

shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: November 14, 1996.

Dennis Grams,

Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations 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 CC—Nebraska

2. Section 52.1420 is amended by adding paragraph (c)(42) to read as follows:

§ 52.1420 Identification of plan.

* * * * *

(c) * * *

(42) A Plan revision was submitted by the Nebraska Department of Environmental Quality on June 14, 1995, which incorporates by reference EPA's regulations relating to determining conformity of general Federal actions to State or Federal Implementation Plans.

(i) Incorporation by reference.

(A) A revision to title 129, adding chapter 40, entitled "General Conformity" was adopted by the Environmental Quality Council on December 2, 1994, and became effective on May 29, 1995.

[FR Doc. 96-2975 Filed 2-9-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[Region II Docket No. 148, NJ25-1-7282; FRL-5409-4]

Approval and Promulgation of Implementation Plans; Carbon Monoxide State Implementation Plan Revision State of New Jersey

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is giving a limited approval to part of a request from New Jersey to revise its State Implementation

Plan (SIP) for the control of carbon monoxide (CO) to incorporate New Jersey's oxygenated gasoline program. New Jersey submitted these revisions in response to requirements established under the Clean Air Act, as amended in 1990. EPA is approving New Jersey's oxygenated gasoline program for the Northern New Jersey portion of the New York-Northern New Jersey-Long Island consolidated metropolitan statistical area (CMSA) as the program applies for the four months from November 1 through the last day of February. In previous proposals for the States of New York and Connecticut, EPA has proposed to determine that those four months are the entire period when the New York-Northern New Jersey-Long Island CMSA is prone to high ambient concentrations of CO. In a separate document published in today's Federal Register, EPA is soliciting comment on this determination for the limited purpose of inviting comment on additional information concerning emission modeling related to New Jersey's portion of the multi-state CMSA.

EFFECTIVE DATE: This final rule is effective on March 13, 1996.

ADDRESSES: Copies of the State submittal are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency,
Region II Office, Library, 290
Broadway, 16th Floor, New York,
New York 10007-1866

New Jersey Department of
Environmental Protection, Office of
Energy, Bureau of Air Quality
Planning, 401 East State Street,
CN027, Trenton, New Jersey 08625

FOR FURTHER INFORMATION CONTACT:
William S. Baker, Chief, Air Programs
Branch, Environmental Protection
Agency, Region II Office, 290 Broadway,
20th Floor, New York, New York
10007-1866 (212) 637-4249.

SUPPLEMENTARY INFORMATION:

Background

Motor vehicles are significant contributors of CO emissions, which are harmful to human health. An important measure toward reducing these emissions is the use of cleaner-burning oxygenated gasoline. Extra oxygen in the fuel enhances fuel combustion and helps to offset fuel-rich operating conditions, particularly during vehicle starting in cold weather.

The Clean Air Act (Act) sets forth a number of requirements for states with areas designated as nonattainment for the National Ambient Air Quality Standards (NAAQS) set for CO to

submit revisions to their State Implementation Plans (SIPs). Among these is a requirement under section 211(m) that states with CO nonattainment areas at or above a 9.5 parts per million (ppm) design value implement 2.7 percent oxygenated gasoline programs by November 1, 1992 and submit these programs as SIP revisions. This requirement applies to New Jersey because the State contains a portion of the New York-Northern New Jersey-Long Island nonattainment area, which has a design value for CO above 9.5 ppm. The requirement had also originally applied to Southern New Jersey as well; however, that area, which is part of the Philadelphia CO nonattainment area, is currently in attainment for CO and, as such, is no longer required to implement an oxygenated gasoline program. 60 FR 62741, December 7, 1995. The New York-Northern New Jersey-Long Island CO nonattainment area is part of the New York-Northern New Jersey-Long Island Consolidated Metropolitan Statistical Area (CMSA) and includes the New Jersey Counties of Bergen, Essex, Hudson, Union, and parts of Passaic. The nonattainment area in Passaic County includes the Cities of Clifton, Paterson, and Passaic. New Jersey's portion of the larger CMSA, within which oxygenated fuel sale is required, consists of the following counties: Bergen, Essex, Hudson, Hunterdon, Middlesex, Ocean, Passaic, Somerset, Sussex, Union and Warren.

