers with reporting and recordkeeping requirements, and the current OMB control numbers. The notice in the **Federal Register** of the OMB control numbers and their subsequent codification in the CFR satisfy the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and OMB's implementing regulations at 5 CFR part 1320.

These ICRs were previously subject to public notice and comment prior to OMB approval. As a result, EPA finds that there is "good cause" under section 553(b)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(B)) to amend this table without prior notice and comment. Due to the technical nature of the table, further notice and comment would be unnecessary.

Under Executive Order 12866, this action is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose annual costs of \$100 million or more, will not significantly or uniquely affect small governments, and is not a significant federal intergovernmental mandate. The Agency thus has no obligations under sections 202, 203, 204 and 205 of the Unfunded Mandates Reform Act. Moreover, since this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to sections 603 or 604 of the Regulatory Flexibility Act.

Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added 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. Senate, 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 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements, Regulation of fuels and fuel additives.

Dated: December 22, 1997.

Sylvia K. Lowrance,

*Principal Deputy Assistant Administrator,
Office of Enforcement and Compliance Assurance.*

For the reasons set out in the preamble, 40 CFR part 9 is amended as follows:

PART 9—[AMENDED]

1. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C. 135 *et seq.*, 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.*, 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

2. Section 9.1 is amended by adding in numerical order the new entries to the table under the indicated heading to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

40 CFR citation	OMB control No.
* * * * *	
Regulation of Fuels and Fuel Additives	
* * * * *	
80.40	2060–0277
80.46	2060–0277
80.65	2060–0277
80.68–80.69	2060–0277
80.74–80.77	2060–0277
80.79	2060–0277
80.83	2060–0277
80.91–80.93	2060–0277
80.101–80.106	2060–0277
80.125	2060–0277
80.127–80.130	2060–0277
* * * * *	

[FR Doc. 98–434 Filed 1–7–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OH111–1a; FRL–5947–8]

Approval and Promulgation of Maintenance Plan Revision; Ohio

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The United States Environmental Protection Agency (USEPA) is approving through "direct final" procedure, an October 20, 1997, request from Ohio, for a State Implementation Plan (SIP) maintenance plan revision for the Jefferson County ozone maintenance area. The maintenance plan revision is allocating to the mobile source emission budget for transportation conformity purposes a portion of the existing safety margin. The safety margin is the difference between the attainment inventory level of the total emissions and the projected levels of the total emissions in the final year of the maintenance plan.

DATES: This "direct final" rule is effective on March 9, 1998, unless USEPA receives significant written adverse or critical comments by February 9, 1998. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Copies of the documents relevant to this action are available for inspection during normal business hours at the following location: Regulation Development Section, Air Programs Branch, (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

Please contact Scott Hamilton at (312) 353–4775 before visiting the Region 5 office.

Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch, (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

FOR FURTHER INFORMATION CONTACT: Scott Hamilton, Environmental Scientist, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–4775.

SUPPLEMENTARY INFORMATION:

I. Background

The Clean Air Act in section 176(c) requires conformity of activities to an implementation plan's purpose of attaining and maintaining the National Ambient Air Quality Standards. On November 24, 1993, the USEPA promulgated a final rule establishing criteria and procedures for determining conformity of transportation plans, programs and projects funded or approved under Title 23 U.S.C. of the Federal Transit Act.

The State of Ohio finalized and adopted State transportation conformity rules on August 1, 1995, the rules

became effective August 21, 1995, and Ohio submitted the rules as a SIP revision request on August 17, 1995. The rules were approved by the USEPA on July 15, 1996 (61 FR 24702).

The transportation conformity rules require, among other things, a comparison of emissions to the mobile source emissions budget established by a control strategy SIP. A control strategy SIP is defined by the conformity rules to be a maintenance plan, an attainment demonstration, or a rate of progress plan. The USEPA approval of the maintenance plan established the mobile source budget for transportation conformity purposes.

