

the maximum concentration area rather than in the southwest. Priority was given to placing new sites in the northwest.

In 1993, APCD added two new sites in the northwest—Enrel and South Boulder Creek. No violations were recorded at these two sites in 1993. However, data in AIRS show one exceedance at the South Boulder Creek site in 1993. Three exceedances must occur for there to be a violation.

These two new sites were retained and studied in 1994. The APCD has reported that no violations or exceedances occurred at either of these sites in 1994.

There are nine sites currently on the Denver ozone ambient air monitoring network, including the two new sites. The Enrel and South Boulder Creek sites continue to record higher values than other sites on the network. The one exceedance at the South Boulder Creek site in 1993 and the continued higher value readings at the same site and at the Enrel site confirm study findings that these sites are within the maximum concentration area and should remain in place.

Modifying the network to ensure monitoring of maximum concentrations is an EPA priority and is required by 40 CFR part 58. The EPA is working with APCD to ensure that at least one monitoring site is established in the southwest area in 1995. In addition, the APCD plans to conduct further study in this southwest area during the 1995 summer ozone season to more accurately identify where sites should be placed.

Although there have been concerns with the monitoring network, EPA believes that many of the concerns have been corrected and that any remaining concerns are not significant enough to deny the NO<sub>x</sub> waiver. As indicated above, no violations have been recorded by the network, even since installation of the Enrel and South Boulder Creek sites in 1993. In addition, the NO<sub>x</sub> waiver policy published in the General Preamble provides further protection by providing for granting a NO<sub>x</sub> exemption on a contingent basis as described in section IV of this **Federal Register** document. This allows EPA to revoke the exemption if violations are recorded at any monitoring sites.

#### **IV. Approval of the NO<sub>x</sub> Exemption on a Contingent Basis**

According to the General Preamble, approval of an exemption based solely on ambient air quality monitoring data shall be granted on a contingent basis, i.e., the exemptions will last for only as long as the area's monitoring data

continue to demonstrate attainment. If EPA subsequently determines that the area has violated the ozone standard, the exemption, as of the date of the determination, will no longer apply. If a violation of the ozone NAAQS is monitored in the Denver Metropolitan Area, EPA will provide notice in the **Federal Register**. Existing transportation plans and TIPs and past conformity determinations will not be affected by a determination that the NO<sub>x</sub> exemption no longer applies, but new conformity determinations would have to observe the NO<sub>x</sub> requirements of the conformity rule. The State must continue to operate an appropriate ambient air quality monitoring network, in accordance with 40 CFR Part 58, to verify the attainment status of the area. The air quality data relied on for the above determination must be consistent with 40 CFR part 58 requirements and other relevant EPA guidance, and recorded in EPA's AIRS national database.

The EPA NO<sub>x</sub> exemption guidelines, published in the General Preamble, do not require that a redesignation request be submitted with a request for a NO<sub>x</sub> transportation conformity exemption. Conditional exemptions from the transportation conformity NO<sub>x</sub> requirements do not substitute for the redesignation process.

The General Preamble stated that for areas which are relying on monitoring data for the exemption request, the notice proposing approval of the exemption request should provide opportunity for comment on the preliminary interpretations contained in the General Preamble. It should also offer opportunity for comment on the appropriateness of using monitoring data which are consistent with the requirements in 40 CFR part 58 and are recorded in AIRS as the basis of EPA's approval and rescission of the contingent NO<sub>x</sub> exemption. Accordingly, EPA requests comments regarding these matters.

#### **V. Impacts of Granting a NO<sub>x</sub> Waiver for Denver Metropolitan Area**

In ozone nonattainment areas classified as transitional, such as the Denver metropolitan area, the effect of a NO<sub>x</sub> exemption is limited solely to the issue of whether such areas may be exempted from meeting the applicable NO<sub>x</sub> requirements of the transportation and general conformity rule.

EPA also stated in the General Preamble that it plans to amend the transportation conformity rule to require that once an area's maintenance plan is approved, any previously approved NO<sub>x</sub> conformity exemption no longer applies. The area must then demonstrate

as part of its conformity determinations that the transportation plan and TIP are consistent with the motor vehicle emissions budgets for NO<sub>x</sub> where such a budget is established by the maintenance plan. As currently written, none of the transportation conformity rule's NO<sub>x</sub> requirements would ever apply to an area once such an area had received a NO<sub>x</sub> transportation conformity exemption.

#### **Regulatory Flexibility**

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.

This proposal does not create any new requirements. Therefore, I certify that it does not have 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 OMB has exempted these actions from review under Executive Order 12866.

