signed into law on March 22, 1995, the EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector, or to state, local, or tribal governments in the aggregate.

The proposed disapproval would have no impact on tribal governments as regulators. The EPA has also determined that the proposed disapproval would not impose any mandate on the private sector. Existing rules previously approved by the EPA remain in effect and would not be impacted by the disapproval. With respect to the impact on state and local governments, the state may choose, but is not required, to respond to a disapproval by revising and resubmitting the plan. In any event, the EPA estimates that the cost to state and local government of revising the plan would be less than $100 million in the aggregate.

Therefore, the EPA has determined that this proposed action does not include a mandate that may result in estimated costs of $100 million or more to state, local, or tribal governments in the aggregate or to the private sector.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Authority: 42 U.S.C. 7401–7671q.

Dated: March 7, 1996.

Dennis Grams,

Regional Administrator.

[FR Doc. 96–6235 Filed 3–15–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[MO 002–1002(b); FRL–5442–4]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes a limited approval and limited disapproval of the State Implementation Plan (SIP) submitted by the state of Missouri to meet the 15% Rate-of-Progress Plan (15% Plan) (ROPP) requirements of section 182(b)(1)(A) of the Clean Air Act (CAA), as amended (the Act). The EPA is proposing a limited approval because the 15% Plan, submitted by Missouri, will result in significant emission reductions from the 1990 baseline and, thus, will improve air quality. Simultaneously, the EPA is proposing a limited disapproval of the 15% Plan because it fails to demonstrate sufficient reductions of volatile organic compounds (VOC) to meet the 15% ROPP requirements. The EPA is proposing a limited disapproval of the 15% Plan to the extent that the emission reductions associated with Missouri's enhanced I/M program cannot be achieved.

The EPA is also proposing approval of specific control measures in the 15% Plan because these rules will strengthen the SIP. However, the EPA is proposing conditional approval of the control measure for the control of emissions from municipal solid waste landfills and for the control of emissions from solvent cleanup operations. A final action on these control measures will incorporate these rules into the Federally approved SIP.

The EPA is proposing full approval of Missouri's 1990 Base Year Inventory. The inventory was submitted by the state to fulfill the requirements of section 182(b) of the Act.

DATES: Comments must be received on or before April 17, 1996.

ADDRESSES: Comments may be mailed to Royan W. Teter, Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Royan Teter at (913) 551–7609 or Wayne Leidwanger at (913) 551–7607.

SUPPLEMENTARY INFORMATION:

I. Background

The St. Louis area was designated nonattainment for ozone in 1978. On November 6, 1991, the EPA promulgated a rule which classified the St. Louis area as a moderate ozone nonattainment area based on its design value of 0.138 ppm. The nonattainment area consists of Madison, Monroe, and St. Claire counties in Illinois; and Franklin, Jefferson, St. Charles, and St. Louis counties and St. Louis City in Missouri.

Section 182(b) of the Act requires that each state in which all or part of a moderate nonattainment area is located, submit, by November 15, 1992, a comprehensive, accurate, current inventory of actual emissions from all sources, as described in section 172(c)(3) and 182(a)(1), in accordance with guidance provided by the Administrator. This inventory is for calendar year 1990 and is designated the base year inventory. The inventory should include both anthropogenic and biogenic sources of VOCs, nitrogen oxides (NO_X), and carbon monoxide (CO), and must address actual emissions of these pollutants in the nonattainment area during peak ozone season. The inventory should include all point and area sources, as well as all highway and nonhighway mobile sources.

In addition, section 182(b)(1)(A) of the Act requires ozone nonattainment area classifications of moderate and above to develop plans to reduce VOC emissions by 15 percent from the 1990 baseline. The plans were to be submitted by November 15, 1993, and the reductions are required to be achieved within six years of enactment or November 15, 1996. The Act also set limitations on the creditability of certain types of reductions. Specifically, a state cannot take credit for reductions achieved by Federal Motor Vehicle Control Program (FMVCP) measures (new car emission standards) promulgated prior to 1990, or for reductions resulting from requirements to lower the Reid Vapor Pressure (RVP) of gasoline promulgated prior to 1990 or required under section 211(h) of the Act, which restricts gasoline RVP. Furthermore, the Act does not allow credit for corrections to vehicle I/M Programs or corrections to Reasonably Available Control Technology (RACT) rules as these programs were required prior to 1990.

In today's action, the EPA proposes to fully approve the plan element relating to the emission inventory. With regard to the 15% Plan, the EPA proposes a limited approval and limited disapproval. The EPA also proposes to conditionally approve the 15% Plan as it relates to the reduction credit claimed for the state's municipal solid waste landfill rule.

II. Review of State Submittal

A. 1990 Base Year Emissions Inventory (EI)

As noted above, the CAA requires the submission of a comprehensive EI for areas classified as nonattainment for ozone. The regulatory significance of these inventories is established in section 182(b)(1) of the Act. These inventories, termed ''base year'' inventories, provide a baseline from which reasonable further progress towards meeting necessary emissions reductions is measured, and provide the foundation for the development of control strategies for attainment of the National Ambient Air Quality Standards (NAAQS).

1. Inventory Development

The EPA issued guidance documents on emissions inventory development were provided to all agencies involved in EI development for the St. Louis ozone nonattainment area. A review of the inventory indicates that it was developed consistent with the criteria set forth in the guidance.

A detailed description of the development process for each portion of Missouri's 1990 base year emission inventory can be found in the EPA's technical support document (TSD). Region VII received a revised draft 1990 base year inventory from Missouri on February 12, 1993. EPA Region VII, EPA's Office of Air Quality Planning and Standards (OAQPS) Emissions Inventory Branch (EIB), EPA's Office of Mobile Sources, and contractors reviewed the inventory. Comments were sent to the state, and a public hearing on the draft inventory, as well as the draft 15% Plan, was held before the Missouri Air Conservation Commission (MACC) on January 27, 1994 and was adopted by the MACC on February 24, 1994.

