

the delay in the effective date through April 23, 1999, the Coast Guard, States, and public will have an opportunity to further review the issues identified. The remainder of the regulation is unaffected by this notice.

EFFECTIVE DATES: This document is effective April 23, 1998. The effective date of Subpart D of 33 CFR part 187 is delayed until April 24, 1999. All other provisions of the interim final rule that became effective on April 24, 1996, will remain effective, as stated in the interim final rule.

FOR FURTHER INFORMATION CONTACT: Lieutenant James Whitehead, Project Manager, Office of Information Resources (G-MRI), 202-267-0385. This telephone is equipped to record messages on a 24-hour basis.

SUPPLEMENTARY INFORMATION:

Reason for Suspension

One subpart of the interim final rule prescribes the procedures for obtaining certification of compliance with guidelines for State vessel titling systems (33 CFR part 187, subpart D). The effective date of that subpart was delayed through April 23, 1998, to allow the States and the Coast Guard more time to review the complexities of State titling systems. Due to the comments received during the additional comment period from October 20, 1997, through December 4, 1997, the Coast Guard needs more time to consider the many substantive changes recommended in those comments. Therefore, the Coast Guard is delaying the effective date of subpart D until April 24, 1999. All other provisions of the interim final rule will remain in effect.

Accordingly, under the authority of 46 U.S.C. 2103 and 49 CFR 1.46, the effective date of 33 CFR part 187, subpart D, is changed to April 24, 1999.

Dated: April 14, 1998.

Joseph J. Angelo,

Acting Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 98-10552 Filed 4-20-98; 8:45 am]

BILLING CODE 4910-15-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[WA 66-71741a; FRL-5998-3]

Approval and Promulgation of Implementation Plans: Washington

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: Environmental Protection Agency (EPA) approves in part several minor revisions to the state of Washington Implementation Plan (SIP). Pursuant to section 110(a) of the Clean Air Act (CAA), the Director of the Washington Department of Ecology (Ecology) submitted a request to EPA dated December 30, 1997, to revise certain regulations of a local air pollution control agency, namely, the Puget Sound Air Pollution Control Agency (PSAPCA).

DATES: This action is effective on June 22, 1998 unless adverse or critical comments are received by May 21, 1998. If the effective date is delayed, timely notice will be published in the **Federal Register**.

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

Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. Copies of material submitted to EPA may be examined during normal business hours at the following locations: EPA, Region 10, Office of Air Quality (OAQ-107), 1200 Sixth Avenue, Seattle, Washington 98101, and WDOE, P.O. Box 47600, Olympia, Washington 98504.

FOR FURTHER INFORMATION CONTACT: Christi Lee, Washington Operations Office, EPA, 300 Desmond Drive, Suite 102, Lacey, Washington 98503, (360) 753-9079.

SUPPLEMENTARY INFORMATION:

I. Background

A submittal from Ecology, dated December 30, 1997, was sent to EPA and consisted of minor amendments to PSAPCA Regulation I.

Ecology and PSAPCA held public hearings on September 11, 1997. The minor revisions became effective on November 1, 1997, and were adopted by Ecology as part of the Washington State Implementation Plan on December 30, 1997.

Regulation I, section 3.11, Civil Penalties, is amended to adjust maximum penalty amounts for inflation. Sections 5.05, 5.07, 6.04, and 6.10 are amended to include updates to adjust the fees for the registration and notice of construction programs in order to cover the costs of administering the programs.

II. Summary of Action

EPA is, by today's action, approving the following revisions submitted by Ecology on December 30, 1997, as amendments to the regulations of PSAPCA and for inclusion into the SIP: Regulation I.

- Section 3.11, Civil Penalties.
- Section 5.05, General Reporting Requirements for Registration.
- Section 5.07, Registration Fees.
- Section 6.04, Notice of Construction Review Fees.
- Section 6.10, Work Done Without an Approval.

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.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should relevant adverse comments be filed. This rule will be effective June 22, 1998 without further notice unless the Agency receives relevant adverse comments by May 21, 1998.

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule did not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on the proposed rule. Only parties interested in commenting on the proposed rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on June 22, 1998 and no further action will be taken on the proposed rule.

III. Administrative Requirements

A. Executive Order 12866

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 and subchapter I, Part D, of the CAA 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, I certify 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 regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of State action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. 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 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 promulgated 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.

D. Submission to Congress and the Comptroller General

Under 5 U.S.C. 801 et seq., 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. 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).

E. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 22, 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), 42 U.S.C. 7607(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Fees, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Note: Incorporation by reference of the Implementation Plan for the State of Washington was approved by the Director of the Office of Federal Register on July 1, 1982.

Dated: April 6, 1998.

Chuck Clarke,

Regional Administrator, Region X.

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 WW—Washington

2. Section 52.2470 is amended by adding paragraph (c) (77) to read as follows:

§ 52.2470 Identification of plan.

* * * * *

(c) * * *

(77) On December 30, 1997, the Director of the Washington State Department of Ecology submitted to the Regional Administration of EPA

revisions to the State Implementation Plan consisting of minor amendments to Puget Sound Air Pollution Control Agency (PSAPCA) Regulation I.

(i) Incorporation by reference.

(A) PSAPCA Regulations approved—Regulation I, Sections 3.11, 5.05, 5.07, 6.04, 6.10—State-adopted 9/11/97.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA-203-0062; FRL-5996-4]

Approval and Promulgation of State Implementation Plans; California—Ventura County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action to approve a state implementation plan (SIP) revision submitted by the State of California relating to control measures for attaining the ozone national ambient air quality standards (NAAQS) in the Ventura County nonattainment area. The submittal revises control measure adoption schedules in the 1994 ozone SIP for Ventura County. EPA is approving the SIP revision under provisions of the Clean Air Act (CAA or the Act) regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards, and plan requirements for nonattainment areas.

EFFECTIVE DATE: This action is effective on May 21, 1998.

ADDRESSES: The rulemaking docket for this document may be inspected and copied at the following locations during normal business hours. A reasonable fee may be charged for copying parts of the docket.

Environmental Protection Agency, Region 9, Air Division, Air Planning Office, 75 Hawthorne Street, San Francisco, CA 94105-3901.
Air and Radiation Docket and Information Center (6102), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Copies of the SIP materials are also available for inspection at the addresses listed below:

California Air Resources Board, 2020 L Street, Sacramento, California.