

imposed if the Commonwealth submits a 15% plan, attainment demonstration and related contingency measures for the Pittsburgh-Beaver Valley nonattainment area that EPA finds complete prior to August 15, 1996, since the deficiency for which sanctions were imposed will no longer exist. If the Commonwealth fails to make these submittals before the proposed effective date, sanctions will be imposed until EPA receives the submittals and deems them complete.

EPA believes that, under the circumstances presented here, setting an effective date of August 15, 1996, would provide the Commonwealth a reasonable amount of time to submit a 15% RFP plan, ozone attainment demonstration and contingency measures.

EPA's belief is based on the fact that by August 15, 1996, more than a year will have passed since the occurrence of violations that resulted in reinstatement of these requirements. EPA's May 26, 1995, DFR and July 19, 1995, final determination put the Commonwealth on notice that these requirements would be reinstated if a violation occurred. Since the Commonwealth has been aware of the violations and their consequences since last summer, EPA believes that August 15, 1996, constitutes sufficient time for the Commonwealth to prepare to meet the reactivated requirements.

EPA is soliciting public comments on the issues discussed in this document or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA Regional office listed in the ADDRESSES section of this document.

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. Today's determination does not create any new requirements, but reinstates previously applicable requirements that had been suspended. Therefore, because this document does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected.

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 proposed action does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

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.

The Administrator's decision to determine that the Pittsburgh-Beaver Valley ozone nonattainment area is no longer attaining the NAAQS for ozone will be based on whether it meets the requirements of section 110(a)(2)(A)-(K) and part D of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

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

Dated: January 30, 1996.

Stanley L. Laskowski,

Acting Regional Administrator, Region III.

[FR Doc. 96-2973 Filed 2-9-96; 8:45 am]

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40 CFR Part 52

[WI60-01-7136b; FRL-5324-6]

Approval and Promulgation of Implementation Plan; Wisconsin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve a revision to the Wisconsin State Implementation Plan (SIP) for ozone that was submitted on June 14, 1995. This revision consists of a volatile organic compound (VOC) regulation to control emissions from autobody refinishing operations in ozone nonattainment areas classified as moderate or worse. In the final rules of this Federal Register, the EPA is approving this action as a direct final rule without prior proposal because EPA views this as a noncontroversial action and anticipates no adverse comments. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this document should do so at this time.

DATES: Comments on this proposed action must be received by March 13, 1996.

ADDRESSES: Written comments should be sent to: Carlton T. Nash, Chief, Regulation Development Section, Air Toxics and Radiation Branch (AT-18J), EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590.

SUPPLEMENTARY INFORMATION: For additional information, see the Direct Final notice which is located in the Rules section of this Federal Register. Copies of the request and the EPA's analysis are available for inspection at the following address: (Please telephone Douglas Aburano at (312) 353-6960 before visiting the Region 5 office.) EPA, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590.

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

Dated: October 10, 1995.

Valdas V. Adamkus,
Regional Administrator.

[FR Doc. 96-2961 Filed 2-9-96; 8:45 am]

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40 CFR Parts 52 and 81

[Region II Docket No. 149, NJ26-1-7294;
FRL-5409-5]

Approval and Promulgation of Implementation Plans; Carbon Monoxide State Implementation Plan Revision States of New York, New Jersey and Connecticut

AGENCY: Environmental Protection Agency (EPA).

ACTION: Solicitation of Comment.

SUMMARY: Section 211(m) of the Clean Air Act requires that the Administrator determine the period prone to high ambient concentrations of carbon monoxide (CO) for each area requiring an oxygenated gasoline program under that section. EPA previously proposed to determine that the period when the New York-Northern New Jersey-Long Island consolidated metropolitan statistical area is prone to high ambient concentrations of CO extends from November 1 to the last day of February. See 60 FR 47911 (September 15, 1995). EPA is here soliciting comment on that proposed determination for a limited purpose, to invite comment on additional information concerning emission modeling and data for the New Jersey portion of the area.

DATES: Comments must be received in writing on or before March 13, 1996.

ADDRESSES: All comments should be addressed to: William J. Muszynski, P.E., Deputy Regional Administrator, Environmental Protection Agency, Region II Office, 290 Broadway, New York, New York 10007-1866 Attention: William S. Baker.

Copies of the state submittal(s) are available at the following addresses for inspection during normal business hours: Environmental Protection Agency, Region II Office, Library 16th Floor, 290 Broadway, New York, New York 10007-1866.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 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.

Section 211(m) of the Clean Air Act (Act) requires certain states with areas that are nonattainment for the CO National Ambient Air Quality Standards to implement oxygenated gasoline programs for the period that the areas are prone to high ambient concentrations of CO. The Administrator is to determine this control period for each area. States with CO nonattainment areas at or above a 9.5 parts per million (ppm) design value must implement oxygenated gasoline programs by November 1, 1992 and submit these programs as SIP revisions.

The section 211(m) requirement applies to New Jersey, New York and Connecticut because these states each contain 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 September 15, 1995, in the course of action on the New York CO SIP, 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). 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, 60 FR 47911, September 15, 1995). 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). Finally, in a related document published in the Final Rules section of today's Federal Register EPA is issuing a final limited approval of New Jersey's request to revise its CO State Implementation Plan (SIP) to incorporate New Jersey's oxygenated gasoline program for the Northern New Jersey portion of the New York-Northern New Jersey-Long Island CMSA as it applies for the four months from November 1 through the last day of February.

Length of Control Period

The following information, provided for background purposes only, summarizes certain information provided in the proposed determination.

The Act provides for EPA to determine a single period during which an entire nonattainment area is prone to high ambient concentrations of CO. This uniform control period will apply, at least as a minimum, to each state's portion of a multi-state nonattainment area. EPA previously proposed a determination of the period prone to high ambient concentrations of CO for the New York-Northern New Jersey-Long Island CMSA. 60 FR 47911, (September 15, 1995). The comment period on that proposed determination closed on October 15, 1995, and EPA received no comments on the issue of the control period determination.

EPA has applied established Agency guidance (announced for availability at 57 FR 47853, October 20, 1992) regarding oxygenated gasoline control periods to determine the proper control period length for the New York-Northern New Jersey-Long Island CMSA. As part of the 1992 guidance document, based on air quality data from 1990 and 1991, EPA suggested that the proper control period for the New York-Northern New Jersey-Long Island CMSA was October 1 through April 30. However, the 1992 guidance does not establish a binding norm regarding control periods and provides that the determination of the control period will be an issue to be finally decided by EPA as part of the review of individual state SIP revisions for oxygenated gasoline programs.

Section 211(m), cited in the 1992 EPA guidance, requires control period length to be decided by the EPA Administrator based on the period an area is prone to high CO concentrations. The three-state New York-Northern New Jersey-Long Island CMSA has not recorded an exceedance of the CO national ambient air quality standard (NAAQS) in the