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(2) Rule 416, adopted April 20, 1994.

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(C) Monterey Bay Unified Air
Pollution Control District.(I) Rules 433 and 434, adopted June
15, 1994.

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(3) Rules 2.25 and 2.33, adopted April
27, 1994 and September 14, 1994,
respectively.

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(C) Santa Barbara County Air
Pollution Control District.(I) Rule 337, adopted October 20,
1994.

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(B) Placer County Air Pollution
Control District.

(I) Rule 238, adopted June 8, 1995.

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[FR Doc. 96-2969 Filed 2-9-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[IL132-2-7237; FRL-5418-6]

**Approval and Promulgation of
Implementation Plans; Illinois****AGENCY:** Environmental Protection
Agency.**ACTION:** Final rule.

SUMMARY: The United States Environmental Protection Agency (USEPA) is approving Illinois' request to exempt the Chicago ozone nonattainment area from the applicable oxides of nitrogen (NO_x) transportation conformity requirements. The Chicago ozone nonattainment area is classified as severe nonattainment for ozone. The request is based on the urban airshed modeling (UAM) conducted by the Lake Michigan Ozone Control Program (LMOP) which shows that additional NO_x reductions in the Chicago area will not contribute to attainment of the ozone standard. Approval of this NO_x exemption for transportation conformity will simplify the process of demonstrating that transportation plans and projects will not contribute to violations of the ozone standard. Comments received on the August 16, 1995, proposal are addressed in this rulemaking. The continued approval of this exemption is contingent on the results of subsequent modeling including the final ozone attainment demonstration and plan for the Chicago

nonattainment area. This plan is expected to be submitted by mid-1997 and to incorporate the results of the Ozone Transport Assessment Group (OTAG) process. The attainment plan will supersede the initial modeling results as the basis for the waiver which USEPA is granting in this notice. If the attainment plan relies on NO_x controls on mobile sources in the Chicago ozone nonattainment area to demonstrate attainment, the NO_x waiver for transportation conformity will be reconsidered. To the extent the final plans achieve attainment of the ozone standard without additional NO_x reductions from mobile sources, the NO_x exemption would continue. USEPA's rulemaking action to reconsider the initial NO_x waiver may occur simultaneously with rulemaking action on the attainment plans. This NO_x waiver approval does not change the transportation conformity requirement for a NO_x budget test unless the attainment SIP shows that NO_x emissions could grow without limit without threatening attainment (as described in the November 14, 1995, amendment to the conformity rule).

EFFECTIVE DATE: This action will be effective March 13, 1996.

ADDRESSES: Copies of the documents relevant to this action are available for inspection at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

FOR FURTHER INFORMATION CONTACT: Patricia Morris, Regulation Development Section, Regulation Development Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois, 60604. (312) 353-8656.

SUPPLEMENTARY INFORMATION:**I. Background**

Clean Air Act section 176(c)(3)(A)(iii) requires, in order to demonstrate conformity with the applicable State Implementation Plan (SIP), that transportation plans and transportation improvement programs (TIPs) contribute to emissions reductions in ozone nonattainment areas during the period before control strategy SIPs are approved by USEPA. This requirement is implemented in 40 CFR 51.436 through 51.440 (and 93.122 through 93.124), which establishes the so-called "build/no-build test." This test requires a demonstration that the "Action" scenario (representing the implementation of the proposed transportation plan/TIP) will result in lower motor vehicle emissions than the

"Baseline" scenario (representing the implementation of the current transportation plan/TIP). In addition, the "Action" scenario must result in emissions lower than 1990 levels.

The November 24, 1993, final transportation conformity rule does not require the build/no-build test and less-than-1990 test for NO_x as an ozone precursor in ozone nonattainment areas where the Administrator determines that additional reductions of NO_x would not contribute to attainment of the National Ambient Air Quality Standard (NAAQS) for ozone. Clean Air Act section 176(c)(3)(A)(iii), which is the conformity provision requiring contributions to emission reductions before SIPs with emissions budgets can be approved, specifically references Clean Air Act section 182(b)(1). That section requires submission of State plans that, among other things, provide for specific annual reductions of volatile organic compounds (VOCs) and NO_x emissions "as necessary" to attain the ozone standard by the applicable attainment date. Section 182(b)(1) further states that its requirements do not apply in the case of NO_x for those ozone nonattainment areas for which USEPA determines that additional reductions of NO_x would not contribute to ozone attainment.