The EPA received another draft revision of the base year inventory, in conjunction with another draft of Missouri's 15% Plan, on November 1, 1994. This inventory revision was adopted by the MACC, after proper notice and public hearing, on January 12, 1995. Missouri's final 1990 baseline emissions inventory was submitted to the EPA on January 20, 1995, in conjunction with Missouri's 15% ROPP. The EPA issued a finding of completeness with respect to these submissions on July 13, 1995.

2. Review Criteria

The EPA is proposing to approve Missouri's 1990 base year emission inventory based on a Levels I, II, and III review process. The inventory was reviewed in accordance with requirements specified in a document entitled ''Quality Review Guidelines for 1990 Base Year Emission Inventories,'' OAQPS, Research Triangle Park , North Carolina, August 1992, which details the Level I and II review procedures. Level III review procedures are specified in a memorandum dated October 7, 1992, from J. David Mobley, EIB Chief, to Air Branch Chiefs, Region I–X, entitled ''Final Emission Inventory Level III Acceptance Criteria,'' and revised in a memorandum from John S. Seitz, OAQPS Director, to Regional Air Division Directors, Region I–X, entitled ''Emission Inventory Issues,'' June 24, 1993.

The Level I and II review process is used to determine that all components of the base year inventory are present. The review also evaluates the level of supporting documentation provided by the state, and assesses whether the emissions were developed according to current EPA guidance. Level I and II criteria must be passed before the Level III final criteria can be considered. Missouri's submittal of the 1990 base year EI passed the Level I and II criteria.

The Level III review process consists of an evaluation of the EI in terms of ten criteria. For a base year EI to be acceptable, it must pass all of the acceptance criteria. A summary of the EPA's Level III review of Missouri's 1990 base year EI is given below:

1. An approved Inventory Preparation Plan (IPP) must be provided, and the quality assurance procedures identified in the IPP must be performed and its implementation documented. Missouri submitted, and the EPA approved, an IPP for the St. Louis nonattainment area.

2. Adequate documentation must be provided to enable the reviewer to determine the emission estimation procedures and the data sources used to develop the inventory. The final inventory report for St. Louis contains adequate documentation to determine the estimation procedures and data sources used to develop the inventory.

3. The point source inventory must be complete. Evidence suggests that the inventory is comprehensive and includes all relevant sources within the nonattainment area.

4. Point source emissions must have been prepared or calculated according to the current EPA guidance. Missouri's 1990 base year emissions inventory indicates that the point source calculations were performed in accord with current EPA guidance.

5. The area source inventory must be complete. A review of the source categories included in Missouri's base year inventory reveals that Missouri included the appropriate source categories.

6. The area source emissions must have been prepared or calculated according to the current EPA guidance. The documentation for the area sources portion of Missouri's inventory contains example calculations which are consistent with the relevant EPA guidance.

7. Biogenic emissions must have been prepared according to current EPA guidance. The biogenic emissions were calculated using the EPA PC–BEIS model.

8. The method used to develop vehicle-miles-traveled (VMT) estimates (e.g., Highway Performance Monitoring System or a network transportation planning model) must follow the EPA guidance. The East-West Gateway Coordinating Council (EWGCC) is the metropolitan planning organization responsible for developing VMT estimates for the St. Louis nonattainment area. On May 5, 1993, the Missouri Highway and Transportation Department (MHTD) requested Federal Highway Administration (FHWA) approval of the EWGCC's use of the MINUTP travel demand model as a basis for Missouri's SIP. FHWA concurred on the use of MINUTP for the St. Louis SIP in a June 7, 1993, letter to MHTD citing several criteria to be met. EWGCC met the FHWA criteria in three reports which are included in the SIP documentation pertaining to the mobile sources inventory. The EPA concurs that the method used to develop VMT estimates was adequately described and documented.

9. The appropriate version of the MOBILE model must be correctly used to produce emission factors for each of the vehicle classes. The most current version of the EPA's MOBILE model, MOBILE5a, was correctly used to calculate on-road emission factors for the St. Louis nonattainment area.

10. Nonroad mobile emissions must be prepared according to current EPA guidance for all of the source categories. The nonroad mobile emission estimates were correctly prepared according to current EPA guidance.

Based on the EPA's Level III review, Missouri has satisfied all of the requirements for purposes of providing a comprehensive, accurate, and current inventory of actual emissions in the ozone nonattainment area. For documentation of the EPA's evaluation, including details of the review procedure, the reader is referred to the EPA's TSD.

3. Proposed Action

The state has submitted a complete inventory containing point, area, biogenic, on-road, and nonroad mobile source data, and accompanying documentation. The EPA is proposing full approval of the 1990 base year ozone emission inventory submitted to the EPA for the St. Louis moderate ozone nonattainment area. The following table summarizes the 1990 base year inventory for the St. Louis nonattainment area and boundary point sources within 25 miles.

1990 ST. LOUIS OZONE SIP INVENTORY SUMMARY

[Tons per ozone season weekday (TPD)]

	VOC emissions	NO_X emissions	CO emissions
Point sources	87.37	377.61	24.33
Area sources	87.74	29.47	28.99
Mobile sources	123.50	135.00	913.20
Nonroad sources	64.30	114.32	408.08
Biogenics	189.70	0.00	0.00
Total emissions	552.61	656.40	1374.60

B. 15% Plan

As noted above, section 182(b)(1) of the Act requires that moderate and above ozone nonattainment areas develop plans to reduce areawide VOC emissions from a 1990 baseline by 15 percent, net of growth, in the nonattainment area. The plans were to be submitted by November 15, 1993, and the reductions were required to be achieved within six years after enactment or November 15, 1996. The CAA also set limitations on the creditability of certain types of reductions. Specifically, states cannot take credit for reductions achieved by FMVCP measures or for reductions due to controls on RVP promulgated prior to 1990, or required under section 211(h) of the Act which restricts gasoline RVP. Furthermore, the CAA does not allow credit for corrections for I/M programs or corrections to RACT rules where these programs were required prior to 1990.

