worldwide fleet. The FAA estimates that 270 engines installed on aircraft of U.S. registry would be affected by this proposed AD; that it would take approximately 2 work hours per engine per inspection to accomplish the ECI, 4 work hours per engine per inspection to accomplish the FPI, and that the average labor rate is $60 per work hour. Based on these figures, the annual total cost impact of the proposed AD on U.S. operators is estimated to be $97,200 at the estimated rate of one inspection per year.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

AlliedSignal Inc.: Docket No. 96–ANE–26.

Applicability: AlliedSignal Inc. (formerly Textron Lycoming) ALF502 and LF507 series turbofan engines, installed on but not limited to British Aerospace BAe 146 and Avro International RJ–70 series, and Canadair CL–600 aircraft.

Note: This airworthiness directive (AD) applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent cracking of the fuel manifold assembly, which could result in an engine fire, accomplish the following:

(a) Perform initial and repetitive on-wing eddy current inspection (ECI) or shop fluorescent penetrant inspection (FPI) of fuel manifold assemblies for cracks, and replace, if necessary, with serviceable parts, in accordance with AlliedSignal Aerospace Service Bulletin (SB) No. ALF/LF 73–1002, dated December 22, 1995, as follows:

(1) For fuel manifold assemblies with 2,000 or more cycles since new (CSN), or unknown CSN, on the effective date of this AD, inspect within 1,250 cycles in service (CIS) after the effective date of this AD.

(2) For fuel manifold assemblies with less than 2,000 CSN on the effective date of this AD, inspect prior to accumulating 3,250 CSN.

(3) Thereafter, inspect at intervals not to exceed 1,250 CIS since last inspection.

(4) If a fuel manifold assembly is found cracked, prior to further flight, replace with a serviceable fuel manifold assembly, Part Number (P/N) 2–163–620–37 or –38.

(b) Installation of a new, improved fuel manifold assembly, P/N 2–163–620–37 or –38, constitutes terminating action to the inspection requirements of paragraph (a) of this AD.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles Aircraft Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Los Angeles Aircraft Certification Office.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the requirements of this AD can be accomplished.

Issued in Burlington, Massachusetts, on October 29, 1996.

James C. Jones,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 96–28452 Filed 11–5–96; 8:45 am]

BILLING CODE 4910–13–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[VA 056–5015; FRL–5647–5]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Enhanced Motor Vehicle Inspection and Maintenance Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed interim rule.

SUMMARY: EPA is proposing conditional, interim approval of a State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia. This revision establishes and requires the implementation of an enhanced inspection and maintenance (I/M) program in the following Northern Virginia localities: the Counties of Arlington, Fairfax, Fauquier, Loudoun, Prince William, and Stafford, and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park.

The intended effect of this action is to propose conditional interim approval of the enhanced I/M program proposed by Virginia for the Northern Virginia program area, based upon the Commonwealth's good faith estimate that the proposed test-and-repair network design is appropriate and will achieve the expected emissions reductions and that the revision is otherwise in compliance with the Clean Air Act (CAA). EPA is proposing conditional approval because the Commonwealth's SIP revision is deficient with respect to certain requirements of the CAA and/or EPA's I/M program regulatory requirements.

DATES: Comments must be received on or before December 6, 1996.

ADDRESSES: Comments may be mailed to David L. Arnold, Chief, Ozone/CO and Mobile Sources Section, Mail code 3AT21, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics

Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; and at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Brian Rehn, (215) 566–2176, at the EPA Region III address above or via e-mail at Rehn.Brian@epmail.epa.gov. While information may be requested via e-mail, comments must be submitted in writing to the EPA Region III address indicated in the Addresses section.

SUPPLEMENTARY INFORMATION:

I. Background

A. Impact of the National Highway System Designation Act on the Design and Implementation of Enhanced Inspection and Maintenance Programs under the Clean Air Act

The National Highway System Designation Act of 1995 (NHSDA) establishes two key changes to the enhanced I/M rule requirements previously developed by EPA. Under the NHSDA, EPA cannot require states to adopt or implement centralized, test-only IM240 enhanced vehicle inspection and maintenance programs as a means of compliance with section 182, 184 or 187 of the CAA. Also under the NHSDA, EPA cannot disapprove a state SIP revision, nor apply an automatic discount to a state SIP revision under section 182, 184 or 187 of the CAA, because the I/M program in such plan revision is decentralized, or a test-and-repair program. Accordingly, the so-called ''50% credit discount'' that was established by the EPA's I/M Program Requirements Final Rule, (published November 5, 1992, and herein referred to as the I/M rule) has been effectively replaced with a presumptive equivalency criteria, which places the emission reductions credits for decentralized networks on par with credit assumptions for centralized networks, based upon a state's good faith estimate of reductions as provided by the NHSDA and explained below in this section.

EPA's I/M rule established many other criteria unrelated to network design or test type for states to use in designing enhanced I/M programs. All other elements of the I/M Rule, and the statutory requirements established in the CAA continue to be required of those states submitting I/M SIP revisions under the NHSDA, and the NHSDA specifically requires that these submittals must otherwise comply in all respects with the I/M Rule and the CAA.

