

Dated: October 17, 1995.

Robert E. Dalton,

Assistant Legal Adviser for Treaty Affairs.

[FR Doc. 95-26190 Filed 10-20-95; 8:45 am]

BILLING CODE 4710-08-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 211

RIN 1010-AB45

Meeting on Proposed Rule To Establish Liability for Royalty Due on Federal and Indian Leases and To Establish Responsibility To Pay and Report Royalty and Other Payments

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of meeting.

SUMMARY: The Minerals Management Service (MMS) will hold a public meeting in Houston, Texas, to discuss a proposed rulemaking regarding the liability for payments due on Federal and Indian leases and the responsibility to pay and report royalty and other payments. The proposal was published in the Federal Register on June 9, 1995, (60 FR 30492). That notice proposes to establish and clarify which persons may be held liable for unpaid or underpaid royalties, compensatory royalties, or other payments on Federal and Indian mineral leases. The proposed rule also would establish who is required to report and pay royalties on production from leases not in approved Federal or Indian agreements or leases in approved Federal or Indian agreements containing 100 percent Federal or Indian tribal leases with the same lessor, the same royalty rate, and the same royalty distribution. MMS has extended the comment period for this rule to January 8, 1996 (60 FR 38533, July 27, 1995, and 60 FR 45112, August 30, 1995). The purpose of the meeting is to allow all interested parties to discuss the proposed rulemaking. Interested parties are invited to attend and participate at this meeting.

DATES: A public meeting will be held on Wednesday November 29, and if necessary Thursday, November 30, 1995, from 9:00 a.m. until 5:00 p.m.

ADDRESSES: The meeting will be held in Room 104, first floor, at the Houston Compliance Division Office, Minerals Management Service, 4141 North Sam Houston Parkway East, Houston, Texas 77032.

FOR FURTHER INFORMATION CONTACT: David S. Guzy, Chief, Rules and

Procedures Staff, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3101, Denver, Colorado 80225-0165, telephone (303) 231-3432, fax number (303) 231-3194, e-Mail David_Guzy@smtp.mms.gov. Contact Betty Casey at the Houston Compliance Division Office at telephone (713) 987-6802, fax (713) 987-6804. Please contact her prior to November 22 if you will be attending this meeting.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public without advance registration. Public attendance may be limited to the space available. Members of the public may make statements during the meeting, to the extent time permits, and are encouraged to file written statements for consideration.

Dated: October 17, 1995.

James W. Shaw,

Associate Director for Royalty Management.

[FR Doc. 95-26173 Filed 10-20-95; 8:45 am]

BILLING CODE 4310-MR-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

[FRL-5313-7]

Inspection/Maintenance Ozone Transport Region Flexibility Amendments

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes revisions to the motor vehicle Inspection/Maintenance (I/M) requirements by adding a special low enhanced performance standard for qualified areas in Ozone Transport Regions (OTR). EPA announced its intent to amend certain aspects of the I/M Program Requirements in December 1994 and held stakeholders' meetings on January 24, 1995 and January 31, 1995. A public hearing was held on May 17, 1995. Many of the comments received during that rulemaking came from OTR stakeholders who were concerned that the proposed changes did not address metropolitan areas in the OTR that were attainment, marginal, or moderate areas. Today's supplemental action proposes to create an additional performance standard which would apply to attainment, marginal and moderate areas in the OTR. The fundamental goal is to allow those OTR qualifying areas the flexibility to implement a broader range

of I/M programs than is currently permitted.

DATES: Written comments on this proposal must be received no later than November 22, 1995. No public hearing will be held unless a request is received in writing by October 30, 1995.

ADDRESSES: Interested parties may submit written comments (in duplicate if possible) to Public Docket No. A-95-08. It is requested that a duplicate copy be submitted to Eugene J. Tierney at the address in the **FOR FURTHER INFORMATION CONTACT** section below. The docket is located at the Air Docket, Room M-1500 (6102), Waterside Mall S.W., Washington, DC 20460. The docket may be inspected between 8:30 a.m. and 12 noon and between 1:30 p.m. until 3:30 p.m. on weekdays. A reasonable fee may be charged for copying docket material.

FOR FURTHER INFORMATION CONTACT: Eugene J. Tierney, Office of Mobile Sources, National Vehicle and Fuel Emissions Laboratory, 2565 Plymouth Road, Ann Arbor, Michigan, 48105. Telephone (313) 668-4456.

