

MASSACHUSETTS-CARBON MONOXIDE—Continued

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
Essex County (part): Townships of: Andover, Amesbury, Boxford, Georgetown, Groveland, Haverhill, Lawrence, Merrimac, Methuen, Newbury, Newburyport, North Andover, Rowley, Salisbury, and West Newbury.				
Middlesex County (part): Townships of: Ayer, Billerica, Carlisle, Chelmsford, Dracut, Dunstable, Groton, Littleton, Pepperell, Tewksbury, Tyngsborough, and Westford.				

¹ This date is November 15, 1990, unless otherwise noted.

[FR Doc. 96-1589 Filed 1-29-96; 8:45 am]
BILLING CODE 6560-50-P

40 CFR Parts 52 and 81

[SIPTRAX No. PA075-4001; PA075-4002; PA024-4005; FRL-5329-1]

Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; Redesignation of the Philadelphia County Carbon Monoxide Area to Attainment and Approval of the Area's Maintenance Plan and the Philadelphia County 1990 Base Year Carbon Monoxide Emission Inventory; Commonwealth of Pennsylvania

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a maintenance plan and a request to redesignate part of Philadelphia County from nonattainment to attainment for carbon monoxide (CO) and is also approving the 1990 base year CO emissions inventory for Philadelphia County. The maintenance plan, redesignation request and 1990 base year CO emissions inventory were submitted by the Commonwealth of Pennsylvania. Under the 1990 amendments of the Clean Air Act (CAA) designations can be revised if sufficient data is available to warrant such revisions. In this action, EPA is approving the Pennsylvania request because it meets the maintenance plan and redesignation requirements set forth in the CAA. This action is being taken under section 110 of the CAA.

EFFECTIVE DATE: This action will become effective on March 15, 1996 unless, within 30 days of publication, adverse or critical comments are received. If the effective date is delayed, timely notice

will be published in the Federal Register.

ADDRESSES: Comments may be mailed to Marcia L. Spink, Associate Director, Air Programs, Mailcode 3AT00, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107.

Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105 and Philadelphia Department of Public Health, Air Management Services, 321 University Avenue, Philadelphia, Pennsylvania 19104.

FOR FURTHER INFORMATION CONTACT: Kelly L. Bunker, (215) 597-4554.

SUPPLEMENTARY INFORMATION: On September 8, 1995 the Commonwealth of Pennsylvania submitted a request for parallel processing of a redesignation request and maintenance plan for the Philadelphia portion of the Philadelphia-Camden County CO nonattainment area and supplemented the request on October 30, 1995, in order to formalize the submittal as an official revision to its State Implementation Plan (SIP). The SIP revision consists of a maintenance plan and a request to redesignate part of Philadelphia County from nonattainment to attainment for carbon monoxide and the 1990 base year CO emissions inventory for Philadelphia County.

I. Background

Part of Philadelphia County in Pennsylvania, specifically the high traffic areas within the Central Business

District and certain other high traffic density areas of the City of Philadelphia, was a pre-1990 CO nonattainment area and continued to be designated as nonattainment for CO by operation of law as per section 107 (d)(1)(C)(i) of the Clean Air Act Amendments of 1990. The National Ambient Air Quality Standard (NAAQS) for CO is 9.5 parts per million (ppm). Philadelphia County is part of the Philadelphia-Camden County CO nonattainment area. CO nonattainment areas can be classified as moderate or serious, based on their design values. Since the Philadelphia CO nonattainment area had a design value of 11.6 ppm (based on 1988 and 1989 data), the area was classified as moderate. The CAA established an attainment date of December 31, 1995, for all moderate CO areas. Philadelphia County has ambient air quality monitoring data showing attainment of the CO NAAQS from 1990 through 1994. No exceedances or violations of the CO NAAQS have been monitored in Philadelphia County to date during calendar year 1995. Therefore, in an effort to comply with the CAA and to ensure continued attainment of the NAAQS, on September 8, 1995 and October 30, 1995 the Commonwealth of Pennsylvania submitted a CO redesignation request and a maintenance plan for Philadelphia County. Pennsylvania submitted evidence that a public hearing was held on October 16, 1995 in Philadelphia.

II. Evaluation Criteria

Section 107(d)(3)(E) of the 1990 Clean Air Act Amendments provides five specific requirements that an area must meet in order to be redesignated from nonattainment to attainment.