The NHSDA also requires states to swiftly develop, submit, and begin implementation of these enhanced I/M programs, since the anticipated start-up dates developed under the CAA and EPA's rules have already been delayed. In requiring states to submit these plans within 120 days of the NHSDA passage, and in allowing these states to submit proposed regulations for this plan (which can be finalized and submitted to EPA during the interim period) it is clear that Congress intended for states to begin testing vehicles as soon as practicable, now that the decentralized credit issue has been clarified and directly addressed by the NHSDA.

Submission criteria described under the NHSDA allows for a state to submit proposed regulations for this interim program, provided that the state has all of the statutory authority necessary to carry out the program. Also, in proposing the interim credits for this program, states are required to make good faith estimates regarding the performance of their enhanced I/M program. Since these estimates are expected to be difficult to quantify, the state need only provide that the proposed credits claimed for the submission have a basis in fact. A good faith estimate of a state's program may be an estimate that is based on any of the following: the performance of any previous I/M program; the results of remote sensing or other roadside testing techniques; fleet and vehicle miles traveled (VMT) profiles; demographic studies; or other evidence which has relevance to the effectiveness or emissions reducing capabilities of an I/M program.

This action is being taken under the authority of both the NHSDA and section 110 of the CAA. Section 348 of the NHSDA expressly directs EPA to issue this interim approval for a period of eighteen months, at which time the interim program will be evaluated in concert with the appropriate state agencies and EPA. At that time, the Conference Report on section 348 of the NHSDA states that it is expected that the proposed credits claimed by the state in its submittal, and the emissions reductions demonstrated through the program data may not match exactly. Therefore, the Conference Report suggests that EPA use the program data to appropriately adjust these credits on a program basis as demonstrated by the program data.

Furthermore, EPA believes that in also taking action under section 110 of the CAA, it is appropriate to grant a conditional approval to this submittal since there are some deficiencies with respect to CAA statutory and regulatory requirements (identified herein) that EPA believes can be corrected by the state during the interim period.

Finally, it should also be noted that Virginia has submitted a separate SIP revision addressing a ''basic'' I/M program requirement for the Richmond area. EPA is not acting upon that submittal in today's rulemaking action, and intends to act upon that submittal at a later date.

B. Interim Approvals Under the NHSDA

The NHSDA directs EPA to grant interim approval for a period of eighteen months to approvable I/M submittals under this Act. This Act also directs EPA and the states to review the interim program results at the end of eighteen months, and to make a determination as to the effectiveness of the interim program. Following this demonstration, EPA will adjust any credit claims made by the state in its good faith effort to reflect the emissions reductions actually measured by the state during the program evaluation period. The NHSDA is clear that the interim approval shall last for only eighteen months, and that the program evaluation is due to EPA by the end of that period. Therefore, EPA believes Congress intended for these programs to start-up as soon as possible, which EPA believes should be on or before November 15, 1997, so that at least 6 months of operational program data can be collected to evaluate the interim program. EPA believes that in setting such a strict timetable for program evaluations under the NHSDA, that Congress recognized and attempted to mitigate any further delay with the start-up of this program. For the purposes of this program, ''start-up'' is defined as a fully operational program which has begun regular, mandatory inspections and repairs, using the final test strategy and covering each of a state's required areas. EPA proposes that if the state fails to start its program on this schedule, the approval granted under the provisions of the NHSDA will convert to a disapproval after a finding letter is sent to the state.

The program evaluation to be used by the state during the 18-month interim period must be acceptable to EPA. EPA anticipates that such a program evaluation process will be developed by the Environmental Council of States (ECOS) group that is convening now and that was organized for this purpose. EPA further anticipates that in addition to the interim, short term evaluation, the state will conduct a long term, ongoing evaluation of the I/M program as required by the I/M Rule in §§ 51.353 and 51.366.

C. Process for Full Approvals of This Program Under the CAA

As per the NHSDA requirements, this interim rulemaking will expire within eighteen months of the final interim approval, or the date of final approval. A full approval of the state's final I/M SIP revision (which will include the state's program evaluation and final adopted state regulations) is still necessary under section 110 and under section 182, 184 or 187 of the CAA. After EPA reviews the Commonwealth's submitted program evaluation, final rulemaking on the state's SIP revision will occur.

II. EPA's Analysis of Virginia's Submittal

On March 27, 1996, the Virginia Department of Environmental Quality (DEQ) submitted a revision to its State Implementation Plan (SIP) for an enhanced I/M program to qualify under the NHSDA. That revision consists of enabling legislation that will allow the state to implement the I/M program, proposed regulations, a description of the I/M program (including a modeling analysis and detailed description of program features), and a good faith estimate that includes the state's basis in fact for emission reductions claims of the program. The state's credit assumptions are based upon the removal of the 50% credit discount for all portions of the program that are based on a test-and-repair network, and the application of the state's own estimate of the effectiveness of its decentralized test and repair program.