The state of Missouri submitted a 15% Plan for the St. Louis nonattainment area on November 15, 1993. On January 14, 1994, the EPA notified Governor Mel Carnahan that the submittal was incomplete. The submittal did not contain officially adopted regulations and, in the case of the enhanced motor vehicle I/M program, the state lacked the appropriate legislative authority to adopt regulations. Pursuant to § 110(k)(1)(C) of the Act, a determination of incompleteness is treated as a failure to submit a plan. As such, one of the sanctions provided in § 179(b) would be imposed 18 months from the date of the finding, or in this case, by July 14, 1995.

A subsequent 15% Plan was adopted by the MACC, after proper notice and public hearing, on January 12, 1995, and submitted to the EPA on January 13, 1995. Two supplements were adopted by the MACC on March 30, 1995, and submitted to the EPA on July 11, 1995. The EPA found the entire 15% Plan submittal complete on July 13, 1995, thereby stopping the sanctions clock.

The EPA is proposing a limited approval of Missouri's 15% Plan because the Plan will result in significant emission reductions from the 1990 baseline and, thus, will improve air quality. Simultaneously, the EPA is proposing a limited disapproval of the 15% Plan because it fails to demonstrate sufficient reductions of VOCs to meet the 15% ROPP requirements.

The intent of a 15% Plan is to determine a target level of emissions and provide for any reductions needed to meet that target by November 15, 1996. The target level of emissions for the St. Louis nonattainment area is 263.9 TPD. The emission reductions necessary to meet the target are 53.7 TPD. The 15% Plan, submitted by the state of Missouri, includes specific control measures towards meeting the emissions target.

The 15% Plan, submitted by the state of Missouri, includes specific control measures used to achieve reductions credit. In the technical review section of this document, each control measure is evaluated as to its ability to strengthen the SIP and to the validity of the emission reductions projected. The majority of the control measures in the 15% Plan will strengthen the SIP and, therefore, the EPA is proposing approval or conditional approval of these specific measures and limited or conditional approval of the reduction credit claimed for the associated emission reductions. However, for the following control measure, the EPA believes the amount of emission reduction claimed by the state is not appropriate.

I/M Program

Section 182 of the Act requires states with moderate ozone nonattainment areas to implement a basic I/M program. A basic I/M program began operation in St. Louis in January 1984. Numerous audits of this program indicated shortfalls in emission reductions, and the EPA issued an SIP call to correct deficiencies in the I/M SIP.

The state of Missouri developed a centralized enhanced I/M program to correct deficiencies in the basic I/M program and to obtain credits toward the 15% Plan requirement. This enhanced I/M program is a critical part of the 15% Plan because it provides the single largest source of emission reductions towards meeting the 15 percent reduction requirement. Based on a series of MOBILE model runs, the state has estimated that the enhanced I/M program accounts for 23.13 TPD in emission reductions. However, the EPA notes that individual mobile source controls, e.g., low RVP fuels, I/M programs, repair technician training, etc., have synergistic effects within the MOBILE model when considering multiple control programs. Therefore, the reduction from the enhanced I/M program, when considered with the other components of the mobile source control program, is approximately 19.26 TPD of the 29.41 TPD of VOC reductions that will result from the combined effects of 7.0 RVP gasoline, enhanced I/M, and repair technician training. If the state chooses to implement an enhanced I/M program, it must demonstrate that the program, in combination with other components of the 15% Plan, will achieve the overall level of emission reductions necessary to reach the target level of emissions in the 15% Plan.

On May 13, 1994, the state received the legislative authority to establish a centralized, enhanced I/M program for the counties of St. Charles, Jefferson, and St. Louis, and the city of St. Louis. The state submitted an SIP revision upgrading the basic I/M program to an enhanced program on September 1, 1994, and the EPA found the submittal complete on the same day.

During the 1995 session of the Missouri legislature, funding for the operation of enhanced I/M program was deleted from the state's budget. The EPA has also identified other deficiencies in the I/M element which are discussed in a separate rulemaking, which is published elsewhere in today's Federal Register, and TSD for the I/M SIP element of the Missouri SIP. The EPA

has determined that the emission reduction assumed to result from implementation of the enhanced I/M program cannot be expected to be achieved. Therefore, the EPA is proposing a limited disapproval of the 15% Plan, to the extent that the emission reductions associated with Missouri's enhanced I/M program cannot be achieved.

1. Technical Review

A. Calculation of Target Level Emissions

The calculation of the total VOC emissions reductions required to meet the 15% Plan requirements equals the sum of 15 percent of the adjusted inventory, plus reductions to offset any growth that takes place between 1990 and 1996, plus any reductions that result from corrections to the I/M or VOC RACT rules. The following table summarizes the calculations for the St. Louis nonattainment area.

CALCULATION OF REQUIRED REDUCTION (TONS/DAY)

1990 Emission inventory	357.5
1990 Adjusted	311.9
15% of adjusted	46.8
Total expected reductions (RACT, noncreditable FMVCP and RVP, and I/M)	94.5
1996 Target	263.9
1996 Projection (1996 forecasted emissions with growth and pre-1990 controls)	317.6
Required reduction	53.7

It must be noted that Missouri's point source projections methodology, which is included in the 1996 projection portion of the above table, deviates from that recommended by the EPA. The projected point source inventory in the July 11, 1995, 15% Plan submittal was developed using the 1990 adjusted base year inventory, actual 1992 data for VOCs based on emission inventory questionnaires from sources in the area, and growth factors derived from Bureau of Economic Analysis data. On January 23, 1996, Missouri submitted a revision to the 15% Plan which utilizes the methodology discussed below to project the point source portion of the 1990 15% plan base year inventory to 1996. The Missouri Department of Natural Resources (MDNR) believes, and the EPA concurs, that the methodology that it has used to project the 1990 adjusted base year inventory to the attainment year of 1996 uses the best projection data available at this time. A thorough review of Missouri's modified approach was conducted by the EPA to determine consistency with the intent of the EPA guidance. The reader is referred to the EPA's TSD for a detailed analysis of Missouri's methodology and the EPA's rationale in proposing approval of this method.