The preamble to the November 24, 1993, transportation conformity rule (58 FR 62188) explains the emissions budget concept. The preamble also describes how to establish the motor vehicle emissions budget in the SIP and how to revise the emissions budget. The

State transportation conformity rule at 3745-101-16 of the Ohio Administrative Code allows the mobile source emissions budget to be changed as long as the total level of emissions from all sources remain below the milestone level. In the case of a maintenance plan the milestone level is the attainment level established in the maintenance plan.

The maintenance plan is designed to accommodate future growth while still maintaining the ozone air quality standard. Growth in industries, population and traffic is offset with reductions from cleaner cars and other emissions reduction programs. Through the maintenance plan the State and local agencies can manage the air quality while providing for growth.

II. Evaluation of the State Submittal

On October 20, 1997, Ohio submitted to the USEPA a SIP revision request for the Jefferson County area maintenance

plan. A public hearing for the area was held on October 14, 1997.

Documentation on the public hearing was submitted to the USEPA in order to complete the SIP revision request.

Ohio has requested to allocate to the Jefferson County mobile source budget part of the reductions achieved between the 1990 attainment inventory year and the 2005 projected emissions inventory (4.4 tons/day Volatile Organic Compounds (VOC) existing safety margin, and 39.4 tons/day Oxides of Nitrogen (NO_x) existing safety margin, as described in 59 FR 48395; September 21, 1994). The SIP revision requests the allocation of 1.0 ton/day VOC, and 1.0 ton/day NO_x, into the area's mobile source budget from the existing safety margin. Table 1 illustrates the approved emissions budgets for VOC and NO_x from point, mobile (on-road) and area sources. The safety margin allocations are shown in Table 2.

TABLE 1.—NO_x AND VOC EMISSIONS BUDGET; AND SAFETY MARGIN DETERMINATIONS, JEFFERSON COUNTY
[Tons/day]

Source category	1990	1996	2005
VOC Emissions			
Point	1.1	1.2	1.3
Mobile (on-road)	8.5	4.9	4.1
Area	6.5	6.4	6.3
Totals	16.1	12.5	11.7
Safety Margin = 1990 total emissions—2005 total emissions = 4.4 tons/day VOC			
NO_x Emissions			
Point	378	376	340
Mobile (on-road)	4.7	4.1	3.4
Area	2.7	2.7	2.6
Totals	385.4	382.8	346.0
Safety Margin = 1990 total emissions—2005 total emissions = 39.4 tons/day NO _x			

TABLE 2.—ALLOCATION OF SAFETY MARGIN TO THE 2005 MOBILE SOURCE BUDGET, JEFFERSON COUNTY
[Tons/day]

Source category	1990	1996	2005
VOC Emissions			
Point	1.1	1.2	1.3
Mobile (on-road)	8.5	4.9	5.1
Area	6.5	6.4	6.3
Totals	16.1	12.5	12.7
Remaining Safety Margin = 1990 total emissions—2005 total emissions = 3.4 tons/day VOC			
NO_x Emissions			
Point	378	376	340
Mobile (on-road)	4.7	4.1	4.4
Area	2.7	2.7	2.6
Totals	385.4	382.8	347.0
Remaining Safety Margin = 1990 total emissions—2005 total emissions = 38.4 tons/day VOC.			

Table 2 illustrates that the requested portion of the safety margin can be allocated to the mobile source budget and still remain at or below the 1990 attainment level of total emissions for the Jefferson County area. This allocation is allowed by the conformity rule since the area would still be at or below the 1990 attainment level for the total emissions in the area.

The USEPA's review of the SIP revision request finds that the requested allocation of the safety margins for the Jefferson County area is approvable since the approval of the new mobile source emissions budget will keep the total emissions for the area at or below the attainment year inventory level as required by the transportation conformity regulations.

III. USEPA Action

The USEPA approves the requested allocation of the safety margin to the mobile source budget for the Jefferson County area. This action will be effective on March 9, 1998 unless, by February 9, 1998, significant written adverse or critical comments on the approval are received.