As explained below, the USEPA through an amendment to its transportation conformity rule, has changed the procedural mechanism through which a NO_x exemption from transportation conformity would be granted. Instead of a petition under 182(f), transportation conformity NO_x exemptions for ozone nonattainment areas that are subject to section 182(b)(1) need to be submitted as a SIP revision request. The Chicago ozone nonattainment area is classified as severe and, thus, is subject to section 182(b)(1).

The USEPA published on August 29, 1995, an interim final rule (60 FR 44762) which amended the transportation conformity rule and changed the statutory authority from 182(f) to 182(b)(1) of the Act for areas that are subject to section 182(b)(1). The interim final rule was effective immediately upon publication and provides the means for exempting areas subject to 182(b)(1) from NO_x provisions of the transportation conformity rule. In conjunction with the interim rule, USEPA published a proposal providing for further amendments to the transportation conformity rule and describing how USEPA intended to process section 182(b)(1) NO_x waivers (60 FR 44790). On November 14, 1995, the USEPA published a final rule (60 FR 57179)

after completing notice-and-comment rulemaking, which includes the provisions of the August 29, 1995, interim rule. The November 14, 1995, rule also addresses the NO_x budget requirement.

The June 20, 1995, SIP revision request from Illinois, has been submitted to meet the requirements of section 182(b)(1). A public hearing on this SIP revision request was held on July 17, 1995. The USEPA proposed to approve the SIP revision request on August 16, 1995, (60 FR 42491).

The Chicago severe ozone nonattainment area includes the Counties of Cook, DuPage, Grundy (Aux Sable and Gooselake Townships), Kane, Kendall (Oswego Township), Lake, McHenry, and Will. In evaluating the SIP revision request, the USEPA considered whether additional NO_x reductions would contribute to attainment of the standard in the Chicago area and also in the downwind areas of the LMOP modeling domain.

As outlined in relevant USEPA guidance, the use of photochemical grid modeling is the recommended approach for testing the contribution of NO_x emission reductions to attainment of the ozone standard.

A summary of the UAM modeling and USEPA's review of the modeling and submittal are contained in the August 16, 1995, proposed rule (60 FR 42491). Review of the modeling results show a very definite directional signal indicating that application of NO_x controls in the Chicago ozone nonattainment area would exacerbate peak ozone concentrations not only in the Chicago area but also in the LMOP modeling domain. The LMOP modeling domain includes northern Indiana, western Michigan and eastern Wisconsin. The States and the Lake Michigan Air Directors Consortium (LADCO) have completed the validation process for the UAM modeling system to be used in the demonstration of attainment for the LMOP modeling domain.

II. Response to Comments on the Proposal

Four sets of comments were received on the proposed approval of the NO_x waiver. The Illinois Department of Transportation commented positively on the approval of the waiver. The comments opposed to the approval of the waiver are summarized in this section.

Comment

The State of New York is concerned by the claim that VOC only controls reduce both peak ozone and geographic

extent of ozone exposure. Modeling in the northeast shows a need for NO_x reductions as well as VOC to reduce regional ozone. The model assumptions are questioned: whether the Federal motor vehicle control program (FMVCP) is assumed in future year (1996 and 2007) emission inventories; how the transport and boundary conditions were modeled; and how modeling across the board reductions are adequate for a specific source category exemption.

Response

Reductions from the FMVCP were assumed for the 1996 and 2007 emissions inventories for the UAM modeling.

Several modeling and data analyses were performed by Illinois and the Lake Michigan Air Directors Consortium (LADCO) [the technical representatives of the States in the LMOP] to examine the relative benefits of VOC versus NO_x emission controls. The modeling analyses included emissions sensitivity tests for several different basecase scenarios, including: (1) An original base period emissions inventory; (2) increased VOC emissions in the base period inventory (higher VOC/NO_x ratios); (3) increased base period VOC/NO_x ratios through either increased VOC emissions or decreased NO_x emissions; and (4) differences in photochemistry photolysis rates as applied in the Urban Airshed Model—Version IV (UAM-IV) (the photochemical dispersion model generally accepted and supported by the EPA) and in UAM-V (the photochemical dispersion model approved by the EPA for use in the LMOP).

