

Pennsylvania Department of Environmental Resources (now known as the Pennsylvania Department of Environmental Protection) transmitting source specific VOC and/or NO_x RACT determinations in the form of plan approvals or operating permits for the following sources: U.G.I. Utilities, Inc. (Luzerne Co.)—utility, Solar Turbines (York Co.)—cogeneration facility, Columbia Gas Transmission—Renovo Compressor Station (Clinton Co.)—natural gas compressor station, National Fuel Gas Supply Corporation—East Fork Compressor Station (Potter Co.)—natural gas compressor station, York Resource Energy Systems, Inc. (York Co.)—municipal waste combustion facility, W.R. Grace & Co.—Formpac Division (Berks Co.)—expandable polystyrene blowing facility, CNG Transmission—Cherry Tree Station (Indiana Co.)—natural gas transmission station, EPC Power Corporation of Bethlehem (Delaware Co.)—Crozer Chester Cogeneration Plant, C-P Converters, Inc. (York Co.)—flexographic printing operation, Fisher Scientific Co. International—Instrument Manufacturing Division (Indiana Co.). In addition, the permits containing provisions limiting source emissions to synthetic minor sources levels (below RACT threshold level of 100 tons per year or 25 TPY of potential NO_x emissions and 50 TPY or 25 TPY for potential VOC emissions) are being approved for three sources: Adelphi Kitchens, Inc.—Robesonia factory (Berks Co.)—wood furniture coating operation, Birchcraft Kitchens, Inc.—Reading factory (Berks Co.)—wood furniture coating operation, and Glasgow, Inc.—Bridgeport Asphalt Plant (Montgomery Co.)—asphalt plant.

(B) Plan approvals (PA), Operating permits (OP), Compliance permit (CP):

(1) U.G.I. Utilities, Inc.—OP 40-0005, effective December 20, 1994 and PA 40-0005A, effective December 20, 1994, except the expiration date of the plan approval and conditions # 18, 19, and 20 pertaining to non-VOC or NO_x emissions and ash and waste oil requirements.

(2) Solar Turbines—PA 67-2009, effective August 17, 1995, except the expiration date of the plan approval and CP 67-2009, effective August 17, 1995, except the expiration date of the compliance permit.

(3) Columbia Gas Transmission—Renovo Compressor Station—OP 18-0001, effective July 18, 1995, except the expiration date of the operating permit and condition #8, pertaining to compliance date extensions and PA 18-0001, effective July 18, 1995, except the expiration date of the plan approval and

condition #14, pertaining to compliance date extensions.

(4) National Fuel Gas Supply Corporation—East Fork Compressor Station—OP 53-0007, effective July 17, 1995, except the expiration date of the operating permit, including the corrections to condition #6 and 13 (from a letter dated July 31, 1995) and PA 53-0007A, effective July 17, 1995, except the expiration date of the plan approval.

(5) York Resource Energy Systems, Inc.—PA 67-2006, effective August 25, 1995, except the expiration date of the plan approval and the non-VOC or non-NO_x elements in conditions #4, 8, 9, 10, 12, 18, and 19.

(6) W.R. Grace & Co.—Formpac Division—PA 06-1036, effective May 12, 1995, except the expiration date of the plan approval and condition #10 (d) and (e) pertaining to compliance date extensions and PA 06-315-001, effective June 4, 1992, except the expiration date of the plan approval.

(7) CNG Transmission Corporation—Cherry Tree Station—PA 32-000-303, effective July 5, 1995, except the expiration date of the plan approval, the elements in condition #6 pertaining to carbon monoxide, and condition #16 D. and E. pertaining to compliance date extensions.

(8) EPC Power Corporation of Bethlehem—Crozer Chester Cogeneration plant—OP 23-0007, effective June 8, 1995, except the expiration date of the operating permit.

(9) C-P Converters, Inc.—OP 67-2030, effective August 30, 1995, except the expiration date of the operating permit.

(10) Fisher Scientific—Instrument Manufacturing Division—OP 32-000-100, effective July 18, 1995, except the expiration date of the operating permit.

(11) Adelphi Kitchens, Inc.—Robesonia factory—OP 06-1001, effective April 4, 1995, except the expiration date of the operating permit.

(12) Birchcraft Kitchens, Inc.—Reading factory—OP 06-1005, effective April 4, 1995, except the expiration date of the operating permit.

(13) Glasgow, Inc.—Bridgeport Asphalt Plant—OP 46-0044, effective June 7, 1995, except the expiration date of the operating permit.

(ii) Additional material.

(A) Remainder of January 6, 1995, July 5, 1995, August 1, 1995, September 20, 1995, State submittals.

(B) Revision to the Pennsylvania SIP dated March 18, 1996, submitted by the Pennsylvania Department of Environmental Protection, pertaining to the 1990 emission inventory for General Glass—Jeannette, Westmoreland County.

3. Section 52.2037 is amended by adding paragraph (d) to read as follows:

§ 52.2037 Control Strategy: Carbon monoxide and ozone (hydrocarbons).

* * * * *

(d) NO_x RACT determination for the no. 2 glass melting furnace and the four kilns at the General Glass—Jeannette plant, which manufactured flat glass, is the current operation, consisting of no additional controls.

4. Section 52.2036 is amended by adding paragraph (c) to read as follows:

§ 52.2036 1990 Baseyear Emission Inventory.

* * * * *

(c) The 1990 NO_x emissions for the no. 2 glass melting furnace at the General Glass—Jeannette plant, located in Westmoreland County, Pennsylvania is 508.2 tons per year. Westmoreland County is part of the Pittsburgh moderate ozone nonattainment area. The 1990 NO_x emissions for the four kilns (no. 1 through 4) is 11.8 tons per year. This facility does not contain any other NO_x emitting units.

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40 CFR Part 52

[OR47-11-7052a; FRL-5504-8]

Approval and Promulgation of Implementation Plans: Oregon

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: Environmental Protection Agency (EPA) approves Oregon's Transportation conformity rules received on April 17, 1995, from the Oregon Department of Environmental Quality (ODEQ). The Clean Air Act (CAA or Act) requires the states to promulgate conformity rules to ensure that Federal actions conform to the appropriate State Implementation Plan (SIP). Conformity to a SIP is defined in the CAA, as amended in 1990, as meaning conformity to a SIP's purpose of eliminating or reducing the severity and number of violations of the national ambient air quality standards (NAAQS) and achieving expeditious attainment of such standards. The Federal agency responsible for the action is required to determine if its actions conform to the applicable SIP.

DATES: This action is effective on July 15, 1996 unless adverse or critical comments are received by June 17, 1996. If the effective date is delayed,

timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be addressed to: Montel Livingston, SIP Manager, EPA Region 10, Office of Air Quality (OAQ-107), OR47-11-7052, 1200 Sixth Avenue, Seattle, WA 98101. Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. Copies of material submitted to EPA may be examined during normal business hours at the following locations: EPA Region 10, Office of Air Quality, 1200 Sixth Avenue (OAQ-107), Seattle, WA 98101, and the Oregon Department of Environmental Quality, 811 S.W. 6th Avenue, Portland, OR 97204.

FOR FURTHER INFORMATION CONTACT: Wayne Elson, EPA Region 10, Office of Air Quality (OAQ-107), 1200 Sixth Avenue, Seattle, WA 98101, (206) 553-1463.

SUPPLEMENTARY INFORMATION:

I. Background

The CAA section 176(c), as amended (42 U.S.C. 7401 et seq.), requires states to submit to EPA revisions to their implementation plans establishing transportation and general conformity criteria and procedures. EPA regulation requires the states to submit SIP revisions by November 25, 1994, and November 30, 1994. These conformity rules are to ensure that all Federal actions conform to the appropriate SIP developed pursuant to section 110 and part D of the CAA. Conformity to a SIP is defined in the CAA, as amended in 1990, as meaning conformity to a SIP's purpose of eliminating or reducing the severity and number of violations of the national ambient air quality standards (NAAQS) and achieving expeditious attainment of such standards, and that such activities will not:

1. Cause or contribute to any new violation of any standard in any area,
2. Increase the frequency or severity of any existing violation of any standard in any area, or
3. Delay timely attainment of any standard or any required interim emission reductions or other milestones in any area.

The CAA ties conformity to attainment and maintenance of the NAAQS. Thus, Federal actions must not adversely affect the timely attainment and maintenance of the NAAQS or emission reduction progress plans leading to attainment. The Federal agency responsible for the action is

required to determine if its actions conform to the applicable SIP. The Oregon transportation conformity rule establishes the criteria and procedures governing the determination of conformity for all Federal actions in nonattainment or maintenance areas in the State of Oregon for Federal highway and transit actions. Therefore, the criteria and procedures established in this rule apply only in areas that are nonattainment or maintenance with respect to any of the criteria pollutants under the CAA: carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO₂), ozone (O₃), particulate matter (PM₁₀), and sulfur dioxide (SO₂). The rule covers direct and indirect emissions of criteria pollutants or their precursors that are reasonably foreseeable and caused by a Federal action.

The Oregon submittal contains transportation conformity regulations that are consistent with the CAA requirements. These regulations are at least as stringent as the Federal regulations and in some cases are more stringent. Oregon's regulations establish procedural requirements including interagency consultation procedures. They also require the responsible agency to make their conformity determinations available for public review. Notice of draft and final conformity determinations must be provided directly to air quality regulatory agencies and to the public by publication in a local newspaper. The conformity determination examines the impacts of the direct and indirect emissions from the Federal action. The regulations require the Federal action to also meet any applicable SIP requirements and emission milestones. Each Federal agency must determine that any actions covered by the rule conform to the applicable SIP before the action is taken.

The Oregon rule includes interagency consultation procedures which will occur during the development of transportation plans, transportation improvement programs, and State Implementation Plans, and before findings of conformity.

The rule includes a provision that "regionally significant" transportation projects meet the criteria of the rule regardless of the funding source (OAR 340-20-720 (42) and OAR 340-20-760). The determination of "regionally significant" projects will be made through interagency consultation with affected parties.

The rule includes reduced time frames for compliance with mobile source emissions budget once a maintenance SIP has been approved by the Oregon Environmental Quality

Commission (EQC). The rule also includes reduced time frames for demonstrating timely implementation of transportation control measures (TCMs) once the EQC adopts a SIP revision which adds TCMs. The rule requires timely implementation of all TCMs identified as necessary to where attainment or maintenance of and air quality standard is jeopardized, regardless of their eligibility for Federal funding.

II. This Action

This Action approves Oregon Administrative Rule (OAR) Sections 340-2-700 to 1080 as an amendment to the Oregon SIP. Specifically these rules are as follows:

- 340-20-700 Title.
- 340-20-710 Purpose.
- 340-20-720 Definitions.
- 340-20-730 Applicability.
- 340-20-740 Priority.
- 340-20-750 Frequency of conformity determinations.
- 340-20-760 Consultation.
- 340-20-770 Content of transportation plans.
- 340-20-780 Relationship of transportation plan and TIP conformity with the NEPA process.
- 340-20-790 Fiscal constraints for transportation plans.
- 340-20-800 Criteria and procedures for determining conformity of transportation plans.
- 340-20-810 Criteria and procedures: Latest planning assumptions.
- 340-20-820 Criteria and procedures: Latest emissions model.
- 340-20-830 Criteria and procedures: Consultation.
- 340-20-840 Criteria and procedures: Timely implementation of TCMs.
- 340-20-850 Criteria and procedures: Currently conforming transportation plan and TIP.
- 340-20-860 Criteria and procedures: Projects from a plan and TIP.
- 340-20-870 Criteria and procedures: Localized CO and PM-10 violations (hot spots).
- 340-20-880 Criteria and procedures: Compliance with PM-10 control measures.
- 340-20-890 Motor vehicle emissions budget (transportation plan).
- 340-20-900 Criteria and procedures: Motor vehicle emissions budget (TIP).
- 340-20-910 Criteria and procedures: Motor vehicle emissions budget (project not from a plan and TIP).
- 340-20-920 Criteria and procedures: Localized CO violations (hot spots) in the interim period.
- 340-20-930 Criteria and procedures: Interim period reductions in ozone and CO areas (transportation plan).

- 340-20-940 Criteria and procedures: Interim period reductions in ozone and CO areas (TIP).
- 340-20-950 Criteria and procedures: Interim period reductions for ozone and CO areas (project not from a plan and TIP).
- 340-20-960 Criteria and procedures: Interim period reductions for PM-10 and NO₂ areas (transportation plan).
- 340-20-970 Criteria and procedures: Interim period reductions for PM-10 and NO₂ areas (TIP).
- 340-20-980 Criteria and procedures: Interim period reductions for PM-10 and NO₂ areas (project not from a plan and TIP).
- 340-20-990 Transition from the interim period to the control strategy period.
- 340-20-1000 Requirements for the adoption or approval of projects by recipients of funds designated under title 23 U.S.C. or the Federal Transit Act.
- 340-20-1010 Procedures for determining regional transportation-related emissions.
- 340-20-1020 Procedures for determining localized CO and PM-10 concentrations (hot-spot analysis).
- 340-20-1030 Using the motor vehicle emissions budget in the applicable implementation plan (or implementation plan submission).
- 340-20-1040 Enforceability of design concept and scope and project-level mitigation and control measures.
- 340-20-1050 Exempt projects.
- 340-20-1060 Projects exempt from regional emissions analyses.
- 340-20-1070 Special provisions for nonattainment areas which are not required to demonstrate reasonable further progress and attainment.
- 340-20-1080 Savings provisions.

III. Administrative Review

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, Part D of the CAA do not create any new requirements, but simply approve requirements that the state is already imposing. Therefore, because the Federal SIP approval does

not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The CAA forbids 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).

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal 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. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or Tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or Tribal governments, or to the private sector, result from this action.

The EPA has reviewed this request for revision of the federally-approved SIP for conformance with the provisions of the 1990 Clean Air Act Amendments enacted on November 15, 1990. The EPA has determined that this action conforms with those requirements.

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.

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 EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective July 15, 1996 unless, by June 17, 1996 adverse or critical comments are received.

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 15, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2), 42 U.S.C. 7607(b)(2).)

It has been determined that this rule is not a "significant regulatory action" under the terms of Executive Order 12866 and is therefore not subject to OMB review.

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, Sulfur oxides, Volatile organic compounds.

Note: Incorporation by reference of the Implementation Plan for the State of Oregon was approved by the Director of the Office of Federal Register on July 1, 1982.

Dated: May 2, 1996.

Chuck Clarke,

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 MM—Oregon

2. Section 52.1970 is amended by adding paragraph (c) (113) to read as follows:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

(113) On April 14, 1995, the Oregon Department of Environmental Quality submitted a revision to its SIP for the State of Oregon to include the Transportation Conformity: OAR 340-20-710 through 340-20-1080.

(i) Incorporation by reference.

(A) April 14, 1995 letter from ODEQ director Lydia Taylor to EPA Regional Administrator Chuck Clarke submitting a revision to the Oregon SIP to include the Transportation Conformity: OAR 340-20-710 through 340-20-1080; Division 20, Air Pollution Control, Criteria and Procedures for Determining Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act, effective March 29, 1995.

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40 CFR Part 52

[AK6-1-6587; FRL-5465-2]

Approval and Promulgation of State Implementation Plans: Alaska

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a State Implementation Plan (SIP) revision submitted by the State of Alaska on March 24, 1994 which implements an oxygenated gasoline program in the Municipality of Anchorage. This SIP revision satisfies certain Federal requirements for carbon monoxide (CO) nonattainment areas with a design value of 9.5 parts per million (ppm) or greater to implement

an oxygenated gasoline program. Motor vehicles are significant contributors of CO emissions. An important measure for reducing these emissions is the use of cleaner burning oxygenated gasoline.

EFFECTIVE DATE: This final rule is effective on June 17, 1996.

ADDRESSES: Copies of the State's request and other information supporting this action are available for inspection during normal business hours at the following locations: EPA, Office of Air Quality, 1200 Sixth Avenue, Seattle, Washington 98101, and the Alaska Department of Environmental Conservation, 410 Willoughby, Suite 105, Juneau, Alaska 99801-1795.

FOR FURTHER INFORMATION CONTACT: Ms. Montel Livingston, EPA, Office of Air Quality, Seattle, Washington, (206) 553-0180.

SUPPLEMENTARY INFORMATION:

I. Background

Under section 211(m) of the Clean Air Act, as amended (the "Act"), Alaska was required to submit a revised SIP under section 110 and part D of title I that includes an oxygenated gasoline program for its CO nonattainment areas (those areas with a design value of 9.5 ppm or greater). The CO standard is 9 ppm and was established based on criteria which allows for an adequate margin of safety to protect human health. The 9 ppm standard is intended to keep carboxyhemoglobin levels below 2.1% in order to protect the most sensitive members of the general population (i.e. individuals with heart disease and other physiological weaknesses).

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

To comply with the Act, Alaska implemented an oxygenated gasoline program containing methyl tertiary butyl ether (MTBE) as the oxygenate in the early winter of 1992. Shortly thereafter, the State received numerous health and driveability complaints from the public regarding exposure to and use of MTBE blended gasoline. In December 1992 the Governor of Alaska temporarily suspended the oxygenated fuel program, and the suspension continued the following winter.

During this suspension, a series of studies began which examined issues including health and driveability at cold temperatures using oxygenated gasoline

in climate fluctuations such as the Municipalities of Anchorage and Fairbanks experience. These studies were initiated in part by the Alaska Department of Environmental Conservation (ADEC) and in part by State health officials in Alaska who invited the Centers for Disease Control and Prevention and others to assist in investigation of possible health effects. Studies concluded that pumping the ethanol blend does not appear to increase the prevalence of acute adverse health effects or unusual exposures when compared to pumping regular gasoline. Data also showed there were no adverse driveability effects utilizing ethanol in Anchorage during the study period.

In response to the public's concerns about MTBE, Anchorage, through ADEC and the industry providers, agreed to implement an oxygenated fuel program using ethanol as the oxygenate rather than MTBE by diluting regular unleaded gasoline with ethanol to 10 percent ethanol by volume. This oxygenated fuel program began in Anchorage in January 1995 and lasted for about three months. This initial control period for Anchorage using an ethanol blend was successful with the general public and for air quality—there were no exceedances of the CO National Air Ambient Quality Standards (NAAQS) during that period. The program resumed again in the winter of 1995-96, November 1, 1995 through February 29, 1996.

The State of Alaska submitted the Oxygenated Gasoline Requirements (18 AAC 53.005-18 AAC 53.190) with amendments adopted through March 19, 1994, to EPA on March 24, 1994, as a revision to the Alaska SIP. EPA reviewed the submittal and concluded that the revision met the applicable requirements of the Act. In a direct final rule published October 24, 1995, EPA approved the revision to be effective on December 26, 1995, unless EPA received adverse or critical comments by November 24, 1995 (see 60 FR 54435). In the same Federal Register, EPA also published an accompanying proposed rule (see 60 FR 54465), explaining that if EPA received adverse comments on the direct final rule approving ADEC's submittal re the oxygenated gasoline program, then EPA would withdraw the direct final rule and would respond to all comments on the proposal in a subsequent final rule. The proposed action also indicated that anyone wishing to comment should do so by November 24, 1995.

EPA received an adverse comment on November 22, 1995, pertaining to its approval of Alaska's SIP submittal. The