

Executive Order 13084 do not apply to this proposed rule.

#### *D. Executive Order 13132*

Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612 (Federalism) and 12875 (Enhancing the Intergovernmental Partnership). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by state and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the federal government provides the funds necessary to pay the direct compliance costs incurred by state and local governments, or EPA consults with state and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts state law unless the Agency consults with state and local officials early in the process of developing the proposed regulation.

This proposed rule will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Act. Thus, the requirements of section 6 of the Executive Order do not apply to this proposed rule.

#### *E. Regulatory Flexibility*

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This proposed rule will not have a significant impact on a substantial number of small entities because 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 create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the federal-state relationship under the Act, preparation of flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The 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).

#### *F. 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 this proposed approval action 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 proposes to approve 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 proposed action.

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

Environmental protection, Air pollution control, Incorporation by reference, Ozone, Volatile Organic Compounds.

Dated: June 13, 2001.

**David Ullrich,**

*Acting Regional Administrator, Region 5.*

[FR Doc. 01–15619 Filed 6–21–01; 8:45 am]

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## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 52**

**[OH148–1b; FRL–7001–5]**

### **Approval and Promulgation of Maintenance Plan Revisions; Ohio**

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve a May 31, 2001, request from Ohio for a State Implementation Plan (SIP) revision of the Cleveland/Akron/Lorain, Ohio ozone maintenance plan. The maintenance plan revision allocates a portion of the safety margin to the transportation conformity mobile source emissions budget for the year 2006. EPA is proposing to approve the allocation of 10 tons per day of volatile organic compounds (VOC) to the area's 2006 mobile source emissions budget for transportation conformity purposes. This allocation will still maintain the total emissions for the area at or below the attainment level required by the transportation conformity regulations. In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP revision, as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If we receive no written adverse comments in response to that direct final rule we plan to take no further activity in relation to this proposed rule. If EPA receives significant adverse comments, in writing, which have not been addressed, we will withdraw the direct final rule and address all public comments received in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document.

**DATES:** Written comments must be received on or before July 23, 2001.

**ADDRESSES:** Send written comments 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.

You may inspect copies of the documents relevant to this action 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 Patricia Morris at (312) 353-8656 before visiting the Region 5 office.

**FOR FURTHER INFORMATION CONTACT:**

Patricia Morris, 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) 353-8656.

**SUPPLEMENTARY INFORMATION:**

Throughout this document wherever "we," "us," or "our" are used we mean EPA.

This Supplementary Information section is organized as follows:

What action is EPA taking today?

Where can I find more information about this proposal and the corresponding direct final rule?

**What Action is EPA Taking Today?**

In this action, we are proposing to approve a revision to the ozone maintenance plan for Cleveland/Akron/Lorain, Ohio. The revision will change the mobile source VOC emissions budget that is used for transportation conformity purposes. The revision will keep the total emissions for the area at or below the attainment level required by law. This action will allow State or local agencies to maintain air quality while providing for transportation growth.

**Where Can I Find More Information About this Proposal and the Corresponding Direct Final Rule?**

For additional information see the direct final rule published in the rules section of this **Federal Register**.

Dated: June 14, 2001.

David A. Ullrich,

*Acting Regional Administrator, Region 5.*

[FR Doc. 01-15750 Filed 6-21-01; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 52 and 81**

[KY-126-200113; IN-121-2; FRL-7001-4]

**Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; KY and IN**

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

**ACTION:** Proposed rule.

**SUMMARY:** On March 30, 2001, the Commonwealth of Kentucky's Natural Resources and Environmental Protection Cabinet submitted: a request to redesignate the Kentucky portion of the Louisville moderate ozone nonattainment area to attainment for the 1-hour ozone National Ambient Air Quality Standard (NAAQS), a plan to maintain the 1-hour ozone NAAQS for at least the next 10 years, and the regional motor vehicle emission budgets (MVEBs) for transportation conformity purposes. In addition, on November 12, 1999, and May 23, 2001, Kentucky submitted source-specific Board Orders adopted by the Air Pollution Control Board of Jefferson County to control sources of nitrogen oxides (NO<sub>x</sub>) at eleven sources in Jefferson County, Kentucky. On April 11, 2001, the State of Indiana's Department of Environmental Management submitted: a request to redesignate the Indiana portion of the Louisville moderate ozone nonattainment area to attainment for the 1-hour ozone NAAQS, the regional MVEBs for transportation conformity purposes, and a plan to maintain the 1-hour ozone NAAQS for at least the next 10 years. The Louisville moderate ozone nonattainment area (Louisville area) includes Jefferson County and portions of Bullitt and Oldham Counties, Kentucky, and Clark and Floyd Counties, Indiana.

Since Kentucky and Indiana had not completed public participation requirements for the submittals of March 30, 2001 and April 11, 2001, they requested that the EPA parallel process the redesignation requests, maintenance plans, and associated regional MVEBs.

EPA is proposing to approve Kentucky's and Indiana's requests to redesignate the Louisville area to attainment for the 1-hour ozone NAAQS. In proposing to approve this request, the EPA is also proposing to approve the States' plans for maintaining the 1-hour ozone NAAQS through 2012, as revisions to the Kentucky and Indiana State Implementation Plans (SIPs). EPA is also proposing to approve the MVEBs for VOC and NO<sub>x</sub> in the submitted maintenance plans for conformity purposes. Finally, the EPA is proposing to approve the source-specific Board Orders to control NO<sub>x</sub> emissions from eleven sources in Jefferson County, Kentucky.

**DATES:** Comments on the EPA's proposed action must be received by July 23, 2001.

**ADDRESSES:** Written comments should be addressed to: Richard A. Schutt, Acting Chief, Regulatory Planning Section, Air Planning Branch, U.S. Environmental Protection Agency, 61 Forsyth Street, SW, Atlanta, Georgia 30303. J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of Kentucky's submittals, as well as other information, are available for inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment at least 24 hours before the visiting day and reference files KY-126. U.S. Environmental Protection Agency, Region 4, Air Planning Branch, Regulatory Planning Section, 61 Forsyth Street, SW, Atlanta, Georgia 30303. Commonwealth of Kentucky, Division for Air Quality, 803 Schenkel Lane, Frankfort, Kentucky 40601-1403. Air Pollution Control District of Jefferson County, 850 Barret Avenue, Louisville, Kentucky 40204.

Copies of Indiana's submittals, as well as other information, are available for inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment at least 24 hours before the visiting day and reference files IN-121-2. Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Indiana Department of Environmental Management, Office of Air Quality, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana 46206-6015.

**FOR FURTHER INFORMATION CONTACT:**

Allison Humphris, Environmental Scientist, or Raymond Gregory, Environmental Engineer, Regulatory Planning Section, Air Planning Branch, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW, Atlanta, Georgia 30303, (404) 562-9030, (404) 562-9116, ([Humphris.Allison@epa.gov](mailto:Humphris.Allison@epa.gov)) ([Gregory.Ray@epa.gov](mailto:Gregory.Ray@epa.gov)). Ryan Bahr, Environmental Engineer, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 353-4366, ([bahr.ryan@epa.gov](mailto:bahr.ryan@epa.gov)).

**SUPPLEMENTARY INFORMATION:**

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