direct final rule approving the rules on April 4, 1995. The direct final rule becomes effective on June 3, 1995.

The legislation authorizing the State to establish an I/M program also allows the State to implement an enhanced I/M program into an area's maintenance plan. The State is including enhanced I/M as a part of the maintenance plan and 15% plan for all of the counties in the CAL area except Ashtabula. Ashtabula was excluded because it was not required to have a vehicle I/M program under the pre-1990 CAA.

(g) 1.15 to 1.0 Offset

Section 182(b)(5) requires all major new sources or modifications in a moderate nonattainment area to achieve offsetting reductions of VOCs at a ratio of at least 1.15 to 1.0. The Mary Nichols memorandum states that areas being redesignated need not comply with the requirement that a NSR program be approved prior to redesignation so as they have an approved Prevention of Significant Deterioration (PSD) SIP or delegated PSD authority. The State has demonstrated that maintenance can be achieved without NSR offsets in effect, therefore, this requirement is not applicable. Upon redesignation to attainment, the sources will become subject to PSD requirements and offsets will no longer apply. Emissions will continue to be tracked on an annual basis.

(h) NO_X Requirement

Section 182(f) establishes NO_X requirements for ozone nonattainment areas. However, it provides that these requirements do not apply to an area if the Administrator determines that NO_X reductions would not contribute to attainment. The Administrator has proposed such a determination for the CAL nonattainment area as requested by the State of Ohio (60 FR 3361). If the NO_X waiver is approved as a final rule, the State of Ohio need not impose the NO_X control measures in section 182(f) for the CAL area to be redesignated. However, if the NO_X waiver is not approved, the NO_X requirements must be met for the area to be redesignated from nonattainment to attainment. If a violation is monitored in the CAL area, the State has committed (as required) to adopt and implement NO_X RACT rules as a contingency measure to be implemented upon any violation of the ozone NAAQS which occurs after initial contingency measures are in place.

Transport of Ozone Precursors to Downwind Areas

Preliminary modeling results utilizing USEPA's regional oxidant model (ROM) indicate that ozone precursor emissions from various States west of the ozone transport region (OTR) in the northeastern United States contribute to increases in ozone concentrations in the OTR. The State of Ohio has provided documentation that VOC and NO_X emissions in the CAL nonattainment area are predicted to remain below attainment levels for the next ten years. Should emissions exceed attainment levels, the contingency plan will be triggered. In addition, eight years after redesignation to attainment, Ohio is required to submit a revision to the maintenance plan which demonstrates that the NAAQS will be maintained until the year 2015. The USEPA is currently developing policy which will address long range impacts of ozone transport. The USEPA is working with the States and other organizations to design and complete studies which consider upwind sources and quantify their impacts. The USEPA intends to address the transport issue through Section 110 based on a domain-wide modeling analysis.

III. Proposed Rulemaking Action and Solicitation of Public Comment

The State of Ohio has met the submission requirements of the CAAA for revising the Ohio ozone SIP. The USEPA is proposing approval of the redesignation of the CAL moderate nonattainment area, consisting of the counties of Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit, to attainment for ozone. The USEPA is also proposing approval of the maintenance plan into the ozone SIP. As noted earlier, final approval of the CAL area request is contingent upon final approval of the required VOC RACT rules, Ohio's I/M SIP revision, the 15 percent Rate of Progress Plan, the attainment demonstration, the CAL base-year emissions inventory, and the NO_X waiver for the CAL area. However, as mentioned above, publication of a final rule determining that the CAL area has attained the NAAQS for ozone will remove the 15% plan and the attainment demonstration as requirements for final approval of the request for redesignation to attainment for ozone for the CAL area.

Public comments are solicited on USEPA's proposed rulemaking action. Public comments received by July 17, 1995 will be considered in the development of USEPA's final rulemaking action.

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 any SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225), as revised by an October 4, 1993 memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

Under the Regulatory Flexibility Act, 5 U.S.C. 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. 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 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. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 (Unfunded Mandates Act), signed into law on March 22, 1995, USEPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

Through submission of the state implementation plan or plan revisions approved in this action, the State and any affected local or tribal governments have elected to adopt the program provided for under section 175A of the Clean Air Act. The rules and commitments being proposed for approval in this action may bind State,