As noted in the above table, the total creditable state reductions needed to meet the 15 percent requirement are 53.7 TPD. The state's methodology for selecting growth factors and applying them to the 1990 base year emissions inventory to estimate the growth in emissions from 1990 to 1996 is acceptable. However, it must be noted that the point source projection methodology submitted on January 23, 1996, resulted in a different total required emission reduction than the one in the July 11, 1995, 15% Plan submittal, which was 51.7 TPD. Missouri has yet to submit the new total required emission reduction to the EPA as a revision to its 15% Plan. Missouri submitted a draft of the revised total to the EPA on February 8, 1996, and will hold a public hearing on the revision on April 25, 1996. As such, the EPA is proposing to approve the revised total of emission reductions required of Missouri's 15% Plan with the understanding that the state will submit the revision in a timely manner prior to the EPA taking final action on Missouri's 15% Plan.

B. Measures Achieving the Projected Reductions

Missouri has submitted a plan to achieve the required emission reductions. A summary of the creditable and noncreditable emission reductions in Missouri's final 15% Plan control measures are summarized in the following table. Note that if all the control measures in Missouri's 15% Plan were creditable, the total emission reductions would exceed the total required VOC reduction target by 0.16 TPD.

Some of the emission credit claimed for specific measures is different than those submitted in the July 11, 1995, 15% Plan submittal. The formally submitted 15% Plan includes a list of control measures which the state claimed would achieve total VOC emission reductions of 55.80 TPD.

The original list of emission reductions claimed reductions from sources subject to the hazardous organic National Emission Standard for Hazardous Air Pollutants (NESHAP) (HON) rule as .36 TPD, as compared to .08 TPD in the above table. The original .36 TPD includes .27 TPD reductions from the inclusion of Borden Deco Products as an affected source. The state has since determined that this facility is not subject to the HON NESHAP rule, and has adjusted the amount of credit claimed accordingly.

An emission reduction credit of .6 TPD from Early Toxics Reductions was included in the July 11, 1995, 15% Plan submittal. This emission reduction credit was based on an Early Reductions Program application submitted to the EPA by Monsanto, Inc. This application has since been withdrawn. Therefore, the state has eliminated the emission reduction credit claimed for Early Toxics Reductions.

Finally, the state claimed an emission reduction credit of 1.0 TPD for rule effectiveness improvements in its officially submitted 15% Plan. The state has since chosen not to implement this program. Therefore, the above table does not include a 1.0 TPD emission reduction credit for this control measure.

Missouri has yet to submit these changes to the EPA as an SIP revision. Missouri submitted a draft of the revised list of VOC control measures to the EPA on February 8, 1996, and will hold a public hearing on the revision on April 25, 1996. As such, the EPA is proposing to approve this element of Missouri's 15% Plan with the understanding that the state will submit the revised 15% Plan projections in a timely manner prior to the EPA taking final action on Missouri's 15% Plan. If, however, the state fails to finally submit these changes as an SIP revision, the EPA intends to disapprove the plan as it relates to the credits discussed above and the emission reduction target.

The following is a concise description of each control measure submitted by the state to achieve the reduction credit in the 15% Plan. In general, the EPA is proposing approval of the following control measures as a strengthening of the SIP, and is proposing limited approval of the emission reductions projected in the state submittal for these measures. However, in some instances, the EPA is proposing limited approval of the emission reductions claimed with the understanding that the state will fulfill certain requirements in a timely manner before the EPA takes final action on the 15% Plan. If the state fails to submit the identified corrections in a timely manner, the EPA intends to disapprove the plan as it relates to these requirements. Specific details are outlined within the description of the affected control measure.

Ract Fix-ups

Section 182(a)(2)(A) of the Act requires states to make corrections to their RACT rules to make up for deficiencies (e.g., improper exemptions) in preamendment SIPs. The emissions

reductions associated with corrections accounting for missing rules, incorrect emission limits, or required capture systems are not creditable towards the 15 percent reduction requirements of the Act; however, the amount of emissions reductions from such corrections must still be quantified as they are a part of the total required reductions. What follows is a discussion regarding Missouri's RACT fix-ups and the associated emissions reductions.

1. Control of Emissions from Aluminum Foil Rolling [Missouri rule 10 CSR 10–5.451]

Alumax Foils Inc., located within the city of St. Louis, emits approximately 12.5 TPD of VOCs during the production of aluminum foil. Prior to 1990, the facility was not considered a large source of VOC emissions. In 1989, the EPA changed the definition of VOCs by removing the exemption for low vapor pressure organics. The primary source of air emissions from Alumax had been exempted from the pre-1989 definition of VOCs. Under the new definition, Alumax is a major source of VOCs within the St. Louis ozone nonattainment area and must be controlled by RACT. The MDNR developed an RACT rule for aluminum foil rolling, 10 CSR 10–5.451, ''Control of Emissions from Aluminum Foil Rolling.'' The rule also requires controls beyond RACT for large aluminum foil rolling mills. MDNR claims average VOC emission reductions of 3.0 TPD for these controls. The EPA concurs with this claimed reduction for 15% Plan purposes.

2. Control of Emissions from Bakery Ovens [Missouri Rule 10 CSR 10–5.440]

During 1993, MDNR determined that Continental Baking Company is a major source that was never subject to RACT. MDNR promulgated a regulation that will control the VOC emissions from this bakery. The facility's actual VOC emissions from bakery ovens in 1993 were 71 tons per year (TPY). This rule requires the facility to install emissions control equipment which achieves an overall VOC emission reduction of 98 percent from baking ovens. The EPA concurs with Missouri's estimate that VOC emissions will be reduced by 0.2 TPD as a result of the regulation.

It must be noted that as of the date of this action, the rule does not specify a reference method by which compliance is to be determined. The EPA communicated this deficiency to Missouri via letter to the staff director of Missouri's Air Pollution Control Program (APCP) on August 18, 1995. Missouri has since amended the rule to include the necessary compliance provisions. A public hearing addressing the revisions was held on January 25, 1996. The MACC adopted the revised rule on February 29, 1996. Therefore, the EPA is proposing to approve this rule, with the understanding that the revised rule will be officially submitted prior to the EPA taking a final action on Missouri's 15% Plan. If the revised rule is not submitted in a timely manner, the EPA intends to disapprove the rule.