SUPPLEMENTARY INFORMATION:

- I. Table of Contents
- II. Summary of Proposal
- III. Authority
- IV. Background of the Proposed Amendment
- V. Discussion of Major Issues
 - A. Emission Impact of the Proposed Amendments
 - B. Impact on Existing and Future I/M Programs
- VI. Economic Costs and Benefits
- VII. Public Participation
- VIII. Administrative Requirements
 - A. Administrative Designation
 - B. Reporting and Recordkeeping Requirement
 - C. Regulatory Flexibility Act
 - D. Unfunded Mandates Act

II. Summary of Proposal

Under the Clean Air Act as amended in 1990 (the Act), 42 U.S.C. 7401 *et seq.*, the U.S. Environmental Protection Agency (EPA) published in the Federal Register on November 5, 1992 (40 CFR part 51, subpart S) rules related to plans for Motor Vehicle Inspection and Maintenance (I/M) programs (hereafter referred to as the I/M rule; see 57 FR 52950). EPA is proposing today to further revise this rule to provide greater flexibility to certain Ozone Transport Region (OTR) areas.

Section 182 of the Act is prescriptive regarding the various elements that are required as part of an enhanced I/M performance standard. It also provides states with flexibility in meeting the numerical performance standards for enhanced or basic I/M programs. States in the OTR have requested additional flexibility in implementing I/M in areas

which are in attainment, which are areas designated and classified as marginal ozone areas or which are designated and classified as moderate ozone areas under 200,000 in population. These three types of areas would be exempt from I/M requirements but for their location in the Ozone Transport Region. These OTR areas are included in the Act to help achieve overall attainment and maintenance goals for the region, which includes serious, and severe ozone nonattainment areas.

EPA is today proposing to establish an additional enhanced I/M performance standard for qualified areas in the Northeast OTR, hereafter referred to as the OTR low enhanced performance standard. The emission reduction targets for this program are less than both the low enhanced performance standard and the basic performance standard. There are two qualifications to be eligible for the OTR low enhanced performance standard. First, the standard would apply only in attainment areas, marginal ozone nonattainment areas and certain moderate ozone nonattainment areas under 200,000 in an OTR. Moderate areas of that size that were not previously required to, or had not in fact implemented, a basic I/M program under the pre-1990 Act could take advantage of the OTR low enhanced performance standard. Section 182(a)(2)(B)(i) requires areas that had or were required to have I/M programs pre-1990 to retain programs of at least that stringency in their SIPs. Because, as explained below, EPA believes the Act requires an enhanced I/M program to be an enhancement over otherwise applicable I/M requirements, areas subject to basic I/M could not adopt the less stringent OTR low enhanced program. Any moderate area with urbanized areas having a total population of over 200,000 would also be required to implement basic I/M under section 182(b)(4) and would thus be ineligible for the OTR low enhanced standard. Second, the OTR low-enhanced program must be supplemented by other measures in order to achieve the emission reductions that would have occurred had a regular low-enhanced I/M program been implemented (as defined by § 51.351(g) of 40 CFR). This is because the primary goal of the Act in establishing the OTR provisions and requiring enhanced I/M in areas with a population of 100,000 or more in the OTR was to contribute to regional attainment and EPA believes that an area should be able to qualify for the additional flexibility provided under

the OTR low enhanced standard only if it achieves in some other way, the additional reductions that the otherwise applicable low-enhanced I/M program would achieve. Thus, the total emission reductions from the I/M program plus the additional measures would have to equal the tonnage reduction that a regular low-enhanced program would have generated. However, since local reductions are not the crucial factor, a state may bubble surplus reductions from other areas not required to implement I/M in the state. For example, a state could implement a statewide reformulated gasoline (RFG) program (note that EPA has recently asked for comment on whether attainment areas can opt in to the reformulated gasoline program and a decision has not yet been made on this issue) plus an OTR low enhanced program in subject areas or statewide and potentially achieve comparable reductions to a regular low enhanced program because of the additional reductions RFG would achieve in areas not otherwise required to have RFG. Equality of emission reductions must be demonstrated over a time period which aligns with the attainment deadlines of all OTR areas: from 2000 through 2007. Note that an I/M program that meets an OTR low enhanced performance standard must be implemented even if other measures could achieve comparable emission reductions because the Act specifically requires an enhanced I/M program in metropolitan areas with 100,000 population in the OTR. Measures to fill the gap between OTR low and regular low enhanced I/M may not be otherwise required by the Clean Air Act. EPA invites comment on whether and how a state may use credits obtained through an Open Market Trading program to satisfy the equal reduction requirement.