On November 15, 1992, New Jersey submitted to EPA its oxygenated fuels program contained in New Jersey Administrative Code Title 7, Chapter 27, Subchapter 25, "Control and Prohibition of Air Pollution by Vehicular Fuels" (adopted September 1, 1992, and operative November 1, 1992). The program required oxygenated fuel to be supplied during a CO control period of seven months each year, extending from October 1 through April 30. EPA proposed to approve this submission, along with a number of other revisions to New Jersey's CO SIP, on November 10, 1994 (59 FR 56019). On February 7, 1995, New Jersey modified its oxygenated fuels regulations to shorten the length of the control period to four months each year, from November 1 through the last day of February. 27 N.J.R. 787(a), February 21, 1995. This modification has not been submitted to EPA as a SIP revision. Subsequently, on September 15, 1995, in the course of actions on the New York and Connecticut CO SIPs, EPA proposed to find that the appropriate length of the control period for the entire New York-

Northern New Jersey-Long Island CMSA is four months. 60 FR 47911 and 60 FR 47907. EPA also proposed to approve New York's oxygenated fuels program and, in a separate notice, Connecticut's oxygenated fuels program, both for a four-month control period. 60 FR 47907, September 15, 1995; 60 FR 47911, September 15, 1995. On September 28, 1995, EPA received a request from New Jersey to waive the oxygenated fuel requirement for the New Jersey portion of the New York-Northern New Jersey-Long Island CMSA under section 211(m)(3)(A). This request is still pending.¹ Finally, on December 7, 1995, EPA published a direct-final rule (with an accompanying proposal) to redesignate the Southern New Jersey Camden County CO nonattainment area to attainment. 60 FR 62741.

In today's action, EPA is approving New Jersey's oxygenated fuels program for Northern New Jersey for a four-month control period; this control period length corresponds to the regulation that is currently in effect in New Jersey and to the minimum length of control period specified in section 211(m) of the Act. This approval finalizes the proposed approval of New Jersey's oxygenated gasoline program for four of the seven months proposed.

Oxygenated Fuels Requirements

The section 211(m) oxygenated fuels requirement applies to all states with CO nonattainment areas with design values of 9.5 ppm or greater based on data for the years 1988 and 1989. Each state's oxygenated gasoline program must require gasoline sold or dispensed in the larger of the CMSA or the metropolitan statistical area in which the nonattainment area is located to contain not less than 2.7 percent oxygen by weight during the control period. The control period is that portion of the year in which the area is prone to high ambient concentrations of CO, as determined by the EPA Administrator. The length of the control period shall not be less than four months unless a state can demonstrate that, because of meteorological conditions, a reduced control period will assure that there will be no carbon monoxide exceedances outside of such reduced period. (Clean Air Act section 211(m)(2).) EPA announced guidance on the establishment of control periods by area in the Federal Register on October 20,

1992.² However, in subsequently proposing to approve the New York CO SIP revision, EPA proposed to determine that the appropriate length of the control period for the New York-Northern New Jersey-Long Island CMSA is four months. 60 FR 47911, September 15, 1995. In a separate related notice published in today's Federal Register, EPA is soliciting comment on this determination for the limited purpose of inviting comment on additional information concerning emission modelling related to New Jersey's portion of the multi-state CMSA.

State Submittal

Section 110, part D of Title I, and section 211(m) of the Act required New Jersey to submit by November 15, 1992, revisions to the State's CO SIP, including an oxygenated gasoline program for the New Jersey portions of the New York-Northern New Jersey-Long Island CMSA. As part of its November 15, 1992 submittal, the New Jersey Department of Environmental Protection (NJDEP) submitted a revised rule—Subchapter 25, "Control and Prohibition of Air Pollution by Vehicular Fuels," of Chapter 27, Title 7 of the New Jersey Administrative Code. Subchapter 25 contains the requirements for New Jersey's oxygenated gasoline program, which was adopted by New Jersey on September 1, 1992.