1. The area must have attained the applicable NAAQS;
2. The area must have a fully approved SIP under section 110(k) of CAA;

- 3. The air quality improvement must be permanent and enforceable;
- 4. The area must have a fully approved maintenance plan pursuant to section 175A of the CAA;
- 5. The area must meet all applicable requirements under section 110 and Part D of the CAA;

III. Review of State Submittal

On October 31, 1995, EPA determined that the information received from the Commonwealth of Pennsylvania constituted a complete redesignation request under the general completeness criteria of 40 CFR part 51, appendix V, §§ 2.1 and 2.2.

The Pennsylvania redesignation request for part of Philadelphia County meets the five requirements of section 107(d)(3)(E), noted above. The following is a brief description of how the Commonwealth has fulfilled each of these requirements.

1. Attainment of the CO NAAQS

Pennsylvania has quality-assured CO ambient air monitoring data showing that Philadelphia County has met the CO NAAQS. The Pennsylvania request is based on an analysis of quality-assured CO air monitoring data which is relevant to the maintenance plan and to the redesignation request. To attain the CO NAAQS, an area must have complete quality-assured data showing no more than one exceedance of the standard per year over at least two consecutive years. The ambient air CO monitoring data for calendar year 1990 through calendar year 1994, relied upon by Pennsylvania in its redesignation request, shows no violations of the CO NAAQS in Philadelphia County. The most recent ambient CO data shows one exceedance in the calendar years 1993 and 1994. In addition, the most recent ambient CO data for calendar year 1995 shows no exceedances of the NAAQS to date in Philadelphia County. Because the area has complete quality assured data showing no more than one exceedance of the standard per year over at least two consecutive years (1993 and 1994), the area has met the first statutory criterion of attainment of the CO NAAQS (40 CFR 50.8 and appendix C). Pennsylvania has committed to continue monitoring in this area in accordance with 40 CFR part 58.

Furthermore, air quality data for the New Jersey portion of the Philadelphia-Camden County CO nonattainment area shows that the remainder of the nonattainment area has met the CO NAAQS since 1990. Therefore, air quality in the entire area has been meeting the CO standards since 1990.

2. Fully Approved SIP Under Section 110(k) of the CAA

Pennsylvania's CO SIP is fully approved by EPA as meeting all the requirements of Section 110(a)(2)(I) of the Act, including the requirements of Part D (relating to nonattainment), which were due prior to the date of Pennsylvania's redesignation request. All portions of Pennsylvania's CO SIP, except for the motor vehicle inspection and maintenance (I/M) portion, were fully approved by EPA on February 26, 1985, at 40 CFR § 52.2020(c)(63), (50 FR 7772). The I/M portion of the CO SIP was approved by EPA on April 8, 1987 at 40 CFR § 52.2020(c)(66), (52 FR 11259). The 1990 CAA required that nonattainment areas achieve specific new requirements depending on the severity of the nonattainment classification. Requirements for the Philadelphia area include the preparation of a 1990 emission inventory with periodic updates, adoption of an oxygenated fuels program, the development of contingency measures, and development of conformity procedures. Each of these requirements added by the 1990 Amendments to the CAA are discussed in greater detail below.

Consistent with the October 14, 1994 EPA guidance from Mary D. Nichols entitled "Part D New Source Review (Part D NSR) Requirements for Areas Requesting Redesignation to Attainment," EPA is not requiring full approval of a Part D NSR program by Pennsylvania as a prerequisite to redesignation to attainment. Under this guidance, nonattainment areas may be redesignated to attainment notwithstanding the lack of a fully-approved Part D NSR program, so long as the program is not relied upon for maintenance. Pennsylvania has not relied on a NSR program for CO sources to maintain attainment. Although EPA is not treating a Part D NSR program as a prerequisite for redesignation, it should be noted that EPA is in the process of taking final action on the State's revised NSR regulation, which includes requirements for CO nonattainment areas. Because part of Philadelphia County is being redesignated to attainment by this action, Pennsylvania's Prevention of Significant Deterioration (PSD) requirements will be applicable to new or modified sources in Philadelphia County. Pennsylvania has been delegated PSD authority (see CFR § 52.2058 Pennsylvania and 49 FR 33128, August 21, 1984).

A. Emission Inventory

Pennsylvania submitted its 1990 base year emissions inventory as part of the maintenance plan which was submitted on September 8, 1995 and October 30, 1995. The inventory estimated CO emissions for Philadelphia County, as required under Section 187(a)(1) of the CAA.