The OTR low enhanced performance standard model program is composed of the following elements: annual testing of 1968 and newer light duty vehicles and light duty trucks, OBD checks for 1996 and newer vehicles, remote sensing of 1968–1995 vehicles, catalyst checks on 1975 and newer vehicles, and PCV valve checks on pre-1975 vehicles. These elements collectively satisfy the Act's requirements that the enhanced I/M program performance standard include certain listed features.

The emission reduction targets generated by this model program cannot be precisely modeled at this time but EPA estimates the targets to be less than those for the basic I/M program standard (which are approximately 6.3% for HC, 10.8% for CO, and 0.7% for NO_x). As soon as EPA completes development of

guidance on remote sensing credits, an analysis of the emission reduction targets generated by this model program will be placed in the docket. In that the OTR low enhanced standard is less than basic I/M, the question arises as to how this standard meets the requirement of the Act for "enhanced" I/M. There are two important facts to consider in this regard: first, neither the Act nor the legislative history specifies that the emission reduction targets for enhanced I/M must be greater than basic in all cases. EPA believes the Act provides the agency latitude in establishing multiple performance standards to meet a wide range of state and local needs and conditions. Second, the areas eligible to take advantage of this performance standard were not required to nor did they implement I/M programs prior to 1990. So, in all cases, this standard establishes a program target that is enhanced relative to what was present or required for the area before enactment of the 1990 Amendment or is otherwise required after the 1990 Amendments.

As is the case with all performance standard model programs, EPA does not necessarily recommend implementation of the model program, since it is constrained in composition by law (e.g., EPA recommends not testing cars until they reach 4 years of age and recommends biennial testing as more cost-effective; by contrast, the enhanced I/M performance standards are required by the Act to reflect a model program that includes annual testing of all vehicles). In that the emission reduction targets for this performance standard are below the basic level, this standard provides the broadest possible latitude in program design. For example, some states in the OTR have existing decentralized, safety inspection programs. Comprehensive visual checks of emission control devices, a gas cap pressure test, the Act-mandated OBD check, and the Act-mandated on-road testing could be added to these programs. Many other possibilities exist for program designs that could meet this performance standard.

While the proposed OTC low enhanced performance standard is less demanding than the existing performance standard applicable to the affected areas, the proposed regulatory changes will ensure that enhanced I/M programs in these areas meet statutory criteria for EPA approval. A state's OTR low enhanced program is required, under § 182(c)(3)(C) of the Clean Air Act, to include computerized analyzers and on-road testing devices; computerized equipment and on-road testing devices are required by the

current rule and apply to the OTR low-enhanced program. A state's OTR low-enhanced program shall also include a regulatory framework for waivers, if waivers are to be issued, and an enforcement system through registration denial; the proposed amendments leave requirements in this regard the same as for other enhanced I/M areas. As mandated by the Act, in an OTR low enhanced program, vehicle emissions shall be tested annually unless biennial testing will equal or exceed the reductions that can be obtained from annual inspections. A program could combine biennial inspections on the vehicles equipped with OBD with biennial evaporative system checks to achieve the necessary additional reductions. The OTR low-enhanced program shall operate on a centralized basis, unless an alternative program with decentralized inspections meets the same performance standard. The performance standard itself is based on centralized inspections of OBD-equipped vehicles and on-road remote sensing testing; EPA believes that this meets the specific requirement that the performance standard be based on centralized testing.

Also, today's proposal would establish quality assurance requirements for OTR low enhanced I/M programs that are commensurate with the emission reductions the programs are intended to achieve. In particular, current rules require enhanced I/M programs to be evaluated by conducting test-only IM240s on a random representative sample of the fleet (a minimum of 0.1%) to verify that the emission reductions are occurring. EPA believes that the emission reductions from an OTR low enhanced program are small enough that this level of effort is not necessarily justified. Also, the routine quality assurance requirements are also not necessarily appropriate in light of the low level of benefits of the program.

EPA also proposes to modify the exclusion rule for counties within MSAs in the Ozone Transport Region. The modification would allow states to exclude counties that comprise less than 1% of the population of the MSA. Inclusion of such a small fraction of the population is not worth the significant cost of expanding geographic coverage of the program to include such a county.