3. Control of Emissions from Offset Lithographic Printing [Missouri Rule 10 CSR 10–5.442]

This rule reduces emissions from sources performing a plano graphic method of printing known as offset lithography. The process involves the utilization of printing and nonprinting areas which are essentially in the same plane on the surface of a thin metal printing plate.

The offset lithography rule will result in a reduction of 0.8 TPD of VOC emissions. A reduction of this magnitude represents an approximate 57 percent control of the 1.4 TPD of point source emissions from major sources. The reduction includes rule effectiveness (RE). The EPA concurs with the state's projected emission reductions.

Mobile Sources

1. Control of Gasoline RVP [Missouri Rule 10 CSR 10–5.443]

This rule changes the RVP requirement from 7.8 psi to 7.0 psi. The rule is based on a per gallon compliance standard in which every gallon of gasoline sold within the nonattainment area should meet the 7.0 psi requirement. Refiners accomplish this RVP reduction by modifying the refining process to remove the more volatile gasoline components such as butane. The low RVP fuel control reduces evaporative emissions from both on-road vehicles and nonroad vehicles and equipment and provides associated reductions in gasoline evaporation losses from refueling and fuel storage/distribution.

The EPA concurs with the 9.55 TPD in expected VOC emission reductions associated with this rule. However, as noted in the discussion regarding the I/M program, individual mobile source controls have synergistic effects within the MOBILE model when considering multiple control programs. Any changes to the mobile source control strategy which the state chooses to make may affect the emission reductions claimed for this measure, and the state would have to demonstrate that the overall reductions are still consistent with the target level of emissions in the 15% Plan.

2. Transportation Control Measures (TCM)

The state has included several TCMs such as a work trip reduction program, transit improvements, traffic flow improvements, and a gasoline price increase from the Missouri fuel tax in its 15% Plan that have projected emission reductions of 1.795 TPD. However, Missouri is only claiming a 1.0 TPD emission reduction credit in its 15% Plan. The EPA has reviewed the TCMs included in the state's 15% Plan and agrees with the state's assessment of creditable reductions.

Point Source/Area Source Controls

1. Control of Petroleum Liquid Storage, Loading, and Transfer [Missouri Rule 10 CSR 10–5.220]

This rule requires Stage I and Stage II vapor recovery equipment for petroleum facilities in the St. Louis nonattainment area. The rule incorporates the limit imposed by the new Federal NESHAP for Stage I which limits total organic compound emissions to 10 milligrams per liter of gasoline loaded at gasoline terminals. It incorporates the EPA's ''*Enforcement Guidance for Stage II Vehicle Refueling Control Programs.*'' The rule establishes permitting procedures for gasoline refueling facilities. It sets requirements for gasoline deliveries to underground storage tanks and requires that vent pipes for storage tanks be equipped with pressure vacuum valves. It also establishes an Advisory Committee to provide a forum for discussion between the regulated community and government agencies.

The state claims, and the EPA agrees with, an emission reduction of 4.2 TPD from this rule.

2. Control of Emissions From Solvent Cleanup Operations

Missouri rule 10 CSR 10–5.455 will require large users of cleanup solvents to reduce the amount of emissions from such solvents. MDNR has determined that the rule will definitely affect three facilities, and has determined the emission reduction credit accordingly. All of these facilities are automobile manufacturers in the St. Louis area. The rule allows the affected sources two options for compliance. The first option is to show a 30 percent reduction in total solvent usage with respect to the base year of 1990. The second option is to perform solvent usage studies, screening tests, and trial evaluations as

a means of reducing solvent usage. With this option, the affected facility will submit a written summary of the results and a proposal for reducing cleanup solvent emissions to the MDNR by a specified deadline. The proposal is subject to approval by the MDNR director. The three affected facilities produce a total of 946 TPY of VOCs from cleanup solvents. In calculating reductions which are creditable towards the CAA-mandated 15 percent, Missouri has assumed that all of the affected facilities will opt for option one. Missouri has provided documentation showing that the affected facilities have selected that option. A 30 percent reduction would result in a decrease of 283.8 TPY of VOCs. This translates to a daily VOC emissions reduction of 0.91 TPD. Therefore, the EPA concurs with Missouri's estimate.

However, because the rule allows sources to choose option two, which does not require an equivalent reduction and does not provide standards for determining an acceptable alternative emission reduction, the EPA does not believe the rule (as opposed to the emission reduction credit) can be approved. Missouri has agreed to revise the rule to eliminate option two, and has agreed to provide a commitment to revise the rule. Therefore, the EPA proposes to conditionally approve the rule with the understanding that Missouri will submit the appropriate commitment prior to the EPA's final rulemaking on the plan.

3. Permanent Plant Closings

The 15% Plan indicates that nine plants have permanently ceased operations in the nonattainment area. All nine are listed as significant emitters of VOCs in the 1990 base year inventory. The VOC reductions from permanent plant closings total 6951 lb/day or 3.48 TPD. The EPA concurs with the credit associated with permanent plant closings.

4. Open Burning Restrictions [Missouri Rule 10 CSR 10–5.070]

This rule will reduce VOC emissions from the burning of residential wastes primarily in rural areas where open burning is still allowed. The regulation would make it illegal for any residence to burn trash or other man-made refuse. The burning of agricultural wastes from farming operations will still be allowed in areas where it is currently permitted. The burning of yard waste such as leaves would be restricted during the ozone season. The VOC reductions from this control are 2.6 TPD which represents an overall 80 percent control effectiveness which includes RE. The EPA concurs with credit associated with this rule.

5. Control of Emissions From Traffic Coatings

Missouri rule 10 CSR 10–5.450 limits the VOC content in paints used for traffic coating. This rule applies only in the St. Louis nonattainment area. The maximum VOC content is set at 150 grams VOC/liter. MHTD is the largest user of traffic coatings in the St. Louis nonattainment area. VOC emissions from traffic coatings account for 1.65 TPD in the 1990 base year inventory. Projected 1996 traffic coating emissions are 1.69 TPD.