This inventory was used as the basis for calculations to demonstrate maintenance. Pennsylvania's submittal contains the detailed inventory data and summaries by source category. The inventory was prepared in accordance with EPA guidance. A summary of the base year and projected maintenance year inventories are shown in the following table in this section.

Section 172(c)(3) of the CAA requires that nonattainment plan provisions include a comprehensive, accurate, and current inventory of actual emissions from all sources of relevant pollutants in the nonattainment area. Pennsylvania included the requisite inventory in the redesignation request and maintenance plan SIP revision. The base year for the inventory was 1990, using a three month CO season of December 1990 through February 1991. Stationary sources, area sources, on-road mobile sources, and non-road mobile sources of CO were included in the inventory. The following table, Table 1, presents a summary of the base year (1990), attainment year (1992) and projected year (2007) CO peak season daily emissions estimates in tons per winter day (tpd) by source category:

TABLE 1.—CO PEAK SEASON DAILY EMISSIONS

	1990 Base year emissions (tons per day)	1992 Attainment year emissions (tons per day)	2007 Projected year emissions (tons per day)
On-road Mobile	608.99	561.25	334.33
Non-road Mobile	9.62	9.69	10.11
Area	13.77	13.80	13.98
Stationary	20.98	22.07	31.11
Total	653.36	606.81	389.53

Available guidance for preparing emission inventories is provided in the General Preamble (57 FR 13498, April 16, 1992).

Section 110(k) of the CAA sets out provisions governing the EPA's review of base year emission inventory submittals in order to determine approval or disapproval under section 187(a)(1). The EPA is granting approval

of the Philadelphia County 1990 base year CO emissions inventories as found in the Pennsylvania CO Redesignation Request, based on the EPA's technical review of the CO inventory. For further details on the emission inventory, the reader is referred to the Technical Support Document, which is available for review at the addresses provided above.

B. Oxygenated Gasoline

Section 211(m) of the CAA requires that each State in which there is located a CO nonattainment area with a design value of 9.5 ppm or above based on data for the 2-year period of 1988 and 1989 shall submit a SIP revision which requires the implementation of an oxygenated gasoline program in the Consolidated Metropolitan Statistical Area (CMSA) in which the nonattainment area is located. The Philadelphia-Camden County CO nonattainment area has a design value above 11.6 ppm based on 1988 and 1989 data and consequently was subject to the requirement to adopt an oxygenated fuel program. Pennsylvania submitted an oxygenated gasoline SIP revision for the Pennsylvania portion of the Philadelphia CMSA to EPA on November 12, 1992. EPA approved the SIP revision on July 21, 1994 at 40 CFR § 52.2020(c)(88), (59 FR 37162). As noted in the Pennsylvania redesignation request, the State intends to relegate the oxygenated fuel program to contingency status upon EPA's approval of Pennsylvania's redesignation request. On August 19, 1995 Pennsylvania modified their oxygenated gasoline regulations to allow for the discontinuance of the program if EPA approves a redesignation request and maintenance plan which does not require the implementation of an oxygenated gasoline program. The modified Pennsylvania oxygenated gasoline regulation also states that if an area is redesignated to attainment and then violates the CO standard that the program must be reinstated at the beginning of the next oxygenated gasoline control period. In its demonstration of maintenance, described below, the Commonwealth has shown that oxygenated gasoline in the Philadelphia CMSA is not necessary for continued maintenance of the CO NAAQS. Consequently, by this action, EPA is approving Pennsylvania's use of oxygenated gasoline as a contingency measure for the Philadelphia area.¹

¹ Cecil County, Maryland is part of the Philadelphia CMSA and had implemented the oxygenated gasoline program. This action will also

C. Conformity

Under section 176(c) of the CAA, states were required to submit revisions to their SIPs that include criteria and procedures to ensure that Federal actions conform to the air quality planning goals in the applicable SIPs. The requirement to determine conformity applies to transportation plans, programs and projects developed, funded or approved under Title 23 U.S.C. or the Federal Transit Act ("transportation conformity"), as well as all other Federal actions ("general conformity"). Congress provided for the State revisions to be submitted one year after the date of promulgation of final EPA conformity regulations. EPA promulgated final transportation conformity regulations on November 24, 1993 (58 FR 62188) and final general conformity regulations on November 30, 1993 (58 FR 63214). These conformity rules require that the States adopt both transportation and general conformity provisions in the SIP for areas designated nonattainment or subject to a maintenance plan approved under CAA section 175A. Pursuant to § 51.396 of the transportation conformity rule and § 51.851 of the general conformity rule, the Commonwealth of Pennsylvania was required to submit a SIP revision containing transportation conformity criteria and procedures consistent with those established in the Federal rule by November 25, 1994. Similarly, Pennsylvania was required to submit a SIP revision containing general conformity criteria and procedures consistent with those established in the Federal rule by December 1, 1994. Pennsylvania submitted its transportation conformity SIP revision to EPA on November 21, 1994. This SIP was determined to be administratively and technically complete on February 21, 1995. Pennsylvania has not submitted its general conformity SIP revision.