EPA proposes that the implementation date for full testing in areas opting for the OTR low performance standard be no later than the latest date, by which full testing can commence and still achieve sufficient reductions to meet the performance standard by the Act's attainment and

reasonable further progress deadlines including the end of 1999 attainment date for serious ozone nonattainment areas. This will generally mean a start date no later than January 1, 1999, for annual testing programs, although EPA proposes to accept field testing commencing as late as July 1, 1999 if the full I/M reductions can be achieved by the serious areas attainment date. Note that the performance standard model program assumes a start date of January 1, 1999 because EPA believes Congress intended that the performance standard be based on at least one complete annual test cycle. With the requirement to offset the emissions difference between OTR low and regular low enhanced, this date ensures that attainment in the region is not impaired.

EPA's proposal would also serve to provide other flexibilities to non-OTR states in designing quality assurance programs. The intent is to allow alternative quality assurance procedures that are as effective or better than those specified in the rule.

III. Authority

Authority for the action proposed in this notice is granted to EPA by section 182 of the Clean Air Act as amended (42 U.S.C. 7401, *et seq.*).

IV. Background of the Proposed Amendments

The features of the enhanced I/M performance standard model program are used to generate the minimum performance target that a state must meet. When programmed into the most current version of EPA's mobile source emission factor model (hereafter referred to as MOBILE5a), these features produce a target emission factor (emissions per mile of vehicle travel) which a state's proposed program must not exceed to be deemed minimally acceptable for purposes of state implementation plan (SIP) approval. This combination of features, however, does not constitute either a required or recommended program design. The use of the performance standard approach allows EPA to meet Congress's dual statutory requirements that the EPA develop a performance standard based on certain statutory features and that the standard provide states with maximum flexibility to design I/M programs to meet local needs.

EPA maintains that the Act in no way bars it from establishing more than one enhanced I/M performance standard. EPA believes that precedent exists for the adoption of multiple enhanced I/M performance standards, tailored to the unique needs of certain areas, and points to the case of El Paso, Texas, for

which a separate, enhanced I/M performance standard was created [57 FR 52989, § 51.351 (e)]

V. Discussion of Major Issues

A. Emission Impact of the Proposed Amendments

EPA is still in the process of evaluating the emission impact of the OTR enhanced I/M performance standard. The evaluation process is based on a number of inputs, including credits awarded for RSD, and is modeled using MOBILE5a and national average values for vehicle age mix, mileage accumulation, and other area and fleet related variables. Once EPA finalizes RSD credits, an analysis of the emission reduction targets generated by this model program will be placed in the docket. The emission impact of the OTR enhanced performance standard is expected to be neutral since the proposed change would not reduce the total emission reductions that states must achieve. The scope of this change is also limited to attainment areas, marginal ozone areas, and certain moderate ozone areas below 200,000 population in the Ozone Transport Region.

B. Impact on Existing and Future I/M Programs

Only states that choose to utilize the proposed OTR performance standard will be affected by today's proposal. Modifications to a state's I/M program as a result of this rule change may require a SIP revision, if a plan has already been submitted. Each case is likely to be different, depending upon the magnitude of the change. It is important to note that today's proposal in no way increases the existing burden on states. States that currently comply, or are in the process of complying, with the existing I/M rule would only be affected by today's rule revisions if they so choose. Today's proposed amendments represent opportunities for those states that can meet the criteria set forth in today's proposal; under no circumstances are these proposed opportunities to be construed as mandatory obligations.

VI. Economic Costs and Benefits

Today's proposed revisions provide states additional flexibility that lessens rather than increases the potential burden on states. Furthermore, states are under no obligation, legal or otherwise, to modify existing plans meeting the previously applicable requirements as a result of today's proposal.

VII. Public Participation

EPA desires full public participation in arriving at final decisions in this Rulemaking action. EPA solicits comments on all aspects of this proposal from all parties. Wherever applicable, full supporting data and detailed analysis should also be submitted to allow EPA to make maximum use of the comments. All comments should be directed to the Air Docket, Docket No. A-95-08.

VIII. Administrative Requirements

A. Administrative Designation

It has been determined that this proposed amendment to the I/M rule is not a significant regulatory action under the terms of Executive Order 12866 and are therefore not subject to OMB review. Any impacts associated with these revisions do not constitute additional burdens when compared to the existing I/M requirements published in the Federal Register on November 5, 1992 (57 FR 52950) as amended. Nor does the proposed amendment create an annual effect on the economy of \$100 million or more or otherwise adversely affect the economy or the environment. It is not inconsistent with nor does it interfere with actions by other agencies. It does not alter budgetary impacts of entitlements or other programs, and it does not raise any new or unusual legal or policy issues.