Interested parties are invited to comment on all aspects of this proposed action.

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

Environmental protection, Air pollution control, Carbon Monoxide, Hydrocarbons, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

**Authority:** 42 U.S.C. 7401-7671q.

Dated: March 10, 1995.

**William P. Yellowtail,**

*Regional Administrator.*

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BILLING CODE 6560-50-P

#### **40 CFR Part 52**

[OH45-1-5974b; FRL 5169-3]

#### **Approval and Promulgation of Implementation Plans; Ohio**

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

**ACTION:** Proposed rule.

**SUMMARY:** The USEPA proposes to approve the State Implementation Plan (SIP) revision request submitted by the State of Ohio for the purpose of satisfying Clean Air Act requirements. In the final rules section of this **Federal Register**, the USEPA is approving the State's SIP revision request as a direct final rule without prior proposal, because the USEPA views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the action is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If the USEPA receives adverse comments, the direct final rule will be withdrawn, and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The USEPA will not institute a second comment period on this notice. Any parties interested in commenting on this notice should do so at this time.

**DATES:** Comments must be received on or before April 24, 1995.

**ADDRESSES:** Written comments should be mailed to: William L. MacDowell, Chief, Regulation Development Section, Air Enforcement Branch (AE-17J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State submittal and the USEPA's analysis of it are available for public inspection during normal business hours at: (It is recommended that you telephone Bonnie Bush at (312) 353-6684, before visiting the Region 5 office.)

Regulation Development Section, Air Enforcement Branch (AE-17J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** Bonnie J. Bush, Air Enforcement Branch, Regulation Development Section (AE-17J), United States Environmental Protection Agency, Region 5, Chicago, Illinois, 60604. (312) 353-6684.

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

**Authority:** 42 U.S.C. 7401-7671(q).

Dated: February 23, 1995.

**Robert Springer,**

*Acting Regional Administrator.*

[FR Doc. 95-7102 Filed 3-22-95; 8:45 am]

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#### 40 CFR Part 52

[IL115-6791b; FRL-5166-2]

#### Approval and Promulgation of Implementation Plans; Illinois

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

**ACTION:** Proposed rule.

**SUMMARY:** The United States Environmental Protection Agency (USEPA) proposes to approve the State Implementation Plan (SIP) revision request submitted by the State of Illinois on October 25, 1994, for the purpose of lowering the Reid Vapor Pressure (RVP) of gasoline from 9.0 pounds per square inch (psi) to 7.2 psi for the Metro-East St. Louis (Metro-East) ozone nonattainment area which includes Madison, Monroe, and St. Clair Counties. In the final rules section of this **Federal Register**, the USEPA is approving this action as a direct final rule without prior proposal because USEPA views this as a noncontroversial action and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If USEPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on the proposed rule. USEPA will not institute a second comment period on this action. Any parties interested in commenting on this notice should do so at this time.

**DATES:** Comments on this proposed rule must be received on or before April 24, 1995.

**ADDRESSES:** Written comments should be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, Regulation Development Branch (AR18-J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State submittal and USEPA's analysis of it are available for inspection at: Regulation Development Section, Regulation Development Branch (AR18-J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** Francisco Acevedo, Regulation Development Section, Regulation Development Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6061.

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

Dated: February 23, 1995.

**Robert Springer,**

*Acting Regional Administrator.*

[FR Doc. 95-7101 Filed 3-22-95; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Part 52

[CA 32-3-6502; FRL-5177-6]

#### Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; South Coast Air Quality Management District

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** EPA is proposing a limited approval and limited disapproval of revisions to the California State Implementation Plan (SIP) for ozone. These revisions concern the control of oxides of nitrogen (NO<sub>x</sub>) from stationary gas turbines. The intended effect of proposing limited approval and limited disapproval of this rule is to regulate emissions of NO<sub>x</sub> in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). EPA's final action on this notice of proposed rulemaking will incorporate this rule into the Federally approved SIP. EPA has evaluated this rule and is proposing a simultaneous limited approval and limited disapproval under provisions of the CAA regarding EPA actions on SIP submittals and general rulemaking authority because these revisions, while strengthening the SIP, also do not fully meet the CAA provisions regarding plan submissions and requirements for nonattainment areas.

**DATES:** Comments on this proposed action must be received in writing on or before April 24, 1995.

**ADDRESSES:** Comments may be mailed to: Daniel A. Meer, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Copies of the rule and EPA's evaluation report of the rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule are also available for inspection at the following locations: