relation to relevant statutory and regulatory requirements.

### **Regulatory Process**

Under the Regulatory Flexibility Act, 5 U.S.C. Section 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.

Conditional approvals of SIP submittals under sections 110 and 301 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, 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 U.S. E.P.A., 427 U.S. 246, 256-66 (S.Ct. 1976): 42 U.S.C. 7410(a)(2). This discussion applies in the case where EPA finalizes a limited approval/limited disapproval action as well.

If the conditional approval is converted to a disapproval under section 110(k), based on the State's failure to meet the submitted commitment, it will not affect any existing state requirements applicable to small entities. Federal disapproval of the state submittal does not affect its state-enforceability. Moreover, EPA's disapproval of the submittal does not impose a new federal requirement. 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 state requirements nor does it impose any new federal requirements.

The Office of Management and Budget (OMB) has exempted this action from review under Executive Order 12866.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Ozone, Hydrocarbons, Intergovernmental relations, Reporting and recordkeeping requirements, Volatile organic compounds, Nitrogen dioxide. Authority: 42 U.S.C. 7401–7671q. Dated: February 15, 1995. Felicia Marcus, *Regional Administrator.* [FR Doc. 95–4891 Filed 2–27–95; 8:45 am] BILLING CODE 6560–50–P

## **40 CFR PART 52**

[IL97-1-6575; FRL-5158-6]

# Clean Air Act Approval and Promulgation of Employee Commute Options Program; Illinois

**AGENCY:** Environmental Protection Agency (USEPA).

**ACTION:** Proposed rule.

**SUMMARY:** The USEPA is proposing to approve the State Implementation Plan (SIP) revision request submitted by the State of Illinois on July 8, 1994, for the purpose of establishing an Employee Commute Options Program (ECO Program) in the Chicago area, including the counties of Cook, Lake, DuPage, McHenry, Kane and Will and the townships of Aux Sable and Gooselake in Grundy County and Oswego in Kendall County. The rationale for the proposed approval is set forth below; additional information is available at the address indicated below.

**DATES:** Comments on this proposed rule must be received on or before March 30, 1995.

ADDRESSES: Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Regulation Development Branch, (AR– 18J) USEPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604– 3590.

Copies of the ECO Program SIP revision request and USEPA's analysis are available for inspection at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Jessica Radolf at (312) 886–3198 before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: Jessica Radolf, Regulation Development Section, Regulation Development Branch, (AR–18J) USEPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590, (312) 886–3198.

### SUPPLEMENTARY INFORMATION:

### I. Background

Implementation of the section 182(d)(1)(B) of the Clean Air Act, as amended in 1990 (amended Act), requires employers with 100 or more

employees in the counties of Cook, Lake, Dupage, McHenry, Kane, and Will and the townships of Aux Sable and Gooselake in Grundy County and Oswego in Kendall County to participate in a trip reduction program. The concerns that lead to the inclusion of this Employee Commute Options (ECO) provision in the amended Act are that more people are driving and they are driving longer distances. The increase in the number of drivers and the increase in the number of vehicle miles traveled (VMT) currently offset a large part of the emissions reductions achieved through the production and sale of vehicles that operate more cleanly. It is widely accepted that shortly after the year 2000, without limits on increased travel, the increased emissions caused by more vehicles being driven more miles under more congested conditions will outweigh the fact that each new vehicle pollutes less, resulting in an overall increase in emissions from mobile sources. The ECO provision outlines the requirements for a program designed to minimize the use of single occupancy vehicles in commuting trips in order to gain emissions reductions beyond what can be and will be obtained through stricter tailpipe and fuel standards.

Section 182(d)(1)(B) of the amended Act requires that employers in severe and extreme ozone and carbon monoxide (CO) nonattainment areas submit their compliance plans to the State two years after the SIP is submitted to USEPA. These compliance plans developed by employers must be designed to convincingly demonstrate an increase in the average passenger occupancy (APO) of vehicles used by their employees who commute to work during the peak period by no less than 25 percent above the average vehicle occupancy (AVO) of the nonattainment area. These compliance plans must convincingly demonstrate that the employers will meet the target no later than 4 years after the SIP is submitted. Where there are important differences in terms of commute patterns, land use, or AVO, the States may establish different zones within the nonattainment area for purposes of calculation of the AVO.

Section 110(k) of the amended Act contains provisions governing USEPA's action on SIP submittals. The USEPA can take one of three actions on ECO Program SIP submittals. If the submittal satisfactorily addresses all of the required ECO Program elements, the USEPA shall grant full approval. If the submittal contains approvable commitments to implement all required ECO Program elements, but the State does not yet have all of the necessary