Although this redesignation request was submitted to EPA after the due dates for the SIP revisions for transportation conformity and general conformity rules, EPA believes it is reasonable to interpret the conformity requirements as not being applicable requirements for purposes of evaluating the redesignation request under section 107(d). The rationale for this is based on a combination of two factors. First, the requirement to submit SIP revisions to comply with the conformity provisions of the Act continues to apply to areas after redesignation to attainment.

serve to remove the oxygenated fuel requirement from Cecil County, Maryland.

Therefore, the State remains obligated to adopt the transportation and general conformity rules even after redesignation and would risk sanctions for failure to do so. While redesignation of an area to attainment enables the area to avoid further compliance with most requirements of section 110 and part D, since those requirements are linked to the nonattainment status of an area, the conformity requirements apply to both nonattainment and maintenance areas. Second, EPA's federal conformity rules require the performance of conformity analyses in the absence of state-adopted rules. Therefore, a delay in adopting State rules does not relieve an area from the obligation to implement conformity requirements.

Because areas are subject to the conformity requirements regardless of whether they are redesignated to attainment and must implement conformity under Federal rules if State rules are not yet adopted, EPA believes it is reasonable to view these requirements as not being applicable requirements for purposes of evaluating a redesignation request.

For the reasons just discussed, EPA believes that the CO redesignation request for Philadelphia County may be approved notwithstanding the lack of a general conformity submittal and an approved state transportation conformity rule.

3. Improvement in Air Quality Due to Permanent and Enforceable Measures

EPA approved Pennsylvania's CO SIP under the 1977 CAA. Emission reductions achieved through the implementation of control measures contained in that SIP are enforceable. Pennsylvania cites the Federal Motor Vehicle Control Program (FMVCP) and the basic Inspection and Maintenance Program as the major sources of reduction that led to attainment of the CO standard. As discussed above, the State initially attained the NAAQS in 1990 with monitored attainment through 1994. This indicates that the improvements are due to the permanent and enforceable measures contained in the 1982 CO SIP.

The Commonwealth of Pennsylvania has demonstrated that actual enforceable emission reductions are responsible for the air quality improvement and that the CO emissions in the base year are not artificially low due to local economic downturn. EPA finds that the combination of certain existing EPA-approved SIP and federal measures contribute to the permanence and enforceability of reduction in ambient CO levels that have allowed the area to attain the NAAQS.

4. Fully Approved Maintenance Plan Under Section 175A

Section 175A of the CAA sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment.

The plan must demonstrate continued attainment of the applicable NAAQS for at least ten years after the Administrator approves a redesignation to attainment. Eight years after the redesignation, the state must submit a revised maintenance plan which demonstrates attainment for the ten years following the initial ten-year period. To provide for the possibility of future NAAQS violations, the maintenance plan must contain contingency measures, with a schedule for implementation adequate to assure prompt correction of any air quality problems. In this notice, EPA is approving the Commonwealth of Pennsylvania's maintenance plan for the Philadelphia area because EPA finds that Pennsylvania's submittal meets the requirements of section 175A.

A. Attainment Emission Inventory

As previously noted, Pennsylvania submitted its 1990 base year emissions inventory for Philadelphia County as part of the maintenance plan which was submitted on September 8, 1995 and October 30, 1995. The inventory includes emissions from stationary, area, and mobile sources using 1990 as the base year for calculations.

The State submittal contains the detailed inventory data and summaries by source category. The comprehensive base year emissions inventory was submitted in the National Emission Data System format. This inventory was prepared in accordance with EPA guidance.

The 1992 emission inventory was selected as representative of Philadelphia County emissions during the period showing attainment. Pennsylvania established the 1992 inventory as the attainment inventory and forecasted future emissions out to the year 2007 in its maintenance plan. The future emission estimates were all calculated by applying appropriate growth factors to the 1990 base year inventory, consistent with EPA guidance.