A. Analysis of the NHA submittal criteria

Transmittal Letter

On March 27, 1996, Virginia submitted an enhanced I/M SIP revision to EPA, requesting approval action under the NHSDA of 1995 and the CAA of 1990. The official submittal was made by the appropriate state official, Peter W. Schmidt, Director of the Department of Environmental Quality, and was addressed to the appropriate EPA official in the Region.

Enabling Legislation

The Commonwealth of Virginia has enabling legislation at the Motor Vehicle Emissions Control Law at Title 46.2, Subtitle III, Chapter 10, Article 22 of the Code of Virginia. This legislation provides for the implementation of a decentralized, test-and-repair program network utilizing ASM 5015 testing equipment, with testing on a biennial basis.

Proposed Regulations

Prior to submitting its March 27, 1996 submittal, the Commonwealth of Virginia proposed regulations before its Air Pollution Control Board in accordance with 40 CFR Part 51, establishing an enhanced I/M program. The Commonwealth anticipates fully adopting regulations by October 30, 1996.

Program Description

The Commonwealth's proposed enhanced I/M program applies to the Northern Virginia metropolitan area, and includes biennial testing of 1968 and newer gasoline powered light-duty vehicles (LDGV) and light-duty trucks (LDGT) up to 10,000 pounds gross vehicle weight rating (GVWR) in a fully test-and-repair network. Test methods are to include a two-mode acceleration simulation mode (ASM) exhaust emissions test as the primary test method for newer-technology (i.e. 1981 and newer) LDGVs. Two-speed idle testing will be performed on: LDGTs, older technology (i.e. pre-1981) LDGVs, and on any LDGV equipped with full-time four wheel drive or full-time anti-lock brake systems. Additionally, evaporative system testing is to be performed, including an evaporative system pressure test for 1973 and newer vehicles, and an evaporative system purge test (for 1981 and newer vehicles which receive ASM testing). On 1973 and newer vehicles, a visual inspection for the presence of certain emissions control components or systems will eventually be performed. The following systems will be checked: the air injection system, catalytic converter system, fuel evaporative emissions control system, positive crankcase ventilation (PCV) system, exhaust gas recirculation (EGR) system, and the thermostatic air cleaner system. Finally, a fuel filler cap check for 1973 and newer vehicles is included. Motorists will be required to pass all aspects of emissions testing prior to re-registering their vehicles. On-road testing will be used to ensure that motorists comply with testing requirements and that vehicle emissions remain below pollution standards between biennial tests.

Emission Reduction Claim and Basis for the Claim

As Virginia stated in the March 27, 1996 SIP submittal, the Commonwealth is claiming additional I/M program effectiveness for their test-and-repair network, when compared to EPA's assumed credit discount for this type of testing network. Virginia claims that its test-and-repair network will be 93.8% as effective as an equivalent test-only network, in terms of hydrocarbon and oxides of nitrogen pollutant reductions. Per the recently enacted National Highway Systems Designation Act, the Commonwealth has 18 months from the date of EPA final interim approval of the March 27, 1996 SIP revision to obtain the data on operation of its program in order to prove its effectiveness claims.

The Commonwealth's good faith estimate achieves credit through the following measures, which are part of the March 27, 1996 SIP submittal:

1. A program effectiveness demonstration of the existing Northern Virginia I/M program, compiled in conjunction with EPA, entitled ''Study to Demonstrate Increased Emissions Reduction Credit for the Northern Virginia Test-and-Repair Program'', dated December 21, 1995;
2. A more stringent on-road testing program than required by federal requirements, through remote sensing and a civil penalty system for noncompliance;
3. Implementation of a technician training and certification program and a repair facility certification program; and
4. Improved data entry automation, including bar code readers at test stations to read bar-coded registration forms to eliminate data entry errors.

B. Analysis of the EPA I/M Regulation and CAA requirements

As previously stated, the NHSDA left those elements of the I/M rule that do not pertain to network design or test type intact. Based upon EPA's review of Virginia's submittal, EPA believes the Commonwealth has not complied with all aspects of the NHSDA, the CAA and the I/M rule. For those sections of the I/M rule, or of the CAA, identified below, with which the state has not yet fully complied, EPA proposes to conditionally approve the SIP upon receipt of a commitment from the state to correct each said deficiency. Before EPA can continue with the interim rulemaking process, the Commonwealth must make a commitment within 30 days of November 6, 1996 to correct these major SIP element(s) by a date certain within 1 year of EPA interim approval.

The Commonwealth must correct these major deficiencies by the date specified in the commitment, or this approval will convert to a disapproval under CAA section 110(k)(4). EPA has also identified certain minor deficiencies in the SIP, which are itemized below. EPA has determined that delayed correction of these minor deficiencies will have a de minimis

impact on a state's ability to meet clean air goals. Therefore, the state need not commit to correct these deficiencies in the short term, and EPA will not impose conditions on interim approval with respect to these deficiencies. Virginia must correct these deficiencies during the eighteen month term of the interim approval, as part of the fully adopted rules that the Commonwealth will submit to support full approval of its I/M SIP. So long as Virginia corrects these minor deficiencies prior to final action on the I/M SIP, EPA concludes that failure to correct these minor deficiencies in the short term will not adversely affect EPA's ability to give interim approval to the proposed I/M program.

