

the Code of Federal Regulations (CFR) 40 CFR Part 5. This outdated rule created a schedule of tuition fees for technical and managerial training conducted directly by EPA under its programs in air, water, solid waste, radiation and pesticides. This rule is no longer legally in effect because it is inconsistent with how Government fees and charges are currently assessed under 31 U.S.C. 9701. Deleting this rule from the CFR will clarify the legal status of this rule for personnel of State and local governmental agencies, other Federal agencies, private industries, universities, and other non-EPA agencies and organizations. This action is in furtherance of government streamlining and will not adversely impact public health or the environment.

**EFFECTIVE DATE:** This final rule takes effect on August 8, 1996.

**FOR FURTHER INFORMATION CONTACT:** James H. Carr, EPA Institute (Mail Code 3632), EPA, 401 M Street, SW., Washington, DC 20460. Telephone: (202) 260-8047; or E-mail to: carr.james@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:**

**I. Introduction**

On March 4, 1995, the President directed all Federal agencies and departments to conduct a comprehensive review of the regulations they administer and, by June 1, 1995, to identify those rules that are obsolete or unduly burdensome. EPA has conducted a review of its rules, including 40 CFR Part 5 issued under the authority of 31 USC § 483a. That law was enacted to allow federal agencies to recoup costs from identifiable special beneficiaries where the services rendered inured to the benefit of special recipients not the general public.

The removal of this rule from the CFR is in keeping with the policy view that charges should be set at rates rather than fixed dollar amounts in order to reflect changes in costs to the Government or changes in market prices of the property, resource or service provided. See OMB Circular A-25.

Inasmuch as this rule relates to Agency practice and in view of the subject matter, notice of proposed rule making and public comment were considered unnecessary.

**II. Obsolete Rule**

*Part 5—Tuition Fees for Direct Training.* 40 CFR Part 5 requires EPA to charge a schedule of tuition fees for all persons attending EPA technical and managerial training conducted directly by EPA (direct training) under its

programs in air, water, solid waste, radiation and pesticides which commence on or after January 1, 1974. On January 1, 1974, EPA issued a regulation which set a schedule of fixed dollar amounts for direct training.

On September 13, 1982, 31 USC § 483a was replaced by 31 USC § 9701, which established more objective criteria to recoup charges for governmental services or things of value. Accordingly, EPA is removing the current schedule of fixed dollar amounts in 40 CFR Part 5 from the CFR.

**III. Rulemaking Analysis**

*Regulatory Flexibility Act*

The EPA certifies that this rule does not have a significant economic impact on a substantial number of small entities.

*Executive Order 12866*

Under Executive Order 12866, [58 FR 51,735 (October 4, 1993)] the Agency must determine whether the regulatory action is "significant" and therefore subject to OMB review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

- (1) have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;
- (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

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.

*Unfunded Mandates Reform Act*

Today's rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, or tribal governments or the private sector.

*Submission to Congress and the General Accounting Office*

Under section 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended by the Small Business

Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This is not a "major rule" as defined by section 804(2) of the APA as amended.

**List of Subjects in 40 CFR Part 5**

Environmental protection, Education, Intergovernmental relations.

Dated: July 29, 1996.

Alvin M. Pesachowitz,  
Acting Assistant Administrator, Office of  
Administration and Resources Management.

For the reasons set out in the preamble, 40 CFR chapter I under the authority of 31 U.S.C. 9701 is amended as follows.

**PART 5—[REMOVED]**

1. Part 5 is removed.

[FR Doc. 96-20229 Filed 8-7-96; 8:45 am]

BILLING CODE 6560-50-P

**40 CFR Part 52**

[WA47-7120a; FRL-5543-9]

**Clean Air Act Approval and Promulgation of Carbon Monoxide Implementation Plan for the State of Washington: Puget Sound Emission Inventory**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving the 1990 base year and 1995 projected year carbon monoxide emission inventory portion of the Puget Sound carbon monoxide (CO) State Implementation Plan (SIP) submitted on September 30, 1994, by the State of Washington Department of Ecology (Ecology) for the purpose of bringing about the attainment of the national ambient air quality standard (NAAQS) for CO.

**DATES:** This action is effective on September 23, 1996 unless adverse or critical comments are received by September 9, 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, Office of Air Quality (OAQ-107), EPA, 1200 Sixth Avenue, Seattle, Washington 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, DC 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, Washington 98101, and Washington State Department of Ecology, 300 Desmond Drive, Olympia, WA 98504.

**FOR FURTHER INFORMATION CONTACT:** Stephanie Cooper, EPA Region 10, Office of Air Quality (OAQ-107), Seattle WA 98101, (206) 553-6917.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

In a March 15, 1991, letter to the EPA Region 10 Administrator, the Governor of Washington recommended the Seattle-Tacoma-Everett area, including the western portions of King, Pierce, and Snohomish Counties, be designated as nonattainment for CO as required by section 107(d)(1)(A) of the 1990 Clean Air Act Amendments (CAAA or the Act) (Public Law 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q). The area, which includes lands within the Puyallup Reservation, Tulalip Reservation and Muckleshoot Reservation, was designated nonattainment and classified as "moderate" under the provisions outlined in sections 186 and 187 of the CAA. (See 56 FR 56694 (Nov. 6, 1991), codified at 40 CFR part 81, § 81.348.) Because the Seattle-Tacoma-Everett area had a design value of 14.8 ppm (based on 1987 data), it was classified as "moderate > 12.7 ppm" (moderate plus).

Under the Clean Air Act as amended, States have the responsibility to inventory emissions contributing to NAAQS nonattainment, to track these emissions over time, and to ensure that control strategies are being implemented that reduce emissions and move areas towards attainment. Under section 187(a)(1), the CAAA requires moderate CO nonattainment areas to submit a base year CO inventory that represents actual emissions in the CO season by November 15, 1992. Stationary point, stationary area, on-road mobile, and non-road mobile sources of CO are to be included in the inventory. This inventory is for calendar year 1990 and is denoted as the base year inventory. The inventory is to address actual CO emissions for the area during the peak CO season. The peak CO season should reflect the months when peak CO air quality concentrations occur. Moderate CO nonattainment areas are required to submit a periodic inventory that

represents actual emissions no later than September 30, 1995, and every three years thereafter until the area is redesignated to attainment (section 187(a)(5)). Moderate CO nonattainment areas with a design value of 12.7 parts per million (ppm) or more are required to submit an attainment demonstration plan by November 15, 1992 that demonstrates attainment by December 31, 1995 (187(a)(7)). To make the Attainment Demonstration, base year and projected modeling inventories are needed. The base year inventory is the primary inventory from which the periodic and modeling inventories are derived. Further information on these inventories and their purpose can be found in the document "Emission Inventory Requirements for Carbon Monoxide State Implementation Plans," EPA, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina, March 1991.

**II. Today's Action**

The EPA is approving the carbon monoxide (CO) base year 1990 and projected year 1995 emission inventory submitted to EPA on September 30, 1994, based on the Level I, II, and III review findings.

**III. Review of State Submittal**

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. Washington's inventory satisfies both Level I and Level II requirements. The Level III review process is outlined here and consists of 9 points that the inventory must include. For a base year emission inventory to be acceptable it must pass all of the following acceptance criteria:

1. An approved Inventory Preparation Plan (IPP) must be provided and the Quality Assurance (QA) program contained in the IPP must be performed and its implementation documented.
2. Adequate documentation must be provided that enables the reviewer to determine the emission estimation procedures and the data sources used to develop the inventory.
3. The point source inventory must be complete.
4. Point source emissions must have been prepared or calculated according to the current EPA guidance.
5. The area source inventory must be complete.
6. The area source emissions must have been prepared or calculated according to the current EPA guidance.
7. The method (e.g., Highway Performance Modelling System (HPMS) or a network

transportation planning model) used to develop vehicle miles travelled (VMT) estimates must follow EPA guidance, which is detailed in the document, "Procedures for Emission Inventory Preparation, Volume IV: Mobile Sources", December 1992. The VMT development methods must be adequately described and documented in the inventory report.

8. The MOBILE model must be correctly used to produce emission factors for each of the vehicle classes.

9. Non-road mobile emissions must be prepared according to current EPA guidance for all of the source categories.

The EPA is approving this emission inventory as meeting the requirements of section 187(a)(1) of the Act. The reasons why this submittal meets the Level III criteria are discussed below.

Initially, EPA subjected the Washington State CO emission inventories to a rigorous review. This review pointed out various deficiencies in the inventory. In their updates to the original emissions inventory submitted January 24, 1993, the Puget Sound Air Pollution Control Agency (PSAPCA) corrected these deficiencies. Further corrections were made and submitted September 30, 1994.

*Inventory Preparation Plan*

Washington submitted its final Inventory Preparation Plan (IPP) and accompanying final Quality Assurance Plan on October 2, 1991. These plans satisfied the EPA's requirements.

*Quality Assurance*

Throughout the emissions inventory, PSAPCA provides documentation of quality assurance. For each source category, PSAPCA identifies the methodology employed. Where PSAPCA methods deviate from EPA suggested procedures, the rationale for the alternate method is noted. For each CO source category, PSAPCA provides the reference from which it excerpted information. When needed, projection equations are provided to show emission amounts beyond the base year. In many cases, the 1995 inventory "grows" the 1990 numbers by a particular factor (e.g. population growth). If 1995 values are the same as 1990 values, reasons for the lack of growth in emissions are noted.

Point source inventory: PSAPCA's point source inventory identifies sources whose emissions equal or exceed twenty-five tons per year of carbon monoxide. There are 18 CO point sources in the Puget Sound nonattainment area. The dominant industry with CO point sources is pulp and paper processing.

To compile the point source inventory, PSAPCA inventories all

subject point sources on an annual basis. Each source sends PSAPCA an annual questionnaire ("Form B") that chronicles its emissions. The form includes SIC classification, normal operating schedule, criteria air contaminants (in tons/year), an emission point/segment summary, including CAS (chemical abstract services) numbers of the chemicals involved. PSAPCA engineers then review the data, which may also be verified by field inspectors.

PSAPCA reports that point source emissions for 1990 and 1995 are identical, at 136,600 pounds per day.

Area source inventory: PSAPCA's inventory for CO area sources is divided into the following categories: industrial fossil fuel use, commercial fossil fuel use, residential fuel use, residential wood burning, engine testing, residential garbage, land clearing burning, yard waste burning, structure burning, and waste management. The largest contributor to CO emissions was wood burning. Emissions for each source category are calculated for the three counties that comprise the nonattainment area (King, Pierce, and Snohomish). The inventory provides a discussion per category, and displays equations that were used to develop emissions estimates. Sources of information are provided as needed (e.g. population from the 1990 Census). In some cases, PSAPCA's methodology differs from EPA's recommended procedures. When this occurs, PSAPCA notes the reason for the difference. Usually, PSAPCA uses data tailored to the local or state area rather than using the national equations or factors. For the 1995 emission inventory, numbers are frequently "grown" from the 1990 inventory. Where necessary, projection equations are provided. Area source totals for 1990 were 620,762 pounds per winter day (lb/wd) within the CO nonattainment area, and 637,720 lb/wd for 1995. Additionally, for the 1995 stationary area source inventory, PSAPCA provides a trend analysis and states an explanation for why increase or decrease in emissions may have occurred.

Vehicle miles travelled (VMT): Washington created a "Memorandum of Understanding" between the Puget Sound Regional Council, Spokane Regional Council, Washington State Department of Ecology and Washington State Department of Transportation to apportion responsibility for reporting of vehicle miles travelled to these agencies. Puget Sound Regional Council and Spokane Regional Council develop peer review draft vehicle miles travelled reports for their respective Federal Aid

Urban Areas, based on data submitted by the Department of Transportation. The draft reports are submitted to Ecology, which then submits the final vehicle miles travelled annual report to EPA.

The Puget Sound Regional Council, which develops VMT forecasts for the Puget Sound CO nonattainment area, uses a four-part model consisting of a trip generation component, a trip distribution component, a mode choice component, and a transportation/mode assignment component. The model considers residential factors, employment, road network, land use, population, etc., and is reevaluated several times per year.

The VMT development methods were adequately described and documented in the SIP and satisfy EPA's requirements.

Use of the Mobile model: The mobile5a model was correctly used to produce emission factors for each of the vehicle classes. The model employs the 2500 idle test even though Washington's program uses both the loaded idle and the 2500 idle. This is because Mobile5a allots higher emission factors for the loaded idle test than for the 2500 idle. Inputs to the mobile5a model reflect Washington's program: 2.7% oxygenate, 15% waiver rate for cars 1968-1980, 14% waiver rate for cars 1981 and younger, 90% compliance rate, biennial inspection, centralized program, etc. The Washington State Department of Ecology was responsible for the on-road section of the emissions inventory. Quality Assurance is provided within the on-road discussion. Additionally, the EPA QA checklist was used to check data. On-road mobile sources are 4,347,800 lb/day for 1990 and 2,717,600 lb/day for 1995.

Please note that the emission inventory mobile source estimates are not the same as those in the IM SIP. The IM SIP uses mobile5ah and gives credit to technician training. Washington has elected to use the mobile5a outputs for its attainment demonstration, and to use mobile5ah to show that it meets EPA's low enhanced performance standard. This discrepancy is further discussed in the Technical Support Document.

Non-road inventory: PSAPCA describes each category and the methodology employed. Methodology is taken from *Procedures for the Preparation of Emission Inventories for Carbon Monoxide and Precursors of Ozone*, unless otherwise noted. When PSAPCA's methodology deviates from EPA guidance, it is usually because PSAPCA uses numbers reflective of local scenarios as opposed to national averages. Assumptions, equations, and

sources are noted per source category. Major non-road contributors are lawn and garden equipment, industrial and wholesale equipment, and aircraft and marine sources. Nonroad totals are 396,336 lb/day for 1990 and 434,863 lb/day for 1995. For the 1995 inventory, PSAPCA comments on the trends since 1990 and provides explanations for why the increase or decrease in emission was projected to occur.

#### IV. Procedural Background

The Act requires States to observe certain procedural requirements in developing emission inventory submissions to EPA. Section 110(a)(2) of the Act requires that each emission inventory submitted by a State has to be adopted after reasonable notice and public hearing.<sup>1</sup> Final approval of the inventory will not occur until the State revises the inventory to address public comments. CO nonattainment areas with design values greater than 12.7 ppm must submit the entire SIP (emissions inventories, attainment demonstrations, and control strategies) by November 15, 1992, and EPA expects the emissions inventories to have gone through the public hearing process as part of the full CO SIP.<sup>2</sup>

The State of Washington held a public hearing on September 8, 1994 to entertain public comment on the 1990 base year emission inventory for the Puget Sound Carbon Monoxide Nonattainment Area. Following the public hearing the inventory was adopted by the State and signed by the Governor on September 30, 1994, and submitted to EPA on September 30, 1994 as a proposed revision to the SIP.

The emission inventory was reviewed by EPA to determine completeness shortly after its submittal, in accordance with the completeness criteria set out at 40 CFR Part 51, Appendix V (1991), as amended by 57 FR 42216 (August 26, 1991). The submittal was found to be complete on March 30, 1995.

#### V. Implications of Today's Action

The EPA is approving the Puget Sound carbon monoxide emission inventory submitted as "replacement pages" to the Washington SIP on September 30, 1994. The State has submitted a complete inventory

<sup>1</sup> Also Section 172(c)(7) of the Act requires that plan provisions for nonattainment areas meet the applicable provisions of section 110(a)(2).

<sup>2</sup> Memorandum from John Calcagni, Director, Air Quality Management Division, and William G. Laxton, Director, Technical Support Division, to Regional Air Division Directors, Region I-X, "Public Hearing Requirements for 1990 Base-Year Emission Inventories for Ozone and Carbon Monoxide Nonattainment Areas," September 29, 1992.

containing point, area, on-road, and non-road mobile source data, and documentation. Emissions for these groupings are presented in the following table:

Emission Category	Daily Emissions (lbs/day) (rounded to the nearest 100)	
	Base year 1990	Projected year 1995
Point sources .....	136,000	136,000
Area sources .....	620,700	637,700
Non-road mobile sources .....	396,300	435,000
On-road mobile sources .....	4,347,800	2,717,600
Total .....	5,492,200	3,928,000

This inventory is complete and approvable according to the criteria set out in the November 12, 1992 memorandum from J. David Mobley, Chief Emission Inventory Branch, Technical Support Document (TSD) to G.T. Helms, Chief Ozone/Carbon Monoxide Programs Branch, AQMD.

As noted, additional submittals of SIP emission inventories for the nonattainment areas are due at later dates. The EPA will determine the adequacy of any such submittal as appropriate.

VI. 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. 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 to State, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the 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.

Under section 801(a)(1)(A) of the Administrative Procedures Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a "major rule" as defined by section 804(2) of the APA as amended.

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 Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

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 September 23, 1996 unless, by September 9, 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 notice 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 September 23, 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 October 7, 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)).

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

List of Subjects in 40 CFR Part 52

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

Dated: July 22, 1996.  
 Randall F. Smith,  
*Acting Regional Administrator.*

## PART 52—[AMENDED]

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

### Subpart WW—Washington

2. Section 52.2470 is amended by adding paragraph (c)(63) to read as follows:

#### § 52.2470 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(63) On September 30, 1994, the Director of WDOE submitted to the Regional Administrator of EPA a revision to the carbon monoxide State Implementation Plan for, among other things, the 1990 and 1995 Emission Inventories for Area, Nonhighway Mobile, and On-Road Mobile Sources.

(i) Incorporation by reference.

(A) September 30, 1994, letter from WDOE to EPA submitting emission inventories for the Puget Sound CO nonattainment area (adopted on September 30, 1994); NonHighway Mobile Sources Emission Inventory for Carbon Monoxide and Precursors of Ozone for King, Pierce and Snohomish Counties Base Year 1990, dated December 1993; Stationary Area Sources Emission Inventory for Carbon Monoxide and Precursors of Ozone for King, Pierce and Snohomish Counties Base Year 1990, dated December 1993; Stationary Area Sources Emission Inventory for Carbon Monoxide and Precursors of Ozone for King, Pierce and Snohomish Counties Projection Year 1995, dated September 1994; Supplement to the SIP, "Puget Sound Carbon Monoxide Nonattainment Area," Replacement Pages, dated September 1994; Non-Road Mobile Sources Emission Inventory for Carbon Monoxide and Precursors of Ozone for King, Pierce and Snohomish Counties, Base Year 1990, dated September 1994; Non-Highway Mobile Sources Projections for 1995 Emission Inventory for Carbon Monoxide and Precursors of Ozone for King, Pierce and Snohomish Counties, dated September 1994; Seattle-Tacoma Urban Carbon Monoxide Nonattainment Area 1990 Base Year On Road Mobile Source Emissions Inventory, dated August 1994; and Seattle-Tacoma Urban Carbon Monoxide Nonattainment Area 1995 Projected

Year On Road Mobile Source Emissions Inventory, dated August 1994.