Summary of EPA Approval

In this action, EPA is approving New Jersey's oxygenated gasoline program for Northern New Jersey as a revision to the New Jersey CO SIP, but is confining this action to approval of a program with a four month control period. For two reasons, it is appropriate at this time for EPA to take final action to approve New Jersey's oxygenated gasoline program for four months of the seven proposed.

First, at a minimum, any approved program would have to include a control period of at least four months to meet the statutory requirements in section 211(m) of the Act. However, EPA has not yet made a final determination that the period prone to high ambient concentrations of CO in the New York-Northern New Jersey-Long Island CMSA is limited to four months, and EPA did not propose such a determination in the proposed approval of the New Jersey submission. EPA will make the final determination of control period length for the entire

CMSA in a final action on the New York and/or Connecticut proposals, as supplemented by the additional data in today's companion notice.³ 60 FR 47911, September 15, 1995; 60 FR 47907, September 15, 1995. However, EPA is certain now that, given the statutory four-month minimum, the four-month period covered by today's final action will be an essential element of any fully approvable New Jersey oxygenated gasoline SIP submission. Thus, there is no reason for EPA to await the outcome of the separate notice-and-comment process on the determination of the appropriate control period before approving New Jersey's SIP submission for four months.

Second, New Jersey currently has an oxygenated gasoline program with a control period consistent with this determination. As explained further below, EPA cannot approve the New Jersey submission for the remaining three months so long as the State's laws do not currently authorize a program for that additional period.

In addition, in this rulemaking EPA is finalizing its approval of the other elements of New Jersey's oxygenated gasoline program. Since most of the elements of New Jersey's oxygenated gasoline program remain unchanged from those proposed for approval, EPA here incorporates by reference the earlier proposal for all details of the oxygenated gasoline program apart from the length of the control period and references to the Camden nonattainment area.⁴ In a subsequent final rule EPA will address the other revisions to the New Jersey CO SIP, not related to the oxygenated gasoline program, that were proposed to be approved in the November 10, 1994 notice.

In this action, EPA is also making the determination that, if and when EPA takes final action determining that the control period for this area is the four-month period from November through February, then New Jersey's oxygenated gasoline SIP submission shall be deemed to meet fully the requirements of section 211(m) of the Act, and this limited approval of the four-month part of the New Jersey submission shall be deemed converted to a full approval of that part.

¹ EPA has decided to act on New Jersey's oxygenated gasoline program at this time, even though the Agency has not completed review of the waiver request. EPA will revisit this SIP approval if future action on the waiver request makes that necessary.

² See, "Guidelines for Oxygenated Gasoline Credit Programs and Guidelines on Establishment of Control Periods under Section 211(m) of the Clean Air Act as Amended—Notice of Availability," 57 FR 47849 (October 20, 1992).

³ The reader is referred to these notices for further information on EPA's proposed determination.

⁴ As the Camden nonattainment area is in the process of being redesignated to attainment without approval and retention of an oxygenated fuels program, the references to the Camden area and the "Southern Control Area" are no longer applicable.

Discussion

Approval of the SIP Submission for a Four-Month Control Period

In this action EPA is approving New Jersey's oxygenated gasoline program only as it applies from November 1 through the last day of February each year. This limited approval is appropriate given its consistency with the minimum length of control period required by statute and New Jersey's current regulatory authority, which is confined to that four-month period.

Section 211(m)(2) of the Act requires oxygenated gasoline to be sold during a control period established by the EPA Administrator based on air quality monitoring data. This period must be no less than four months, unless the state demonstrates that, because of meteorological conditions, a reduced period would assure that there would be no exceedances of the CO NAAQS outside of that period. Barring such a demonstration, which none of the three affected States has attempted to make, this provision requires EPA to approve an oxygenated fuels program with at least a four-month control period. Thus, EPA must approve at least four months of the seven months of the oxygenated gasoline program proposed for approval in November 1994. The issue of whether any additional months should be approved will be automatically addressed when EPA takes final action on its proposal to modify the length of the control period, as discussed further below.