Applicability—40 CFR 51.350

Sections 182(c)(3) and 184(b)(1)(A) of the Act and 40 CFR 51.350(a) require states, or portions of states, located in the Ozone Transport Region (OTR), containing Metropolitan Statistical Areas (MSAs), or parts thereof, with a population of 100,000 or more (as of 1990) to implement an enhanced I/M program. The Northern Virginia portion of the Washington, D.C. MSA is part of the OTR and has a population of 100,000 or more. This area is also classified as a serious ozone nonattainment area and would therefore be required to implement an enhanced I/M program, per section 182(c)(3) of the CAA and 40 CFR 51.350(2).

Under the above Clean Air Act requirements, the following localities in Virginia are subject to the enhanced I/M program requirements: the Counties of Arlington, Fairfax, Loudoun, Prince William and Stafford; and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park. Under the federal I/M rule, specifically 40 CFR 51.350(b), some rural counties having a population density of less than 200 persons per square mile based on the 1990 census could be excluded from program coverage provided that at least 50% of the MSA population is included in the program. No counties within the Northern Virginia MSA qualify for this low population density exemption, however. The Commonwealth's proposed I/M regulation, as submitted with the SIP, requires that the enhanced I/M program be implemented in the localities listed above, and also in Fauquier County.

Virginia's I/M legislative authority provides the legal authority to establish the proposed geographic boundaries. The program boundaries are defined in Virginia's Regulation for the Control of Motor Vehicle Emissions, located at 9 VAC 5–91–20. That portion of the regulation defines the ''Northern Virginia Program Area'' to include the counties identified above. EPA is proposing to find that the geographic applicability requirements are satisfied. The federal I/M regulation requires that the state program shall not sunset until it is no longer necessary. EPA interprets the federal regulation as stating that a SIP which does not sunset prior to the attainment deadline for each applicable area satisfies this requirement. The Virginia I/M enabling legislation and regulation provides for the program to continue past the attainment dates for all enhanced I/M program areas in the Commonwealth.

Virginia's SIP satisfies all the requirements related to 40 CFR 51.350 and is therefore approvable.

Enhanced I/M Performance Standard—40 CFR 51.351

The enhanced I/M program must be designed and implemented to meet or exceed a minimum performance standard, or ''model'' program design, on the basis of emission levels expressed in area-wide average grams per mile (gpm) for certain pollutants. The performance standard is established using local characteristics, such as vehicle mix and local fuel controls, and the following model I/M program parameters: network type, start date, test frequency, model year coverage, vehicle type coverage, exhaust emission test type, emission standards, emission control device, evaporative system function checks, stringency, waiver rate, compliance rate and evaluation date. The emission levels achieved by the state's program design shall be calculated using the most current version, at the time of submittal, of the EPA mobile source emission factor model. At the time Virginia submitted its SIP, the most current version was MOBILE5a. Subject localities shall meet the performance standard for the pollutants which necessitate the enhanced I/M requirements. In the case of ozone nonattainment areas, the performance standard must be met for both oxides of nitrogen (NO_X) and hydrocarbons (HC). Thus, the Commonwealth's submittal must meet the enhanced I/M performance standard for HC and NO_X in all subject I/M areas in the Northern Virginia area.

In enacting the NHSDA, Congress evidenced an intent to have states promptly implement I/M programs under interim approval status to gather the data necessary to support state claims of appropriate credit for alternative network design systems. By providing that such programs be submitted within four months of passage of the NHSDA, that EPA could approve I/M programs on an interim basis, solely upon proposed regulations, and that such approvals would last only for an 18-month period, it is clear that Congress anticipated both that these programs would start quickly and that EPA would act quickly to give them interim approval.

The Virginia submittal includes the following program design parameters:

Parameter	Virginia's program
Network type	Decentralized, test-and-repair, (privatized).
Start date	1983 (existing program); 1997 (new program elements).
Test frequency	Biennial (i.e. every two years).
Model year/vehicle type coverage	1968 and newer model year (1968+) vehicles/gasoline-powered vehicles (up to 10,000 lbs. gross vehicle weight rating (GVWR)).
Exhaust emissions test type	Acceleration simulation mode (ASM2)test. ‰ 1981+ vehicles: LDGV, LDGT, HDGT (i.e. under 8,500 lbs. GVWR). 2-speed idle test. ‰ 1968–1980 vehicles (all vehicles). ‰ 1968+ heavy-duty vehicles (8500–10000 lbs. GVWR). ‰ 1981+ vehicles (0–8500 lbs GVWR), with full-time four wheel drive. ‰ All vehicles having full-time traction control or ABS.
Emission standards (for 1981+ model year vehicles)	Acceleration simulation mode (ASM2) test. ‰ 0.8 gpm HC; 15 gpm CO; 2.0 gpm NO_X [equivalent]. 2-speed idle test. ‰ 220 ppm HC, 1.2 % CO.