Despite differences in the absolute and relative amounts of VOC and NO_x emissions in the sensitivity analyses, the analyses found that the modeled domain-wide peak ozone concentration, the coverage of modeled ozone concentrations exceeding 120 parts per billion (ppb), and the number of hours with modeled ozone concentrations exceeding 120 ppb, decreased in response to VOC emission reductions and increased in response to NO_x emission reductions (up to more than 60 percent controls for some episode analysis days) for all modeled episodes.

VOC and NO_x emission reductions were found to produce different impacts spatially. In and downwind of major urban areas, within the ozone nonattainment areas, VOC reductions were effective in lowering peak ozone concentrations, while NO_x emission reductions resulted in increased peak ozone concentrations. Farther downwind, within attainment areas,

VOC emissions reductions became less effective for reducing ozone concentrations, while NO_x emission reductions were effective in lowering ozone concentrations. It must be noted, however, that the magnitude of ozone decreases farther downwind due to NO_x emission reductions was less than the magnitude of ozone increases in the ozone nonattainment areas as a result of the same NO_x emission reductions.

Analyses of ambient data by LMOP contractors provided results which corroborated the modeling results. These analyses identified areas of VOC- and NO_x-limited conditions (VOC-limited conditions would imply a greater sensitivity of ozone concentrations to changes in VOC emissions. The reverse would be true for NO_x-limited conditions) and tracked the ozone and ozone precursor concentrations in the urban plumes as they moved downwind. The analyses indicated VOC-limited conditions in the Chicago/Northwest Indiana and Milwaukee areas and NO_x-limited conditions further downwind. These results imply that VOC controls in the Chicago/Northwest Indiana and Milwaukee areas would be more effective at reducing peak ozone concentrations within the severe ozone nonattainment areas.

The consistency between the modeling results and the ambient data analysis results for all episodes with joint data supports the view that the UAM-V modeling system developed in the LMOP may be used to investigate the relative merits of VOC versus NO_x emission controls. The UAM-V results for all modeled episodes point to the benefits of VOC controls versus NO_x controls in reducing the modeled domain peak ozone concentrations.

Comment

There have been monitored violations of the ozone standard in the Chicago nonattainment area within the past year. Therefore, a NO_x exemption for the Chicago area would seem to conflict with the intent of the 1990 amendments to the Act.

Response

This NO_x exemption is based on the UAM submittals which demonstrate that NO_x reductions will not contribute to reaching attainment of the ozone standard by the 2007 attainment date as required by the Act. In such circumstances, the Act explicitly provides that the relevant area may be granted a waiver from the requirement to adopt and implement NO_x control measures.

Comment

NYSDEC requested additional time to better review the technical details of the modeling performed for the Chicago area and that all waivers be delayed until the review is complete.

Response

The LADCO modeling has been available to any interested parties since the modeling was initiated. Further, the docket records contain the submittal summarizing the results of the model runs conducted to support the NO_x waiver petition. These modeling results have been available to the public since July 13, 1994, when LADCO originally submitted the request for the USEPA to approve the NO_x waiver under section 182(f) for RACT, NSR and conformity. On March 6, 1995, the USEPA proposed to approve the section 182(f) NO_x waiver for the Lake Michigan area. The modeling has been available as part of the docket file for this proposed approval. Therefore, USEPA does not believe it is appropriate to delay action on the waiver request.

Comment

NYSDEC disagrees that the NO_x waiver rule should be a Table 3 action for signature by the Regional Administrator and because of the national implications of the NO_x exemption believes it should be a Table 1 action.

Response

The NO_x waiver for transportation conformity is a SIP revision request submitted by the State of Illinois. SIP revisions have been delegated to the Regional Administrator for signature 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. This NO_x waiver is applicable only for the purpose of relieving the need to meet the interim transportation conformity test for the Chicago area. In addition, the policy related to processing the NO_x waivers for transportation conformity has been coordinated at the national level.