EPA's limited approval of the New Jersey oxygenated gasoline regulation for a four-month control period also ensures that the approval complies with the Act's requirement that states have authority to implement SIP provisions. Section 110(a)(2)(E)(i) sets as one condition for SIP approval that the SIP must provide "necessary assurances that the State * * * will have adequate * * * authority under State * * * law to carry out such [SIP]." Because New Jersey's current regulations provide for a four-month control period, EPA's approval of the SIP revision for the identical control period tailors the approval to New Jersey's current regulation and ensures that the revision is approvable under section 110(a)(2)(E).

Finally, while EPA has proposed to determine that the control period for the area be limited to four months, that determination need not be finalized in order to approve a four month control period at this time. EPA believes it is appropriate to approve New Jersey's oxygenated fuel requirement for four months because this approval would not increase the stringency of the State

submission, a four-month control period is a necessary element of the statutorily required program, and the period conforms with the State's current regulation. In addition, this partial approval ensures that New Jersey's four-month control period will be consistent with the proposed approval of four-month control periods in the respective portions of the New York-Northern New Jersey-Long Island CMSA for Connecticut and New York.

Consequences of Final Determination of Four-Month Control Period

There are several consequences that would flow from a final determination by EPA that four months is the correct control period for this area. First, EPA is determining through this final action that, if and when EPA takes final action determining that the control period for the area is the four-month period from November through February, then the corresponding four-month part of the New Jersey SIP submission shall be deemed to meet fully the requirements of section 211(m) of the Clean Air Act, and this limited approval of the four-month part of the New Jersey submission shall be deemed converted to a full approval of that part. There are no sanctions implications from this limited approval.⁵

Second, if and when EPA takes final action determining that the control period for the area is the four-month period from November through February, that action shall be deemed to withdraw EPA's proposed November 10, 1994 approval of the remaining three months of the period covered in New Jersey's seven-month SIP submission. Such a determination would preempt New Jersey from establishing a longer control period due to the prohibition of certain state fuel controls in section 211(c)(4)(A) and associated regulation promulgated by EPA on December 15, 1993. (59 FR 7716, February 16, 1994).

Section 211 of the Clean Air Act authorizes EPA to regulate fuels and fuel additives. Under section 211(c)(1), the Administrator has the authority to control or prohibit the manufacture and sale of fuels and fuel additives for motor vehicles on the grounds of danger to public health or impairment of emissions control devices. Section 211(c)(4)(A) provides that where the

Administrator has set such a control or prohibition under section 211(c)(1) applicable to a characteristic or component of a fuel or fuel additive, no state may set a control or prohibition respecting that characteristic or component, unless the state control or prohibition is identical to the federal control or prohibition. This provision preempts state fuel controls that are nonidentical to federal section 211(c)(1) controls on the same characteristic or component.

EPA promulgated the RFG program under the authority of sections 211(k) and 211(c)(1) (59 FR 7716, February 16, 1994). RFG must contain 2.0% oxygen content by weight, and it is required year-round in the New York-Northern New Jersey-Long Island CMSA. 40 CFR section 80 subpart D. In the absence of section 211(m), section 211(c)(4)(A) would preempt New Jersey from establishing its own minimum oxygen content requirements different from the RFG requirements in RFG areas. Because section 211(m) is a specific, more stringent requirement, it overrides the general preemption provision as to the specific control period applicable in each area, and states are not preempted from complying with section 211(m) in RFG areas during that control period. However, states are still preempted from setting nonidentical controls or prohibitions on oxygen content in RFG areas to the extent that such controls or prohibitions are not mandated by section 211(m). This prohibition on state fuel controls may be waived if a state shows that a nonidentical fuel control is necessary to achieve a NAAQS. (CAA section 211(c)(4)(C)).

EPA has proposed to determine that the New York-Northern New Jersey-Long Island CMSA is prone to high ambient concentrations of CO during the four-month period of November through February. Section 211(m) requires states to adopt 2.7% oxygenated gasoline requirements only for the period prone to high ambient concentrations of CO, as determined by the Administrator. Thus, upon finalization of EPA's proposed determination, section 211(m) would require New Jersey to adopt a 2.7% minimum oxygen content standard for only the four months of November through February. The RFG oxygen content requirement preempts any state from prescribing or enforcing oxygen content requirements in this RFG area that go beyond what is mandated by section 211(m). Thus, New Jersey would be preempted from enforcing an oxygenated gasoline program for the additional months of October, March and April.

⁵This action is a limited approval because, until EPA makes a final determination on the length of the control period for this area, EPA cannot finally determine whether New Jersey's SIP submission meets fully the requirements of section 211(m) of the Act. This action is also a partial approval because EPA is approving only four months of the seven-month oxygenated gasoline program submitted by New Jersey.

Section 110(a)(2)(A) requires SIPs to include "enforceable * * * control measures." EPA only has authority to approve the enforceable portion of the State submission, which, upon EPA's determination, would correspond to a four-month control period. Thus, EPA would be authorized to approve New Jersey's oxygenated fuel requirements only for the months of November through February. As a consequence, a final determination of a four-month control period will be deemed to withdraw EPA's November 10, 1994 proposed approval of the remaining three months of the period covered in New Jersey's seven-month SIP submission.

Finally, approving New Jersey's oxygenated gasoline program only for a four-month control period would be consistent with the proposed approval of four-month control periods in the respective portions of the New York-Northern New Jersey-Long Island CMSA for Connecticut and New York.

Final Action

EPA is approving New Jersey's Subchapter 25 oxygenated fuels program for the Northern New Jersey portion of the New York-Northern New Jersey-Long Island CMSA as it applies for a control period of November 1 through the last day of February. In addition, as described above, EPA is determining through this final action that, if and when EPA takes final action determining that the control period for the area is the four-month period from November through February, then the corresponding four-month part of the New Jersey SIP submission shall be deemed to meet fully the requirements of section 211(m) of the Clean Air Act, and this limited approval of the four-month part of the New Jersey submission shall be deemed converted to a full approval of that part.

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

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.

SIP approvals under section 110 and Subchapter I, Part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v US EPA*, 427 US 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

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

Through submission of this SIP or SIP revision, the state and any affected local or tribal governments have elected to adopt the program provided for under sections 110 and 182 of the Clean Air Act. These rules may bind state, local and tribal governments to perform certain actions and also require the private sector to perform certain duties. To the extent that the rules being approved by this action would impose any mandate upon the state, local or tribal governments either as the owner or operator of a source or as a regulator, or would impose any mandate upon the private sector, EPA's action will impose no new requirements; such sources are already subject to these regulations under state law. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action. EPA has also determined that, in any event, this final action does not include a mandate that may result in estimated annual costs of \$100 million or more to state, local, or tribal governments in the aggregate or to the private sector.

This action has been classified as a Table 2 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 CAA, petitions for judicial review of this rule must be filed in the United States Court of Appeals for the appropriate circuit within 60 days from date of publication. 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 rule may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Dated: January 18, 1996.

William J. Muszynski,

Acting Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations 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 FF—New Jersey

2. Section 52.1570 is amended by adding paragraph (c)(58) to read as follows:

§ 52.1570 Identification of plan.

* * * * *
(c) * * *
* * * * *

(58) Revisions to the New Jersey State Implementation Plan (SIP) for carbon monoxide concerning the oxygen content of motor vehicle gasoline, dated November 15, 1992 submitted by the New Jersey State Department of Environmental Protection (NJDEP).

(i) Incorporation by reference.

(A) Amendments to Chapter 27, Title 7 of the New Jersey Administrative Code Chapter 27, Subchapter 25, "Control and Prohibition of Air Pollution by Vehicular Fuels," effective October 5, 1992 (as limited in § 52.1605).

3. Section 52.1605 is amended under Title 7, Chapter 27, by removing the two existing entries for subchapter 25 and adding a new entry for subchapter 25 in numerical order to read as follows:

§ 52.1605 EPA Approved New Jersey regulations.

State regulation	State effective date	EPA approved date	Comments
* * Title 7, Chapter 27	* * Oct. 5, 1992.	* * [Insert date of publication and FR page citation].	* * Approves 1992 revision of Subchapter 25 except that (1) oxygenated gasoline provisions are approved only as they apply to the four month control period from November 1 through the last day in February, consistent with the February 21, 1995 NJDEP modification of N.J.A.C. 7:27-25; and (2) oxygenated gasoline provisions are approved only as they apply to the Northern New Jersey portion of the New York-Northern New Jersey-Long Island consolidated metropolitan statistical area.

[FR Doc. 96-2581 Filed 2-9-96; 8:45 am]
BILLING CODE 6560-50-P

40 CFR Part 52

[PA 70-1-7207a; FRL-5338-8]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of Source-Specific VOC and NO_x RACT and Synthetic Minor Permit Conditions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision establishes and requires reasonably available control technology (RACT) on one major source and establishes permit conditions to limit eight source's emissions to below major source threshold levels. The intended effect of this action is to approve source-specific plan approvals and operating permits, which establish the above-mentioned requirements in accordance with the Clean Air Act. This action is being taken under section 110 of the Clean Air Act.

DATES: This action is effective April 12, 1996 unless notice is received on or before March 13, 1996 that adverse or critical comments will be submitted. 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; and Pennsylvania Department of Environmental Resources, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Brian K. Rehn, (215) 597-4554, at the EPA Region III address above, or by E-mail at Rehn.Brian@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: On August 1, 1995, the Commonwealth of Pennsylvania submitted formal revisions to its State Implementation Plan (SIP). The SIP revision consists of a group of plan approvals and operating permits for individual sources of volatile organic compounds and/or nitrogen oxides located in Pennsylvania. This rulemaking addresses those plan approvals and operating permits pertaining to the following sources: (1) James River Corporation—Chambersburg, (2) Appleton Papers, Inc.—Cumberland County, (3) Air Products & Chemicals, Inc.—Trexlorstown, (4) Elf Atochem North America, Inc., (5) York City Sewer Authority—Manchester Township, (6) Glasgow, Inc.—Ivy Rock Plants, (7) Glasgow, Inc.—Spring House Plants, (8) Glasgow, Inc.—Catanach Plant, (9) Glasgow, Inc.—Freeborn Asphalt Plant. The remaining plan approvals and operating permits submitted on August 1, 1995 with those being approved today will be addressed in a later rulemaking notice.

Pursuant to section 182(b)(2) and 182(f) of the Clean Air Act (CAA), Pennsylvania is required to implement RACT for all major VOC and NO_x

sources by no later than May 31, 1995. Major source size is determined by a source's location, the classification of the area where the source is located, and whether it is located in an ozone transport region (OTR)—as established by the CAA. The Pennsylvania portion of the Philadelphia ozone nonattainment area is classified as severe, and consists of Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties. For severe ozone nonattainment areas, the Clean Air Act requires RACT for sources emitting 25 tons or more per year of VOCs, or for sources emitting at least 25 tons per year of NO_x.

The remaining counties in Pennsylvania are classified as either moderate or marginal nonattainment areas, or are designated attainment for ozone. However, under section 184 of the CAA, moderate ozone nonattainment area requirements (including RACT as defined in section 182(b)(2) and 182(f)) apply throughout the OTR. Therefore, RACT is applicable statewide in Pennsylvania. The Clean Air Act requires RACT for sources emitting 50 tons per year or more of VOCs, or 100 tons per year or more of NO_x.

The August 1, 1995 Pennsylvania submittals that are the subject of this notice, are meant to satisfy the RACT requirements for one source in Pennsylvania and to limit the potential VOC and/or NO_x emissions at eight sources to below the major source size threshold in order to avoid RACT requirements.

Summary of SIP Revision

The details of the RACT requirements for the source-specific plan approvals and operating permits can be found in the docket and accompanying technical support document and will not be reiterated in this notice. Briefly, EPA is