Parameter	Virginia's program
Emission control device visual inspection	Air pump, catalyst, EGR system, evaporative emissions control system, PCV system, and gas cap check.
Evaporative system function checks	Pressure decay test ‰ 1981+ vehicles. Purge test ‰ 1981+ vehicles.
Stringency rate (pre-1981 vehicle failure)	35%.
Waiver rate	3%.
Compliance rate	96%.
Evaluation date	July 1999.

Virginia's modeling also includes credit for a mandatory emissions repair technician training and certification (TTC) program in the Northern Virginia program area.

In order to determine whether the proposed I/M program meets the enhanced performance standard, the Commonwealth needed to model its program to demonstrate that it had met the enhanced performance standard. Because of delayed I/M program start up and program reconfiguration, the existing modeling used by the state to demonstrate compliance with the performance standard is no longer accurate, as it is based on start up and phase-in of testing and cutpoints that do not reflect the current program configuration or start dates that the state will actually implement. Additionally, modeling must be performed to demonstrate compliance with the performance standard for all affected localities. Therefore, the Commonwealth must conduct new modeling to verify that the performance standard will in fact be met. For example, actual start dates corresponding to each test-type and cutpoints correct program start up dates should be included in the new modeling.

EPA proposes that interim approval of Virginia's I/M SIP be conditioned, in part, upon the requirement that the state conduct and submit the necessary new modeling to demonstrate that the program will meet the performance standard, by a fixed date within one year from final interim approval. In order to facilitate conditional approval of the Virginia SIP, Virginia must submit to EPA a commitment, within 30 days of publication of this notice, to perform this modeling within the time frame set forth above. If the state fails to commit to perform this re-modeling, EPA proposed in the alternative to disapprove the SIP. If the state fails to perform and submit the new modeling by the date committed to, EPA proposes that the interim approval will convert to a disapproval upon a letter from EPA indicating that the state has failed to meet the conditions of approval by failing to timely submit the modeling and to demonstrate compliance with the performance standard.

Network Type and Program Evaluation—40 CFR 51.353

The enhanced program shall include an ongoing evaluation to quantify the emission reduction benefits of the program, and to determine if the program is meeting the requirements of the Act and the federal I/M rule. The SIP shall include details on the program evaluation and shall include a schedule for submittal of biennial evaluation reports, data from state monitored or administered mass-based, transient emissions testing of at least 0.1% of the vehicles subject to inspection each year, a description of the sampling methodology, the data collection and analysis system, and the legal authority enabling the evaluation program. Virginia's SIP provides for a decentralized, test-and-repair network design, which will be operated in multiple private inspection stations. Testing will be required on a biennial basis.

In addition, the federal I/M rule requires the state to demonstrate that the program meets the performance standard by fixed evaluation dates. The first such date is January 1, 2000. However, few state programs will be able to meet the performance standard by then, as a result of delays in program start-up and the phased-in nature of various testing requirements. EPA believes that based on the provisions of the NHSDA, the evaluation dates in the current I/M rule have been superseded. Congress provided in the NHSDA for state development of I/M programs that would start significantly later than the start dates in the current I/M rule. Consistent with Congress's intent exhibited in the NHSDA with regard to program start-up, such programs by definition will not achieve full compliance with the regulatory performance standard by the beginning of the year 2000.

Therefore, EPA has concluded that the NHSDA superseded the start date requirements of the I/M rule, but that states should still be required to start their programs as soon as possible, which EPA has determined would be by no later than November 15, 1997. EPA now believes that pursuant to the NHSDA, the initial evaluation date should be January 1, 2002. This evaluation date will allow states to fully implement their I/M programs and to complete one cycle of testing at full cutpoints in order to demonstrate compliance with the performance standard.

The Commonwealth's SIP contains a commitment to perform an ongoing program evaluation, consisting of administration or oversight of inspections by Department of Environmental Quality (DEQ) personnel of at least 0.1% of the annually subject vehicle population. EPA interprets this broad commitment to indicate that Virginia staff will merely oversee or conduct testing in actual test stations using state-approved I/M test methods. This program evaluation does not comply with the evaluation protocol set forth by EPA in 40 CFR 51.353(c).

The Environmental Council of States (ECOS) has formed a committee to develop an evaluation protocol to be used by states in order to evaluate overall program effectiveness. The ECOS group has agreed that states must follow the long term program evaluation defined in 40 CFR 51.353. 40 CFR 51.353 requires that mass-emission based, transient testing (METT) be performed on 0.1% of the subject fleet each year. The submittal also fails to address other program evaluation elements specified in 40 CFR 51.353(b)(1) and (c), including a program evaluation schedule, a protocol for the evaluation testing, and a system for collection and analysis of program evaluation data.

EPA, therefore, proposes to conditionally approve Virginia's SIP based on receiving the Commonwealth's commitment within 30 days to submit to EPA by a date certain within twelve months of the final interim ruling, the final Virginia I/M regulation which requires METT be performed on 0.1% of the subject fleet each year as per 40 CFR 51.353(c)(3) and meets the program evaluation elements as specified in 40 CFR 51.353(c). If this condition is not

met EPA will promptly issue a letter to the Commonwealth indicating that the conditional approval has been converted to a disapproval.