B. Reporting and Recordkeeping Requirement

There are no information requirements in this supplemental proposed rule which require the approval of the Office of Management and Budget under the Paperwork Reduction Act 44 U.S.C. 3501 *et seq.*

C. Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Administrator certifies that this proposal will not have a significant economic impact on a substantial number of small entities and, therefore, is not subject to the requirement of a Regulatory Impact Analysis. A small entity may include a small government entity or jurisdiction. A small government jurisdiction is defined as "governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than 50,000." This certification is based on the fact that the I/M areas impacted by the proposed rulemaking do not meet the definition of a small government jurisdiction, that is, "governments of cities, counties, towns, townships, villages, school districts, or

special districts, with a population of less than 50,000." Furthermore, the impact created by the proposed action does not increase the pre-existing burden which this proposal seeks to amend.

D. Unfunded Mandates Act

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 where the estimated costs to State, local, or tribal governments, or to the private sector, will be \$100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objective 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 impacted by the rule.

To the extent that the rules being proposed by this action would impose any mandate at all as defined in Section 101 of the Unfunded Mandates Act upon the state, local, or tribal governments, or the private sector, as explained above, this proposed rule is not estimated to impose costs in excess of \$100 million. Therefore, EPA has not prepared a statement with respect to budgetary impacts. As noted above, this rule offers opportunities to states that would enable them to lower economic burdens from those resulting from the currently existing I/M rule.

List of Subjects in 40 CFR Part 51

Environmental protection, Administrative practice and procedure, Air pollution control, Carbon monoxide, Transportation.

Dated: October 3, 1995.

Carol M. Browner,
Administrator.

For the reasons set out in the preamble, part 51 of title 40 of the Code of Federal Regulations is proposed to be amended to read as follows:

PART 51—[AMENDED]

1. The authority citation for Part 51 continues to read as follows:

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

2. Section 51.350 is amended by revising paragraphs (b)(1) and adding (b)(5) to read as follows:

§ 51.350 Applicability.

* * * * *

(b) *Extent of area coverage.* (1) In an ozone transport region, the program

shall cover all counties within subject MSAs or subject portions of MSAs, as defined by OMB in 1990, except largely rural counties having a population density of less than 200 persons per square mile based on the 1990 Census and counties with less than 1% of the population in the MSA may be excluded provided that at least 50% of the MSA population is included in the program. This provision does not preclude the voluntary inclusion of portions of an excluded county. Non-urbanized islands not connected to the mainland by roads, bridges, or tunnels may be excluded without regard to population.

* * * * *

(5) Notwithstanding the limitation in paragraph (b)(3) of this section, in an ozone transport region, states which opt for a program which only meets the performance standard described in § 51.351(h) of this part, may apply a geographic bubble covering areas in the state not otherwise subject to an I/M requirement to achieve emission reductions from other measures equal to or greater than what would have been achieved if the low enhanced performance standard were met in the subject I/M areas. Emissions reductions from non-I/M measures shall not be counted towards the OTR low enhanced performance standard.

* * * * *

3. Section 51.351 is amended by adding paragraph (h) to read as follows:

§ 51.351 Enhanced I/M performance standards.

* * * * *

(h) *Ozone Transport Region Low-Enhanced Performance Standard.* An attainment area, marginal ozone area, or moderate ozone area with a 1980 Census population of less than 200,000 in the urbanized area, in an ozone transport region, that is required to implement enhanced I/M under section 184(b)(1)(A) of the Clean Air Act, but was not previously required to or did not in fact implement basic I/M under the Clean Air Act as enacted prior to 1990 and is not subject to the requirements for basic I/M programs in this subpart, may select the performance standard described below in lieu of the standard described in paragraph (f) or (g) of this section as long as the difference in emission reductions between the program described in paragraph (g) and this paragraph are made up with other measures, as provided in § 51.350(b)(5). Offsetting measures shall not include those otherwise required by the Clean Air Act in the areas from which credit is bubbled. The program elements for this

alternate OTR enhanced I/M performance standard are:

- (1) *Network type*. Centralized testing.
- (2) *Start date*. January 1, 1999.
- (3) *Test frequency*. Annual testing.
- (4) *Model year coverage*. Testing of 1968 and newer vehicles.
- (5) *Vehicle type coverage*. Light duty vehicles, and light duty trucks, rated up to 8,500 pounds GVWR.
- (6) *Exhaust emission test type*. Remote sensing measurements on 1968–1995 vehicles; on-board diagnostic system checks on 1996 and newer vehicles.
- (7) *Emission standards*. For remote sensing measurements, a carbon monoxide standard of 7.5% (with at least two separate readings above this level to establish a failure).
- (8) *Emission control device inspections*. Visual inspection of the catalytic converter on 1975 and newer vehicles and visual inspection of the positive crankcase ventilation valve on 1968–1974 vehicles.
- (9) *Waiver rate*. A 3% waiver rate, as a percentage of failed vehicles.
- (10) *Compliance rate*. A 96% compliance rate.
- (11) *Evaluation dates*. Enhanced I/M program areas subject to the provisions of this paragraph shall be shown to obtain the same or lower VOC and NO_x emission levels as the model program described in this paragraph by January 1, 2000, 2003, 2006, and 2007. Equality of substituted emission reductions to the benefits of the low enhanced performance standard must be demonstrated for the same evaluation dates.

4. Section 51.353 is amended by adding paragraph (c)(5) to read as follows:

§ 51.353 Network type and program evaluation.

* * * * *

(c) * * *

(5) Areas that qualify for and choose to implement an OTR low enhanced I/M program, as established in § 51.351(h), that achieves less emission reduction credit than the basic performance standard for one or more pollutants are exempt from the requirements of paragraphs (c)(1) through (c)(4) of this section. The reports required under § 51.366 of this part shall be sufficient in these areas to satisfy the requirements of Clean Air Act for program reporting.

* * * * *

5. Section 51.364 is amended by adding paragraphs (e) and (f) to read as follows:

§ 51.364 Enforcement against contractors, stations and inspectors.

* * * * *

(e) Alternative quality assurance procedures or frequencies that achieve equivalent or better results may be approved by the Administrator. Statistical process control shall be used whenever possible to demonstrate the efficacy of alternatives.

(f) Areas that qualify for and choose to implement an OTR low enhanced I/M program, as established in § 51.351(h) of this part, that achieves less emission reduction credit than the basic performance standard for one or more pollutants are not required to meet the oversight specifications of this section.

6. Section 51.373 is amended by adding paragraph (f) to read as follows:

§ 51.373 Implementation deadlines.

* * * * *

(f) Areas that choose to implement an enhanced I/M program only meeting the requirements of § 51.351(h) of this subpart shall fully implement the program no later than July 1, 1999. The availability and use of this late start date does not relieve the area of the obligation to meet the requirements of § 51.351(h)(11).

[FR Doc. 95–26202 Filed 10–20–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[LA–19–1–6934b; FRL–5310–3]

Approval and Promulgation of Implementation Plans; State of Louisiana; Clean Fuel Fleet Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of Louisiana for the purpose of establishing a Clean Fuel Fleet Program. The SIP revision was submitted by the State to satisfy the Federal mandate, found in the Clean Air Act (CAA), to implement a program whereby at least a certain percentage of all newly acquired vehicles of certain on-road fleets in the Baton Rouge ozone nonattainment area, beginning with model year 1998, shall be clean fuel vehicles (CFV). In the final rules section of this Federal Register, the 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 amendment and anticipates no adverse comments. The rationale for the approval is set

forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If the EPA receives adverse comments, the direct final rule will be withdrawn, and all public comments received during the 30-day comment period set forth below will be addressed in a subsequent final rule based on this proposed rule. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed rule must be received in writing by November 22, 1995.

ADDRESSES: Written comments should be submitted to Mr. Thomas Diggs, Chief, Air Planning Section (6PD–L), at the EPA Regional Office listed below. Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the following locations. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day. U.S. Environmental Protection Agency, Region 6, Air Planning Section (6PD–L), 1445 Ross Avenue, suite 700, Dallas, Texas 75202–2733; telephone (214) 665–7214.

Louisiana Department of Environmental Quality, Office of Air Quality and Radiation Protection, 7290 Bluebonnet Blvd. Baton Rouge, Louisiana 70810.

FOR FURTHER INFORMATION CONTACT: H.D. Brown, Jr., Air Planning Section (6PD–L), EPA Region 6, telephone (214) 665–7248.

SUPPLEMENTARY INFORMATION: See the information provided in the direct final action of the same title which is located in the rules section of this Federal Register.

Dated: September 14, 1995.

A. Stanley Meiburg,

Acting Regional Administrator.

[FR Doc. 95–26196 Filed 10–20–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[MI36–01–6712b; FRL–5294–5]

Approval and Promulgation of Implementation Plan; Michigan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve a revision to the Michigan State Implementation Plan (SIP) for the Eagle-