If the USEPA receives such written adverse comments, the approval will be withdrawn before the effective date by publishing a subsequent rulemaking that will withdraw the final action. All written public comments received will be addressed in a subsequent final rule based on this action serving as a proposed rule. The USEPA does not plan to institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such written comments are received, the public is advised that this action will be effective on March 9, 1998.

IV. Administrative Requirements

A. Future Requests

Nothing in this action should be construed as permitting, 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.

B. Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

C. Regulatory Flexibility

Under the Regulatory Flexibility Act, 5 U.S.C. section 600 *et seq.*, USEPA must prepare a regulatory flexibility analysis assessing the impact of any

proposed or final rule on small entities. 5 U.S.C. sections 603 and 604. Alternatively, USEPA 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 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 Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Clean Air Act forbids USEPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. USEPA*, 427 U.S. 246, 256-66 (1976); 42 U.S.C. 7410(a)(2).

D. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, USEPA must undertake various actions in association with 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. 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 the private sector, result from this action.

E. Audit Privilege and Immunity Law

Nothing in this action should be construed as making any determination or expressing any position regarding Ohio's audit privilege and immunity law (Sections 3745.70-3745.73 of the Ohio Revised Code). U.S. EPA will be reviewing the effect of the Ohio audit privilege and immunity law on various Ohio environmental programs, including those under the Clean Air Act, and taking appropriate action(s), if any, after thorough analysis and opportunity for Ohio to state and explain its views and positions on the issues raised by the law. The action taken herein does not express or imply any viewpoint on the question of whether there are legal deficiencies in this or any Ohio CAA program resulting

from the effect of the audit privilege and immunity law. As a consequence of the review process, the regulations subject to the action taken herein may be disapproved, federal approval for the Clean Air Act program under which they are implemented may be withdrawn, or other appropriate action may be taken, as necessary.

F. Submission to Congress and the General Accounting Office

Under sec. 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, USEPA submitted a report containing this rule and other required information to the U.S. Senate, 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 sec. 5 U.S.C. 804(2).

G. Petitions for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 9, 1998. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See Section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Nitrogen oxides, Transportation conformity.

Dated: December 24, 1997.

David A. Ullrich,

Acting Regional Administrator, Region V.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart KK—Ohio

2. Section 52.1885 is amended by adding paragraph (a)(7) to read as follows:

§ 52.1885 Control Strategy: Ozone
(a) * * *

(7) Approval—On October 20, 1997, Ohio submitted a revision to the maintenance plan for the Jefferson County area. The revision consists of an allocation of a portion of the safety margin in the area to the transportation conformity mobile source budget for that area. The mobile source budget for transportation conformity purposes for Jefferson County are now: 5.1 tons per day of volatile organic compound emissions for the year 2005 and 4.4 tons per day of oxides of nitrogen emissions for the year 2005.

[FR Doc. 98-433 Filed 1-7-98; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 11

RIN 3067-AC77

Debt Collection

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Interim final rule with request for comments.

SUMMARY: Under this rule FEMA will refer delinquent debts owed to this Agency to the Department of the Treasury for collection under the Government-wide Treasury Offset Program (TOP) and for tax refund offsets at the same time. FEMA amends its administrative offset regulations to allow administrative offset against delinquent debtor States and units of general local government. FEMA also amends its regulations to change the method for calculating interest, penalty and administrative charges assessed on delinquent debts and to make States and units of general local government subject to such charges.

DATES: This interim final rule is effective January 1, 1998. We invite comments on the rule, which should be submitted on or before March 9, 1998.

FOR FURTHER INFORMATION CONTACT: Richard S. Buck, IV, Financial Policy Division, Office of Financial Management, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-4091.

ADDRESSES: Please submit any comments to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street SW., room 840, Washington, DC 20472. Comments may also be submitted to the Rules Docket Clerk by facsimile at (202) 646-4536, or by e-mail addressed to Crane.Miller@fema.gov. Please refer to RIN 3067-AC61, Debt

Collection when submitting your comments.

SUPPLEMENTARY INFORMATION:

I. Background

The Debt Collection Improvement Act of 1996 (DCIA), Pub.L. 104-134, § 31001, 31 U.S.C. 3720A, provides that the Department of the Treasury ensure that any Federal Government payment to a delinquent non-tax Federal debtor is subject to automatic offset against any tax refunds that may be owed to the debtor. Creditor Federal agencies are to receive any funds that are offset and are to apply them against outstanding debts. The DCIA also provides that the Department of the Treasury manage the tax refund offset program, previously administered by the Internal Revenue Service (IRS).

To implement these DCIA provisions, the Department of the Treasury's Financial Management Service (FMS) published an interim final rule at 62 FR 34175 on June 25, 1997, which added § 285.2 to 31 CFR and covered both TOP and the tax refund offset programs. The FMS rule requires that all Federal agencies revise their debt collection regulations so that the agencies refer their delinquent debts to the Department of the Treasury. This FMS rule also centralizes and streamlines collection of delinquent non-tax Federal debt by having the Department of the Treasury (Treasury) manage the tax refund offset program as part of the Treasury's Government-wide offset program.

The FMS rule also requires Federal agencies to amend their debt collection regulations on administrative offset and tax refund offset by the end of 1997 to conform to the FMS rule. FEMA's interim final rule complies with the FMS requirement.

Under the FMS rule, FEMA will refer delinquent debt to Treasury for both TOP and tax refund offset. Under FEMA's previous tax refund offset regulation, 44 CFR §§ 11.61-11.65, FEMA referred to the IRS only those delinquent debts that could not be recovered through administrative or salary offset and that had been reported as delinquent to consumer reporting agencies (commonly known as "credit bureaus"). The new FMS rule allows agencies to use the three collection methods concurrently. The FMS rule allows agencies to report delinquent consumer debt to credit bureaus either before or after submitting a debt to the Treasury Offset Program, that is, credit bureau reporting is not a prerequisite to tax refund offset under this rule.

Under 31 U.S.C. 3701(c) the definition of "persons" who are subject to the administrative offset provisions (31 U.S.C. 3716) of the Debt Collection Act of 1982 (DCA), makes any individual, organization, or entity except other Federal agencies subject to such offset, including States and units of general local government. Under 31 U.S.C. 3717 Federal agencies assess interest, penalty and administrative charges against unpaid claims of the United States, including debts owed by States and units of general local government. FEMA's interim final rule allows FEMA to use administrative offset and to assess interest, penalty and administrative charges against these governments. Previously, FEMA charged States and units of general local government interest under principles of common law. However, principles of common law did not allow creditors, such as Federal agencies, to assess penalties or costs of collection against States and units of general local government. FEMA debt collection regulations had provided for common law offset against these entities.

FEMA amends § 11.48 on interest, penalty and administrative charges to change its methods for calculating these charges.

II. Section-by-Section Analysis of the Regulations

Section 11.43, Administrative Offset, is changed to allow FEMA to:

1. Take administrative offsets against States and units of general local government;

2. Collect, through the use of administrative offset and tax refund offset, debts owed by individuals and other private sector delinquent debtors to States and local governments, which arise under programs administered by FEMA. FEMA will take such action under the provisions of 31 U.S.C. 3716(h)(1) and reciprocal agreements entered into by the Secretary of the Treasury and the States concerned. For instance, FEMA administers the Individual & Family Grant (IFG) program, which is funded 75% by the FEMA and 25% by the States. If a debtor owed a debt under the IFG Program, then FEMA could use administrative and tax refund offsets to recover the State's 25% share;

3. Refer specifically delinquent debt to the Department of the Treasury for TOP in addition to conducting Agency administrative offset. Previously, the FEMA regulation (§ 11.43(a)) only allowed FEMA to use administrative offset against any monies due to the debtor from the United States;