B. Demonstration of Maintenance-Projected Inventories

Total CO emissions were projected from 1990 base year out to 2007. These projected inventories were prepared in accordance with EPA guidance. Pennsylvania will not implement the oxygenated gasoline program in the Pennsylvania portion of the

Philadelphia CMSA unless a violation of the standard triggers the implementation of the program. The projections show that calculated CO emissions, assuming no oxygenated fuels program, are not expected to exceed the level of the base year inventory during this time period. Therefore, it is anticipated that the Philadelphia area will maintain the CO standard without the program, and the oxygenated gasoline program would not need to be implemented following redesignation, except as a contingency measure.

C. Verification of Continued Attainment

Continued attainment of the CO NAAQS in Philadelphia County depends, in part, on the Commonwealth's efforts toward tracking indicators of continued attainment during the maintenance period. The Commonwealth commits to revise the emission inventory every three years beginning in 1993, until at least 2007. If future emission levels exceed those in the 1992 attainment inventory, the Commonwealth commits to investigate the reasons and take appropriate action.

D. Contingency Plan

The level of CO emissions in Philadelphia County will largely determine its ability to stay in compliance with the CO NAAQS in the future. Despite the Commonwealth's best efforts to demonstrate continued compliance with the NAAQS, the ambient air pollutant concentrations may exceed or violate the NAAQS. Section 175(A)(d) of the CAA requires that the contingency provisions include a requirement that the State implement all measures contained in the SIP prior to redesignation. Therefore, Pennsylvania has provided contingency measures with a schedule for implementation in the event of a future CO air quality problem. The plan contains triggering mechanism (a violation of the CO standard) to determine when contingency measures are needed.

On August 19, 1995 Pennsylvania modified their oxygenated gasoline regulations to allow for the discontinuance of the program if EPA approves a redesignation request and maintenance plan which does not require the implementation of an oxygenated gasoline program. The modified Pennsylvania oxygenated gasoline regulation states that if an area is redesignated to attainment and then violates the CO standard that the program must be reinstated at the beginning of the next oxygenated gasoline control period.

E. Subsequent Maintenance Plan Revisions

In accordance with section 175A(b) of the CAA, the Commonwealth has agreed to submit a revised maintenance SIP eight years after the area is redesignated to attainment. Such a revised SIP will provide for maintenance for an additional ten years.

5. Meeting Applicable Requirements of Section 110 and Part D

In Section III.2. above, EPA sets forth the basis for its conclusion that Pennsylvania has a fully approved SIP which meets the applicable requirements of Section 110 and Part D of the CAA.

EPA is approving this SIP revision without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective March 15, 1996 unless, within 30 days of publication, adverse or critical comments are received.

If EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent notice that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on March 15, 1996.

Final Action

EPA is approving the Philadelphia County CO maintenance plan because it meets the requirements set forth in section 175A of the CAA. In addition, the Agency is approving the request and redesignating the Philadelphia County CO area to attainment, because the Commonwealth has demonstrated compliance with the requirements of section 107(d)(3)(E) for redesignation. EPA is also approving Pennsylvania's 1990 base year CO emissions inventory for Philadelphia County, as found in the Commonwealth's redesignation request and maintenance plan. The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this

Federal Register publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective March 15, 1996 unless, by February 29, 1996 adverse or critical comments are received. If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective March 15, 1996.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

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.

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 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 the approval action proposed/promulgated 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 approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

The CO SIP is designed to satisfy the requirements of part D of the CAA and to provide for attainment and maintenance of the CO NAAQS. This final redesignation should not be interpreted as authorizing the State to delete, alter, or rescind any of the CO emission limitations and restrictions contained in the approved CO SIP. Changes to CO SIP regulations rendering them less stringent than those contained in the EPA approved plan cannot be made unless a revised plan for attainment and maintenance is submitted to and approved by EPA. Unauthorized relaxations, deletions, and changes could result in both a finding of non-implementation (section 179(a) of the CAA) and in a SIP deficiency call made pursuant to sections 110(a)(2)(H) and 110(k)(2) of the CAA.

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, it does not have any economic impact on any small entities. Redesignation of an area to attainment under section 107(d)(3)(E) of the CAA does not impose any new requirements on small entities. Redesignation is an action that affects the status of a geographical area and does not impose any regulatory requirements on sources. Accordingly, I certify that the approval of the redesignation of an area to attainment under section 107(d)(3)(E) of the CAA will not affect a substantial number of small entities.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the

appropriate circuit by April 1, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action on the Philadelphia CO redesignation request, maintenance plan and the 1990 base year CO emission inventory may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

40 CFR Part 81

Air pollution control.