[FR Doc. 96–20139 Filed 8–7–96; 8:45 am]

BILLING CODE 6560–50–P

## 40 CFR Part 52

[FRL–5533–2]

### Approval and Promulgation of Implementation Plans; Massachusetts; Emissions Banking, Trading, and Averaging Program Approval

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** The EPA is approving, in final, a State Implementation Plan (SIP) revision submitted by Massachusetts. This revision establishes a voluntary emissions banking, trading, and averaging program for eligible sources of volatile organic compounds (VOC), nitrogen oxides (NO<sub>x</sub>), or carbon monoxide (CO). The goal of these regulations is to encourage the creation, trading, and averaging of emission reduction credits in order for facilities to comply with new source review offsetting, netting, and reasonably available control technology (RACT) requirements in the most cost-effective manner. The program was adopted as a discretionary Economic Incentive Program, developed pursuant to EPA's guidance. This revision includes provisions which EPA proposed to approve in a document published on February 22, 1995.

**DATES:** This action is effective October 7, 1996, unless notice is received by September 9, 1996 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the Federal Register.

**ADDRESSES:** Comments may be mailed to Susan Studlien, Deputy Director, Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, JFK Federal Bldg., Boston, MA 02203. Copies of the State submittal and EPA's technical support document are available for public inspection during normal business hours, by appointment at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA, and the Division of Air Quality Control, Massachusetts Department of Environmental Protection, One Winter Street, 8th floor, Boston, MA 02108.

**FOR FURTHER INFORMATION CONTACT:** Steven A. Rapp, Environmental Engineer, Air Quality Planning Unit

(CAQ), United States Environmental Protection Agency, Region 1, JFK Federal Building, Boston, MA 02203. (617) 565–2773.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On April 7, 1994, EPA published final rules for Economic Incentive Programs (59 FR 16690). The notice set forth Economic Incentive Program (EIP) rules which could be adopted by certain ozone and carbon monoxide nonattainment areas which were mandated by sections 182(g)(3), 182(g)(5), 187(d)(3), and 187(g) of the Clean Air Act (Act) to use or consider EIPs. The notice also served as interim guidance for States to develop discretionary EIPs for any criteria pollutant in all areas. Massachusetts has developed emissions banking and trading, and emissions averaging regulations as a discretionary EIP. The program was developed pursuant to EPA's EIP guidance. These regulations establish a voluntary emissions banking, trading, and averaging program for eligible sources of volatile organic compounds (VOC), nitrogen oxides (NO<sub>x</sub>), or carbon monoxide (CO). The goal of these regulations is to encourage the creation, trading, and averaging of emission reduction credits in order for facilities to comply with new source review offsetting, netting, and reasonably available control technology (RACT) requirements in the most cost-effective manner.

##### II. State Submittal

Massachusetts submitted an emissions banking and trading, and emissions averaging regulations in two separate SIP submittals. First, on February 9, 1994, the Massachusetts Department of Environmental Protection (MA DEP) submitted Sections 310 CMR 7.00 Appendix B(1), (2), (3), and (5) as a revision to its SIP. These sections of the regulations establish requirements for the certification of emission reduction credits (ERCs), or "banking," as well as for the trading of the ERCs between facilities. On February 22, 1995, EPA proposed approval of this submittal. Subsequently, on April 14, 1995, the EPA received a request from the Massachusetts DEP to revise the SIP for ozone, including amendments to 310 CMR 7.18 and 7.19, regarding emissions averaging at VOC and NO<sub>x</sub> RACT sources, concurrent with the addition of sections 310 CMR 7.00 Appendix B(4) and (6), which deal with emissions averaging and public participation procedures, respectively, in the EIP.