Adequate Tools and Resources—40 CFR 51.354

The federal I/M rule requires the Commonwealth to demonstrate that adequate funding of the program is available. A portion of the test fee or separately assessed per vehicle fee shall be collected, placed in a dedicated fund and used to finance the program. Alternative funding approaches are acceptable if a state demonstrates that the level of funding can be maintained. Reliance upon funding from a state or local general fund is not acceptable, unless doing otherwise would be a violation of the state's constitution. The SIP shall include a detailed budget plan which describes the source of funds for personnel, program administration, program enforcement, and purchase of equipment. The SIP shall also detail the number of personnel dedicated to the quality assurance program, data analysis, program administration, enforcement, public education and assistance and other necessary functions.

Virginia DEQ's I/M oversight program will be funded through a per vehicle I/M inspection fee, which is currently set at $20; along with a separate administrative registration fee of $2 per vehicle. The administrative fee will be deposited in a dedicated fund, to be used solely for program oversight.

The SIP contains a detailed budget synopsis describing the personnel dedicated to the quality assurance program, program oversight, data collection and analysis, enforcement, public education, and other necessary functions. Virginia's SIP indicates that this level of personnel resources is adequate to properly oversee the program, and that private contract personnel may be utilized, as needed, for special program functions (e.g. temporary audit staff, on-road testing contractors, etc).

The Virginia submittal meets the requirements for adequate tools and resources, as set forth in the federal I/M regulations. Therefore, this portion of Virginia's SIP is approvable.

Test Frequency and Convenience—40 CFR 51.355

The enhanced I/M performance standard assumes an annual testing frequency; however, alternative schedules may be approved if the performance standard is achieved. The SIP shall describe the test year selection scheme, how the test frequency is integrated into the enforcement process and shall include the legal authority, regulations or contract provisions to implement and enforce the test frequency. The program shall be designed to provide convenient service to the motorist by ensuring short wait times, short driving distances and regular testing hours.

Section 46.2–1177 of Virginia's Motor Vehicle Emissions Control Law and Virginia's proposed I/M regulation provide the legal authority to implement the program with a biennial testing frequency. Virginia's proposed enhanced I/M regulation provides for a biennial testing, with initial testing for new vehicles required two years after initial registration. The Commonwealth has submitted modeling to demonstrate this biennial program's equivalency to the performance standard. However, this modeling analysis did not fully satisfy the requirements of 40 CFR 51.351. Upon satisfaction of the re-modeling condition in today's rulemaking action pertaining to the requirements of 40 CFR 51.351, Virginia will have satisfied the equivalency of their biennial testing scheme to the annual scheme contained in the model program.

Virginia's SIP lacks a detailed description of how emissions testing is scheduled for subject vehicles and the test selection scheme for assigning testing under the biennial program. Additionally, the SIP does not describe how the test frequency will be integrated with the registration denial motorist enforcement process. These elements constitute a minor deficiency in Virginia's SIP, which must be corrected in the final I/M SIP revision submitted by the end of the 18-month interim period. This portion of Virginia's SIP otherwise satisfies the requirements of 40 CFR 51.355, and is therefore approvable.

Vehicle Coverage—40 CFR 51.356

The performance standard for enhanced I/M programs assumes coverage of all 1968 and later model year light duty vehicles and light duty trucks up to 8,500 pounds GVWR, and includes vehicles operating on all fuel types. Other levels of coverage may be approved if the necessary emission reductions are achieved. Vehicles registered or required to be registered within the I/M program area boundaries and fleets primarily operated within the I/M program area boundaries and belonging to the covered model years and vehicle classes comprise the subject vehicles. Fleets may be officially inspected outside of the normal I/M program test facilities, if such alternatives are approved by the program administration, but shall be subject to the same test requirements using the same quality control standards as non-fleet vehicles and shall be inspected in the same type of test network as other vehicles in the state, according to the requirements of 40 CFR 51.353(a). Vehicles which are operated on federal installations located within an I/M program area shall be tested, regardless of whether the vehicles are registered in the state or local I/M area.

The I/M rule requires that the SIP shall include the legal authority or rule necessary to implement and enforce the vehicle coverage requirement, a detailed description of the number and types of vehicles to be covered by the program and a plan for how those vehicles are to be identified, including vehicles that are routinely operated in the area but not registered in the area. Additionally, the SIP must contain a description of any special testing exemptions, including the percentage and number of vehicles to be impacted by the exemption. Such exemptions shall be accounted for in the emissions reduction analysis.

The Northern Virginia enhanced I/M program requires coverage of all 1968 and newer, private or publicly owned, gasoline-powered vehicles up to 10,000 pounds gross vehicle weight rating (GVWR) which are registered or required to be registered in the I/M program area. Additionally, affected motor vehicles which are primarily operated on or commute to a state, local or federal government facility, are also subject to testing. As of the date of the SIP submittal, Virginia estimates that approximately 1.25 million vehicles will be subject to enhanced testing in the program area.