Comment

Both Connecticut and the NYSDEC are concerned that the waiver for Chicago will create economic hardship and a need for increased emission reductions in the northeast.

Response

The USEPA has taken steps to assure that downwind areas will not be negatively impacted by NO_x

exemptions. The USEPA intends to use its authority under section 110(a)(2)(D) to require a State to reduce NO_x emissions from stationary and/or mobile sources where there is evidence, such as photochemical grid modeling, showing that the NO_x emissions could contribute significantly to nonattainment in, or interfere with maintenance by, any other State or in another nonattainment area within the same State. This action would be independent of any action taken by USEPA on a NO_x exemption request under section 182(f) or 182(b)(1). That is, USEPA action to grant or deny a NO_x exemption request under section 182(f) or 182(b)(1) for any area would not shield that area from USEPA action to require NO_x emission reductions, if necessary, under section 110(a)(2)(D).

Significant new modeling analyses are being conducted by LADCO, USEPA and other agencies as part of the Ozone Transport Assessment Group (OTAG) process. The OTAG is a consultative process among the eastern States and USEPA. The OTAG process, which ends at the close of 1996, assesses national and regional control strategies, using improved modeling techniques. The goal of the OTAG process is for USEPA and the affected States to reach consensus on the additional regional and national emissions reductions that are needed for attainment of the ozone standard. Based on the results of the OTAG process, States are expected to submit by mid-1997 attainment plans which show attainment through local, regional, and national controls.

The OTAG plans to complete additional modeling between now and September 1996 using emissions data and strategies currently being developed among OTAG workgroups. These new analyses will improve the information available on NO_x and VOC impacts on ozone concentrations both in the LADCO area and over the eastern half of the United States. These analyses will for example, provide more accurate boundary conditions for the LADCO area analyses; this provides greater accuracy in both the attainment plan and in the decision regarding NO_x reductions contribution to attainment.

In light of the modeling completed thus far and considering the importance of the OTAG and attainment plan modeling efforts, USEPA grants this waiver on a contingent basis. As the OTAG modeling results and control recommendations are completed in 1996, this information will be incorporated into the attainment plans being developed by the LADCO States. When these attainment plans are submitted to USEPA in mid-1997, these

new modeling analyses will be reviewed to determine if the NO_x waiver should be continued, altered or removed.

The attainment plans will supersede the initial modeling results which are the basis for the waiver which the USEPA grants in this notice. To the extent the attainment plans include NO_x controls on certain major stationary sources or mobile sources in the LADCO nonattainment areas, USEPA will remove the NO_x waiver for those sources. To the extent that plans achieve attainment without additional NO_x reductions from certain sources, the NO_x reductions would be considered excess reductions and, thus, the exemption would continue for those sources. USEPA's rulemaking action to reconsider this initial NO_x waiver may occur simultaneously with rulemaking action on the attainment plans.

Comment

The State of Connecticut is concerned that the LADCO modeling does not look at the larger regional issues. The USEPA Regional Oxidant Model showed that NO_x controls were necessary for large portions of the United States to reach attainment.

Response

Direct comparisons of ROM and UAM-V results must be conducted with caution and may produce conflicting results even though both modeling systems are performing adequately. The UAM-V modeling system is theoretically more complete and incorporates improved scientific principles and more area-specific input data. ROM, on the other hand, is a simpler modeling system with lower spatial resolution, more uncertain emission estimates, and no special treatment of meteorological phenomena, such as lake-breeze effects (critical factors in the Lake Michigan area), and individual source plumes for large sources. These differences in model formulation and data input resolution as well as differences in output resolution may preclude direct comparisons of the two models.

The significant new modeling analyses being conducted by LADCO, USEPA and other agencies as part of the OTAG process will address the issues of regional and local transport, as stated above.