The limit set by this rule is 63 percent lower than the VOC content of paints used in 1990 by MHTD. For purposes of the 15 percent calculations, Missouri has assumed that traffic paint users in 1990 were using coatings similar in VOC content to those used by MHTD. Using a mass balance approach, Missouri has estimated a 60 percent reduction can be expected as a result of this rule. This assumption corresponds to a reduction in VOC emissions of 1.0 TPD. The EPA concurs with the reductions as calculated by MDNR.

6. VOC Emission Reductions From ''Voluntary'' Reductions

Two sources within the nonattainment area, Leonard's Metal Inc., and Mallinckrodt Specialty Chemical Company, have reduced their VOC emissions such that they are creditable towards the rate-of-progress requirements of the Act. Although the facilties elected to reduce emissions, the reductions are legally binding on the Companies. Leonard's Metal entered into a Consent Agreement with the EPA stipulating that the company will reduce its use of trichloroethylene and methyl ethyl ketone.

Mallinckrodt shut down two processes associated with the production of tannin.

As noted above, Leonard's Metal entered into a Consent Agreement with the EPA. The agreement requires that the facility reduce its emissions of methyl ethyl ketone by 50 percent and its emissions of trichloroethylene by 100 percent by 1996. The total VOC reductions claimed from Leonard's Metal are 0.04 TPD.

The permanent shutdown of certain processes resulted in 214.7 TPY in VOC reductions from Mallinckrodt; however, the company elected to bank 182.5 TPY consistent with Missouri 10 CSR 10–6.060, leaving 32.2 TPY or 0.10 TPD (assuming 312 days of operation) creditable towards the 15% Plan as they have been permanently retired.

Based on additional material submitted to the EPA on February 8, 1996, by the state, the EPA concurs with the emission reduction credit claimed. However, this additional material must be submitted to the EPA as a revision to Missouri's July 11, 1995, 15% Plan submittal. The state intends to include the required supporting material in its April 25, 1996, public hearing on revisions to its 15% Plan. Therefore, the EPA is proposing approval of emission reduction claimed with the understanding that the state will submit the required material in a timely manner to the EPA as an SIP revision before the EPA takes final action on the state's 15% Plan. As indicated previously, if the state does not make the appropriate revision, the EPA intends to disapprove the plan as it relates to these claimed reductions.

7. Control of Emissions From Municipal Solid Waste Landfills

Six municipal solid waste landfills are located in the St. Louis area. Landfills emit VOCs, including methane, through the decomposition of solid waste. The 1990 base year inventory indicates the nonmethane VOCs emitted from these six landfills are 1.51 TPD. The submitted 15% Plan includes a discussion of a rule which will result in a 1.48 TPD reduction in VOC emissions. However, the submitted 15% Plan does not include a final rule for this control measure.

The state of Missouri plans to use a yet-to-be-promulgated EPA standard to develop a rule which controls emissions from all six landfills in the St. Louis nonattainment area. However, final promulgation of the EPA's emission standards for landfills has been significantly delayed. In a October 21, 1994, letter to Gale Wright, former Chief of the Air Branch, EPA, from Roger Randolph, Director, MDNR, APCP, the state commits to developing this rule with implementation in 1996. The state has made every effort to move forward with this rule despite delays in the promulgation of the EPA's emission standards. Missouri submitted a draft of a rule for the EPA comment on May 17, 1995. The EPA provided comments on the draft rule in a June 26, 1995, letter to Jim Kavanaugh, Chief, Planning Section, MDNR, APCP. Therefore, the EPA finds it reasonable to propose conditional approval to the emissions reduction credit claimed in the submitted 15% Plan. The EPA believes that conditional approval of this element of the 15% Plan is also appropriate because, unlike the enhanced I/M element which makes up over 40 percent of the claimed emission

reduction in the 15% Plan, the landfill rule would account for only 3 percent of the claimed emission reduction credit.

The state must submit the final rule to the EPA by no later than November 15, 1996. Under section 110(k)(4) of the Act, the EPA may grant a conditional approval of this rule based on the state's commitment to submit the rule by a date certain, but not later than one year after the date of approval of the plan revision. Furthermore, section 110(k)(4) of the Act states that, should the state fail to meet its commitment, this conditional approval will convert to a disapproval. As the state has committed to submit this rule by November 15, 1996, the EPA is proposing conditional approval of the emission reductions claimed.

Federal Control Measures

1. Control of VOC Emissions From Architectural and Industrial Maintenance (AIM) Coatings

The EPA is currently working on a Federal rulemaking that will control VOC emissions from architectural and industrial maintenance coatings. The rule will limit the VOC content of certain types of coatings. The Federal rule will affect the manufacturers, distributors, retailers, and users of various types of paints and coatings and will apply nationwide.

On March 22, 1995, guidance was issued by the Director of the EPA's OAQPS regarding credit for 15% ROPPs for reductions from the AIM coating rule. This guidance clarified the EPA's estimates of the overall reductions expected to be achieved by the AIM rule. The guidance assessed the reductions at 20 percent and allows states to take full credit for this reduction without adopting or committing to backup measures with the stipulation that states adopt any rules necessary to make up for shortfalls, should the EPA's rule not achieve a 20 percent reduction. Based on the March 22, 1995, guidance, Missouri has claimed a reduction credit of 3.05 TPD from the forthcoming Federal rule.

2. Control of VOC Emissions From Benzene Transfer Operations

The National Emission Standard for Benzene Emissions from Benzene Transfer Operations, codified at 40 CFR Part 61, subpart BB requires owners or operators of benzene production facilities and bulk terminals to install and maintain control devices which reduce benzene emissions to the atmosphere by 98 percent (by weight) by July 23, 1991. There is only one affected source within the Missouri portion of the St. Louis nonattainment area--the Slay Bulk Terminal. For purposes of calculating the available credit from this source of reductions, Missouri has assumed that compliance has been achieved and that the difference in emissions reported in 1990 and 1993 is fully creditable.