Virginia's proposed regulation exempts the following vehicles: motorcycles, diesel-fueled vehicles, electric-powered vehicles, clean-fueled vehicles (as defined by § 46.2–2 and 46.2–100 of the Code of Virginia), and vehicles registered as antiques. Additionally, Virginia SIP provides that testing may be deferred for vehicles (up to four model years old) held for sale by licensed car dealers, for up to one year from the date of sale. Section 46.2–1178 of the Virginia Motor Vehicle Control Law authorizes testing for the vehicles covered by Virginia's regulation, and § 46.2–1180 of the Motor Vehicle Control Law provides for the exemptions in the regulation, as listed above. This level of vehicle coverage is approvable, provided the performance standard can be demonstrated to have been met with this level of exemptions.

Virginia's SIP requires fleet vehicles, both public and privately owned, to be

tested. Virginia's regulation allows fleet owners having 20 or more vehicles to self test, provided they are licensed to do so by the Commonwealth. These fleet testing stations are subject to the same testing procedures and the same quality control procedures as official public testing stations. The fleet testing program is approvable, as it meets the requirements of 40 CFR 51.356(a).

Virginia has not fully accounted for all of its testing exceptions, as a percentage of the entire subject fleet, in the SIP. Any exceptions to testing requirements must be accounted for in the emissions reductions analysis. Virginia has committed to better account for the number of excepted vehicles after the program commences operation. Since the exceptions are not expected to comprise a significant portion of the subject fleet, this is considered by EPA to be a minor deficiency. The state must better estimate these exceptions and account for them in their performance standard modeling demonstration prior to the end of the 18-month interim approval period.

This portion of Virginia's SIP otherwise satisfies the requirements of 40 CFR 51.356, and is approvable.

Test Procedures and Standards—40 CFR 51.357

Written test procedures and pass/fail standards shall be established and followed for each model year and vehicle type included in the program. Test procedures and standards are detailed in 40 CFR 51.357 and in the EPA documents entitled ''High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications'', EPA–AA–EPSD–IM–93–1, dated April 1994 and ''Acceleration Simulation Mode Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications'', EPA–AA–RSPD–IM–96–2, dated July 1996. The federal I/M rule also requires vehicles that have been altered from their original certified configuration (i.e. engine or fuel switching) to be subject to the requirements of section 51.357(d).

For the Northern Virginia enhanced program, Virginia has proposed a two-mode acceleration simulation mode (ASM2) exhaust test as its primary test method for newer-technology (i.e. 1981 and newer) light-duty vehicles. This test actually consists of two separate tests, referred to as ASM 5015 and ASM 2525. Two-speed idle testing will be performed on subject heavy-duty vehicles, older technology (i.e. pre-1981) light-duty vehicles, and on vehicles with full-time four wheel drive or full-time anti-lock brake systems. Additionally, evaporative system testing consisting of pressure testing (for 1973 and newer vehicles) and purge testing (for 1981 and newer vehicles receiving ASM testing) are included in the SIP. Virginia's regulation also calls for a visual inspection for the presence, on 1973 and newer vehicles, of certain emissions control components or systems, including the: air injection system, catalytic converter system, fuel evaporative emissions control system, positive crankcase ventilation (PCV) system, exhaust gas recirculation (EGR) system, and the thermostatic air cleaner system. Finally, the SIP calls for a fuel filler cap check for 1973 and newer vehicles.

The Commonwealth's regulation requires vehicles that have been altered from the original certified configuration to which they were manufactured (i.e. vehicles in which the engine or fuel type has been switched) to be tested to their originally certified design.

The Commonwealth's SIP does not contain detailed ASM2 test procedures that are acceptable to EPA. The Commonwealth's regulation incorporates by reference the appropriate section of the Code of Federal Regulations (CFR) for I/M test procedures for 2-speed idle testing and for evaporative pressure and purge testing. However, the Virginia SIP allows for possible alternative evaporative system tests to those referenced by the Commonwealth's regulation. No test procedures are specified for any alternative evaporative system test, with the exception of a fuel filler cap check procedure. In order for the Commonwealth to include alternative evaporative tests in the performance standard demonstration and to require testing with these tests, the SIP must contain EPA approved test procedures for such tests. The final SIP must include detailed, approvable test procedures for all test methods to be utilized in the enhanced I/M program.

The SIP includes hydrocarbon (HC), carbon monoxide (CO), and oxide of nitrogen (NO_X) pass/fail standards (or ''cutpoints'') for the ASM2 test for each subject model year and vehicle type. HC and CO cutpoints are provided in Virginia's regulation for the 2-speed idle test procedure for all subject model year and types of vehicles. Standards will be phased-in over one biennial testing cycle, with final standards to apply at that time. EPA must receive all test procedures, specifications and standards before EPA can proceed with a final interim rulemaking action. EPA recently (August, 1996) released ASM test procedures, specifications and standards. In light of the finalization of these standards, EPA expects the Commonwealth to submit its ASM test procedures, specifications and standards in the near future.