Comment

The American Lung Association (ALA) and Citizens Commission for Clean Air in the Lake Michigan Basin (CCCALMB) comment that transportation conformity exemptions under section 182(b)(1) waive only the

section 176(c)(3)(A)(iii) requirement to contribute to specific annual reductions of NO_x. NO_x emissions must still be accounted for in the modeling and thus Illinois should submit NO_x emissions budgets along with the VOC budgets in the attainment and 15 percent plan submittals.

Response

The USEPA published a final rule amending the transportation conformity rule on November 14, 1995, (60 FR 57179) which addresses the issue of conformity to NO_x budgets in control strategy SIPs when a NO_x waiver for transportation conformity has been approved. The final rule is based on the August 29, 1995, (60 FR 44790) proposed rule and comments which were received on that proposal. The final rule requires consistency with NO_x motor vehicle emissions budgets in control strategy SIPs regardless of whether a NO_x waiver has been granted. However, the need to comply with the NO_x build/no-build test and less than 1990 tests for NO_x no longer apply to ozone nonattainment areas receiving a NO_x waiver. Furthermore, some flexibility is possible for areas that have been issued a NO_x waiver based upon air quality modeling data. This flexibility is described in the notice (60 FR 57183). The NO_x budget provisions will be effective 90 days from November 14, 1995. The Illinois NO_x exemption SIP revision request was submitted pursuant to section 182(b)(1) as provided for by the amended transportation conformity rule.

As noted previously, in light of the modeling completed thus far and considering the importance of the OTAG and attainment plan modeling efforts, USEPA is granting this waiver on a contingent basis. As the OTAG modeling results and control recommendations are completed in 1996, this information will be incorporated into the attainment plans being developed by the LADCO States, including Illinois. When these attainment plans are submitted to USEPA in mid-1997, these new modeling analyses will be reviewed to determine if the NO_x waiver should be continued, altered or removed.

In this action, USEPA is exempting the Chicago nonattainment area from the transportation conformity requirement to achieve further reductions of NO_x. The 15 percent plan which is the current control strategy SIP for the area does not establish a NO_x budget for motor vehicles. Future modeling for the attainment demonstration will set future NO_x emissions budgets or demonstrate that

NO_x emissions may grow without affecting attainment.

Comment

The ALA and CCCALMB notes that NO_x contributes to decreased visibility, acidic deposition, fine particulates and nitrate loading in the Great Lakes.

Response

The focus of the NO_x waiver test relied on by Illinois is on whether NO_x reductions contribute to attainment of the ozone NAAQS in the Chicago nonattainment area and, by its terms, does not require consideration of overall NO_x reduction benefits. Other air pollution problems are being dealt with as part of separate regulatory activities such as the acid rain program and FMVPC. None of the NO_x reduction programs in place or under development to address other air quality objectives are deleted or diminished by issuance of this waiver

Comment

The ALA and CCCALMB comment that a "super-regional" NO_x strategy should be adopted before USEPA permanently grants NO_x exemptions. Although the Ozone Transport Assessment Group (OTAG) is working on a strategy, there is no guarantee that the work will be completed.

Response

As discussed previously, in light of the modeling completed thus far and considering the importance of the OTAG and attainment plan modeling efforts, USEPA grants this waiver on a contingent basis. As the OTAG modeling results and control recommendations are completed in 1996, this information will be incorporated into the attainment plans being developed by the LADCO States. When these attainment plans are submitted to USEPA in mid-1997, these new modeling analyses will be reviewed to determine if the NO_x waiver should be continued, altered or removed.

The Chicago attainment plan will supersede the initial waiver which USEPA grants in this notice. If the attainment plan relies on NO_x controls on mobile sources in the Chicago nonattainment area to demonstrate attainment, USEPA will remove the NO_x waiver for those sources. To the extent the plans achieve attainment without additional NO_x reductions in the Chicago area, the NO_x exemption would continue for those sources. USEPA's rulemaking actions to reconsider the initial NO_x waiver may occur simultaneously with rulemaking action on the attainment plans.