Emissions were reduced over that time frame by approximately 99.5 percent (0.74 TPD). Although this level of reduction may have occurred, credit for this level of reduction is not allowed. The benzene rule regulates the efficiency of the control device rather than stipulating a specific emission limitation. The appropriate level of credit should have been determined by calculating the difference between a 98 percent reduction in projected 1996 emissions and the base year emissions from this source. The EPA estimates the actual available credit to be slightly higher than the state's estimate. Therefore, the EPA will accept the state's claimed emission reduction credit towards the 15 percent reduction requirement.

3. Control of VOC Emissions From Autobody Refinishing Operations

The EPA plans to promulgate a national rule limiting the VOC content of various autobody refinishing materials. The EPA issued guidance in the form of a policy memorandum on November 29, 1994, finding it acceptable to allow states a 37 percent credit for reductions expected to occur as a result of the national rule. Approximately 250 automobile refinishers in the nonattainment area would be affected.

Missouri conducted a survey of the automobile refinishers in the St. Louis area. The survey requested information on quantities of refinishing coatings used annually, quantities of solvents used annually, and number of jobs completed over certain time frames. The survey was used to develop the inventory category for automobile refinishing. The VOC inventory was determined to be 2.1 TPD, thus the reductions from the Federal rule will be 0.78 TPD.

4. Tier I FMVCP

The EPA promulgated standards for 1994 and later model year light-duty vehicles and light-duty trucks (56 FR 25724, June 5, 1991). Since the standards were adopted after the Clean Air Act Amendments of 1990, the resulting emission reductions are creditable toward the 15 percent reduction goal. These control measures will result in a 0.6 TPY reduction in VOC emissions during the pre-1996 time frame as calculated using the MOBILE model; however, in later years, greater emission reductions are expected as more fleet turnover occurs.

5. HON

The HON consists of four subparts setting standards for emissions of hazardous air pollutants (HAP) from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) and six non-SOCMI processes. Many of the HAPs regulated by the HON are also classified as VOCs. Recognizing this overlap, the EPA issued a May 6, 1993, policy memorandum indicating that a 5 percent reduction in VOC emissions is expected from sources complying with the HON rule. In anticipation of such reductions, states are allowed to receive 5 percent credit towards the 15 percent reduction requirements of the Act. A single source (Mallinckrodt Chemicals, Inc.), in the St. Louis nonattainment area is subject to the equipment leak provisions of the HON rule. The 1990 baseline VOC emissions from this facility were estimated at 652.84 TPY or 3380.23 lbs/day during the ozone season. Applying the authorized 5 percent results in a credit of 169.01 lbs/day or 0.08 TPD.

Summary of EPA Action

The EPA has evaluated these submittals for consistency with the Act, the EPA regulations, and the EPA policy. The EPA is proposing approval, under § 110(k)(3) and § 301(a), of Missouri's base year inventory because it fully meets the requirements in section 182 and applicable EPA guidance described elsewhere in this document. The EPA is proposing limited approval to the 15% Plan as its implementation will result in a certain percentage of VOC emission reductions.

However, as discussed above, the EPA is proposing approval of certain elements of the 15% Plan with the understanding that the state will submit revisions before the EPA takes final action. [See the specific discussion related to each element elsewhere in this rulemaking for the EPA's rationale for this action.] Specifically, the point source projection methodology submitted on January 23, 1996, resulted in a different total required emission reduction than the one in the July 11, 1995, 15% Plan submittal, which was 51.7 TPD. Also, the list of control measures, as well as some of the emission credit claimed for specific measures in this analysis, is different than those submitted in the July 11, 1995, 15% Plan submittal. The state has submitted a draft of the recalculation of

the total emission reductions needed and a revised list of VOC control measures so that the EPA may proceed with this rulemaking action. However, the state must hold a public hearing on these elements, and submit them to the EPA as a revision to its 15% Plan. The EPA proposes to approve the draft revised emission reduction target with the understanding that the state will fulfill its administrative obligations before the EPA takes final action on the 15% Plan.

Also, the EPA is proposing approval of the emission reduction credits associated with the reductions from Leonard's Metal, Inc., and Mallinckrodt Specialty Chemical Company, and the claimed emission reductions associated with Missouri rule 10 CSR 10–5.440 (Control of Emissions from Bakery Ovens), with the understanding that the state will fulfill certain requirements before the EPA takes final action on the 15% Plan. [See specific discussions related to these measures within this TSD for the EPA's rationale for this action.]

Failure to fulfill any of the specific requirements outlined above in a timely manner will result in a disapproval of the emission reduction target and associated emission reductions.

Furthermore, the EPA is proposing conditional approval of the emission reduction credits associated with the draft rule for the control of emissions from municipal solid waste landfills. As discussed above, if the state fails to submit a final rule to the EPA by November 15, 1996, the conditional approval will be converted to a disapproval.

Likewise, the EPA is proposing conditional approval of Rule 10 CSR 10–5.455, Control of Emissions from Solvent Cleanup Operations. If the state fails to submit a final amended rule, as discussed above, by 12 months from the EPA's final action, the conditional approval will be converted to a disapproval.

The EPA is also proposing a limited disapproval of the 15% Plan because it does not achieve the required emission reductions. Specifically, Missouri's submittal has not demonstrated that the enhanced I/M program can be implemented in a manner which will achieve the claimed emission reduction credit. Therefore, the EPA is proposing a limited disapproval of the 15% Plan, to the extent that emission reductions associated with Missouri's enhanced I/M program cannot be expected to be achieved. To gain full approval, Missouri will need to submit a revised plan which achieves the necessary reductions to meet the 15% Plan requirements.

Conformity

40 CFR 93.128(b), of the Federal transportation conformity rules, as amended on November 14, 1995 (40 CFR 51.448(b)), states that if the EPA disapproves a plan revision containing a control strategy, thus initiating the sanction process under CAA section 179, the conformity status of the transportation plan and transportation improvement program (TIP) shall lapse 120 days after the EPA's final partial disapproval. No new project-level conformity determinations may be made. No new transportation plan, TIP, or project may be found to conform until the state submits an SIP revision fulfilling the same CAA requirements and conformity to this submission is determined.