Dated: October 31, 1995.

Stanley Laskowski,

Acting Regional Administrator, Region III.

For the reasons set forth in the preamble 40 CFR part 52, subpart NN of chapter I, title 40 is amended as follows:

PART 52—[AMENDED]

1. The authority citation for Part 52 continues to read as follows:

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

Subpart NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraph (c)(105) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(105) The carbon monoxide redesignation and maintenance plan for part of Philadelphia County submitted by the Pennsylvania Department of Environmental Protection on September 8, 1995 and October 30, 1995, as part of the Pennsylvania SIP. The 1990 base year CO emission inventory and projections are included in the maintenance plan.

(i) Incorporation by reference.

(A) Letters of September 8, 1995 and October 30, 1995 from the Pennsylvania Department of Environmental Protection requesting the redesignation and submitting the maintenance plan.

(B) Maintenance Plan for the Philadelphia Carbon Monoxide Nonattainment Area adopted on October 16, 1995.

(ii) Additional Material.

(A) Remainder of September 8, 1995 and October 30, 1995 State submittal.
3. Section 52.2036 is added to read as follows:

§ 52.2036 1990 Base Year Carbon Monoxide Emission Inventory for Philadelphia County.

EPA approves as a revision to the Pennsylvania State Implementation Plan the 1990 base year carbon monoxide emission inventory for Philadelphia County, submitted by the Secretary, Pennsylvania Department of Environmental Protection, on

September 8, 1995 and October 30, 1995. This submittal consists of the 1990 base year stationary, area, non-road mobile and on-road mobile emission inventories in Philadelphia County for the pollutant carbon monoxide (CO).

PART 81—[AMENDED]

Subpart C—Section 107 Attainment Status Designations

1. The authority citation for part 81 continues to read as follows:

PENNSYLVANIA—CARBON MONOXIDE

Authority: 42 U.S.C. 7401–7671q.

2. In § 81.339, the table for “Pennsylvania-Carbon Monoxide” is amended by revising the entry for the Philadelphia-Camden County area to read as follows:

§ 81.339 Pennsylvania.

* * * * *

Designated Area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
		Nonattainment		Not Classified.
Philadelphia-Camden County Area Philadelphia County (part) City of Philadelphia-high traffic areas within the Central Business District and certain other high traffic density areas.	March 15, 1996	Attainment		

¹ This date is November 15, 1990, unless otherwise noted.

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40 CFR Parts 52 and 81

[FRL-5324-9; MD-45-3003, MD-45-3004; MD-45-3007; VA-53-5001, VA-53-5002; VA-34-5003, VA-34-5004; DC-30-2001; DC-30-2002, DC-10-2003]

Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; Redesignation of the Metropolitan Washington Carbon Monoxide Area to Attainment and Approval of the Area’s Maintenance Plan and Emission Inventory; Commonwealth of Virginia, District of Columbia and the State of Maryland

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a maintenance plan and a request to redesignate the Metropolitan Washington area; including the Counties of Alexandria and Arlington, Virginia; Prince Georges and Montgomery Counties in Maryland, and the District of Columbia (the “Washington Carbon Monoxide (CO)

nonattainment area”) from nonattainment to attainment for CO. The maintenance plan and redesignation requests were submitted by the Commonwealth of Virginia and the State of Maryland and the District of Columbia. Under the 1990 amendments of the Clean Air Act (CAA) designations can be revised if sufficient data is available to warrant such revisions. In this action, EPA is approving Virginia, Maryland and the District of Columbia requests because it meets the maintenance plan and redesignation requirements set forth in the CAA. This action is being taken under section 110 of the CAA.

DATES: This action will become effective on March 15, 1996 unless, by February 29, 1996 adverse or critical comments are received. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Comments may be mailed to Marcia L. Spink, Associate Director, Air Programs, Mailcode 3AT00, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics

Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; District of Columbia Department of Consumer and Regulatory Affairs, 2100 Martin Luther King Ave, S.E., Washington, DC 20020; Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland 21224; Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Kelly A. Sheckler, (215) 597-6863.

SUPPLEMENTARY INFORMATION: On October 4, 1995 the Commonwealth of Virginia, and on October 12, 1995 the State of Maryland and the District of Columbia submitted formal revisions to their State Implementation Plans (SIP). The SIP revisions consists of a request to redesignate the Virginia, Maryland and District of Columbia portions of the Metropolitan Washington area from nonattainment to attainment for carbon monoxide and a maintenance plan.