III. Final Action

The USEPA is approving a waiver under section 182(b)(1) of the NO_x transportation conformity requirements for a build/no-build and less than-1990 interim test for the Chicago ozone nonattainment area as requested by the State of Illinois. In light of the modeling completed thus far and considering the importance of the OTAG process and attainment plan modeling efforts, USEPA grants this NO_x waiver on a contingent basis. As the OTAG modeling results and control recommendations are completed in 1996, this information will be incorporated into attainment plans being developed by the LADCO States. When these attainment plans are submitted to USEPA in mid-1997, these new modeling analyses will be reviewed to determine if the NO_x waiver should be continued, altered, or removed. USEPA's rulemaking action to reconsider the initial NO_x waiver may occur simultaneously with rulemaking action on the attainment plans.

The USEPA also reserves the right to require NO_x emission controls for transportation sources under section 110(a)(2)(D) of the Act if future ozone modeling demonstrates that such controls are needed to achieve the ozone standard in downwind areas.

This action will become effective on March 13, 1996.

IV. Miscellaneous

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 Executive Order 12866 review.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. The USEPA shall consider each request for revision to the SIP 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.*, USEPA 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, USEPA may certify that the rule will not have a significant economic impact on a substantial number of small entities.

Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

This approval does not create any new requirements. Therefore, I certify that this action does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of the regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Act forbids USEPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. USEPA*, 427 U.S. 246, 256-66 (1976).

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, the USEPA must prepare a budgetary impact statement to accompany any proposed or final rule 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, the USEPA 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 the USEPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The USEPA has determined that the approval action promulgated today 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 will relieve requirements otherwise imposed under the Act, and hence does not impose any federal intergovernmental mandate, as defined in section 101 of the Unfunded Mandates Act. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 12, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purpose 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 may not be challenged later in proceedings to

enforce its requirements (see section 307(b)(2) of the Act).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Conformity, Oxides of nitrogen, Ozone, Transportation conformity.

Dated: January 23, 1996.

Valdas V. Adamkus,
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 O—Illinois

2. Section 52.726 is amended by adding paragraph (l) to read as follows:

§ 52.726 Control Strategy: Ozone.

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(l) Approval—The United States Environmental Protection Agency is approving under section 182(b)(1) of the Clean Air Act the exemption of the Chicago severe, ozone nonattainment area from the build/no-build and less than-1990 interim transportation conformity oxides of nitrogen requirements as requested by the State of Illinois in a June 20, 1995 submittal. In light of the modeling completed thus far and considering the importance of the OTAG process and attainment plan modeling efforts, USEPA grants this NO_x waiver on a contingent basis. As the OTAG modeling results and control recommendations are completed in 1996, this information will be incorporated into attainment plans being developed by the LADCO States. When these attainment plans are submitted to USEPA in mid-1997, these new modeling analyses will be reviewed to determine if the NO_x waiver should be continued, altered, or removed. USEPA's rulemaking action to reconsider the initial NO_x waiver may occur simultaneously with rulemaking action on the attainment plans. The USEPA also reserves the right to require NO_x emission controls for transportation sources under section 110(a)(2)(D) of the Act if future ozone modeling demonstrates that such controls are needed to achieve the ozone standard in downwind areas. The Chicago severe ozone nonattainment area includes the Counties of Cook, DuPage, Grundy (Aux Sable and Gooselake Townships), Kane, Kendall

(Oswego Township), Lake, McHenry, and Will.

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BILLING CODE 6560-50-P

40 CFR Part 52

[MS15-1-6252a; MS20-2-9605a; FRL-5400-9]

Clean Air Act Approval and Promulgation of Revisions to the Mississippi State Implementation Plan (SIP)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the Mississippi State Implementation Plan (SIP) submitted on June 14, 1991, and January 26, 1994, by the State of Mississippi through the Department of Environmental Quality (MDEQ). These SIP revisions incorporate changes to Regulation APC-S-1 "Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants". The proposed revisions specify prohibited open burning practices and set conditions for which open burning practices may occur. These SIP revisions change the open burning restriction policy to be more consistent with federal regulations as specified in 40 CFR parts 257 and 258.

DATES: This action is effective April 12, 1996, unless notice is received by March 13, 1996, that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be addressed to: Scott M. Martin, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365.

Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street SW., Washington DC 20460.
Environmental Protection Agency, Region 4 Air Programs Branch, 345