However, if the EPA disapproves the submitted control strategy SIP, but makes a protective finding, the conformity status of the transportation plan and TIP shall lapse on the date that highway sanctions are imposed on the nonattainment area under section 179(b)(1) of the Act. A protective finding, as defined in the Federal Transportation Conformity rule, as amended, means that the EPA has made a determination that the control strategy SIP would have been considered approvable with respect to requirements for emissions reductions, if all committed measures had been submitted in enforceable form as required by CAA section 110(a)(2)(A). No new transportation plan, TIP, or project may be found to conform until another SIP revision fulfilling the same CAA requirements is submitted and conformity to this submission is determined.

The emissions budget is the mechanism the EPA has identified for demonstrating consistency between emissions expected from implementation of transportation plans, TIPs, and projects with estimates of emissions in the SIP from on-road motor vehicles. Motor vehicle emissions budgets are the explicit or implicit identification of the on-road motor vehicle-related portion of the projected emission inventory used to demonstrate maintenance of the NAAQS for ozone for a particular year specified in the SIP. The motor vehicle emissions budget establishes a cap on the predicted highway and transit vehicle VOC and NO_X emissions which, if exceeded, will result in a nonconformity finding.

The Mobile Source emissions budget in the submitted 15% Plan is 60.31 TPD. This budget is the 1996 base year mobile emissions minus the reductions attributable to the mobile category. These reductions include the enhanced I/M program, the control of RVP in gasoline and TCMs. As stated above, the EPA has determined that the emission reduction assumed to result from implementation of the enhanced I/M program cannot be expected to be achieved. Therefore, if the EPA takes final action to disapprove the I/M portion of the 15% Plan, the EPA could not make a protective finding for the purposes of conformity. As such, the conformity status of the transportation plan and TIP shall lapse 120 days after the EPA's final limited disapproval.

Sanctions

Under section 179(a)(2), if the Administrator disapproves a submission under section 110(k) for an area designated nonattainment based on the submission's failure to meet one or more of the elements required by the Act, the Administrator must apply one of the sanctions set forth in section 179(b) unless the deficiency has been corrected within 18 months of such disapproval. Section 179(b) provides two sanctions available to the Administrator: highway funding and the imposition of emission offset requirements. The 18-month period referred to in section 179(a) would begin on the effective date established in a final limited disapproval action. If the deficiency is not corrected within six months of the imposition of the first sanction, the second sanction will apply. The process for imposing and lifting sanctions is set forth at 40 CFR 52.31.

Moreover, the final disapproval triggers the Federal Implementation Plan (FIP) requirement under section 110(c). If the EPA takes final action to disapprove portions of the Missouri submission, as discussed above in this notice, the sanction and FIP clocks would be triggered as discussed in this paragraph.

If the EPA takes final action to conditionally approve a portion of the submittal, as discussed above in this notice, and the conditional approval is subsequently converted to a disapproval as provided in section 110(k)(4), based on the state's failure to meet the commitment, the 18-month period referred to in section 179(a) of the Act will begin on the effective date of the conversion of the conditional approval to a disapproval. The sanctions process at 40 CFR 52.31 will apply if the 18-month period expires and the deficiency has not been corrected. (See paragraph above.)

Nothing in this action 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 the 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., the 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, the 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, the EPA certifies 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 CAA forbids the EPA to base its actions concerning SIPs on such grounds (*Union Electric Co.* v. *U.S. E.P.A.,* 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2)).

The EPA's disapproval of the state request under section 110 and subchapter I, Part D of the CAA does not affect any existing requirements applicable to small entities. Any preexisting Federal requirements remain in place after this disapproval. Federal disapproval of the state submittal does not affect its state enforceability. Moreover, the EPA's disapproval of the submittal does not impose any new Federal requirements. Therefore, the EPA certifies that this disapproval action does not have a significant impact on a substantial number of small entities because it does not remove existing requirements or impose any new Federal requirement.

Conditional approvals of SIP submittals 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.

If the conditional approval is converted to a disapproval under section 110(k), based on the state's failure to meet the commitment, it will not affect any existing state requirements applicable to small entities. Federal disapproval of the state submittal does not affect its state enforceability. Moreover, the EPA's disapproval of the submittal does not impose a new Federal requirement. Therefore, the EPA certifies that this disapproval action does not have a significant impact on a substantial number of small entities, because it does not remove existing state requirements or substitute a new Federal requirement.

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 has exempted this regulatory action from E.O. 12866 review.

Unfunded Mandates

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

Through submission of the SIP revision which has been proposed for limited approval in this action, the state has elected to adopt portions of the program provided for under section 182(b) of the CAA. The rules and commitments proposed for limited and conditional approval in this action may bind state and local governments to perform certain actions and also require the private sector to perform certain duties. The proposed action would have no impact on tribal governments as regulators. To the extent that the rules and commitments being given limited approval by this action will impose or lead to the imposition of 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 or lead to the imposition of any mandate upon the private sector, the EPA's action will impose no new requirements; such sources are already subject to these requirements under state law.

The EPA has also determined that the proposed limited disapproval would not impose any mandate on the private sector. Existing rules previously approved by the EPA remain in effect and would not be impacted by the limited disapproval. With respect to the impact on state and local governments, the state may choose, but is not required, to respond to a limited disapproval by revising and resubmitting the plan. In any event, the EPA estimates that the cost to state and local government of revising the plan would be less than $100 million in the aggregate.

Therefore, the EPA has determined that this proposed action does not include a mandate that may result in estimated costs of $100 million or more to state, local, or tribal governments in the aggregate or to the private sector.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401–7671q.

Dated: March 7, 1996.

Dennis Grams,

Regional Administrator.

[FR Doc. 96–6236 Filed 3–15–96; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 96–36; RM–8766]

Radio Broadcasting Services; Franklin, LA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by South Louisiana Broadcasters requesting the allotment of Channel 295C3 to Franklin, Louisiana, as the community's second local FM service. Channel 295C3 can be allotted to Franklin in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel 295C3 at Franklin are 29–47–42 and 91–30–12.

DATES: Comments must be filed on or before May 2, 1996, and reply comments on or before May 17, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: J. Boyd Ingram, President, South Louisiana Broadcasters, P.O. Box