If within 30 days of the proposed interim rulemaking, the Commonwealth submits to EPA a commitment to adopt approvable test procedures for its two-mode ASM test, accompanied by a draft procedures document or a revised proposed regulation referencing or containing approved procedures, then EPA proposes to conditionally approve this portion of the SIP. The Commonwealth's commitment must include a date certain (prior to the date by which testing is to commence), within twelve months of the final interim ruling, by which the final Virginia I/M regulation or test procedure document will be formally submitted. If within 30 days of the proposed interim ruling, the above submittal/commitment requirement has not been met, then this notice proposes in the alternative to disapprove the Virginia I/M SIP. If the condition to submit the final regulation or test procedures document which incorporates an approvable ASM2 test procedure is not met by the date committed to by the Commonwealth from the final interim ruling, then EPA will promptly issue a letter to the Commonwealth indicating that the conditional approval has been converted to a disapproval.

Finally, Virginia's regulation must require that retests conducted after the performance of repairs shall include the performance of all emissions tests and for all pollutants for which the vehicle was originally subject, not merely the test and pollutant for which the vehicle initially failed. This is a minor deficiency, and must be corrected prior to the end of the 18-month interim approval period.

Test Equipment—40 CFR 51.358

Computerized test systems are required for performing any emission measurement on subject vehicles. The federal I/M rule requires that the state SIP submittal include written technical specifications for all test equipment used in the program. The specifications shall describe the emission analysis process, the necessary test equipment, the required features, and written acceptance testing criteria and procedures.

The Commonwealth's submittal lacks written technical specifications for all test equipment to be used in the program. The Commonwealth's regulation incorporates by reference 40 CFR part 51, subpart S (i.e., the I/M program requirements rule) and 40 CFR

part 85, subpart W (i.e., emissions performance warranty short tests rule). However, the regulation does not specifically include or reference EPA approved I/M test equipment specifications. Neither, does the SIP does not contain specifications to address performance features and functional characteristics of the computerized test systems. The Commonwealth's rule does, however, require the use of computerized test systems.

Virginia must submit written test equipment specifications for the ASM2 test equipment and 2-speed idle test equipment, as well as the specifications for the necessary pressure and purge, and fuel filler cap check equipment. In light of the recent release of ASM test equipment specifications, in August 1996, EPA expects that the Commonwealth will adopt final test specifications in the near term.

If within 30 days of the proposed interim rulemaking, the Commonwealth submits to EPA a commitment to adopt approvable test equipment specifications for all the I/M test procedures contained in its regulation, accompanied by draft specifications documents or by a revised proposed regulation referencing or containing approved test equipment specifications, then EPA proposes to conditionally approve this portion of the SIP. The Commonwealth's commitment must include a date certain (prior to the date by which testing is to commence), within twelve months of the final interim ruling, by which the final Virginia I/M regulation or test equipment specifications documents will be formally submitted. If within 30 days of the proposed interim ruling, the above submittal/commitment requirement has not been met, then this notice proposes in the alternative to disapprove the Virginia I/M SIP. If the condition to submit the final regulation or test procedure document which incorporates approvable test equipment specifications is not met by the date certain within twelve months (by which the Commonwealth commits to submit final test procedures) from the final interim ruling, EPA will promptly issue a letter to the Commonwealth indicating that the conditional approval has been converted to a disapproval.

Quality Control—40 CFR 51.359

Quality control measures shall insure that emission measurement equipment is calibrated and maintained properly, and that inspection, calibration records, and control charts are accurately created, recorded and maintained. The Virginia submittal lacks a description of quality control measures for the emission measurement equipment, record keeping requirements and measures to maintain the security of all documents used to establish compliance with the inspection requirements.

Virginia has committed in its SIP to develop and submit to EPA quality control procedures to ensure that the Commonwealth provides its motorists with accurate emissions test results. Some aspects of record keeping and document security are addressed in Virginia's regulation. However, the SIP presently does not satisfy quality control requirements.

This is considered a minor deficiency, which must be corrected prior to expiration of the 18-month interim approval period. Virginia must develop quality control procedures, to be addressed within the Commonwealth's I/M regulation, test equipment specifications, quality control procedures manual, or other ordinance or documents to satisfy all the quality control requirements of 40 CFR 51.359.

Waivers and Compliance Via Diagnostic Inspection—40 CFR 51.360

The federal I/M rule allows for the issuance of a waiver, which is a form of compliance with the program requirements that allows a motorist to comply without meeting the applicable test standards. For enhanced I/M programs, an expenditure of at least $450 in repairs, adjusted annually to reflect the change in the Consumer Price Index (CPI) as compared to the CPI for 1989, is required in order to qualify for a waiver. EPA recently amended the I/M rule to allow waivers to be phased-in after commencement of testing, but no later than January 1, 1998 and to allow repairs conducted by recognized repair technicians up to 60 days prior to testing to apply towards the waiver expenditures.

Waivers may only be issued after a vehicle has failed a retest performed after all qualifying repairs have been made. Any available warranty coverage must be used to obtain repairs before expenditures can be counted toward the cost limit. Tampering related repairs shall not be applied toward the cost limit. Repairs must be appropriate to the cause of the test failure. Repairs for 1980 and newer model year vehicles must be performed by a recognized repair technician. The federal regulation provides states the option to allow for compliance via a diagnostic inspection after failing a retest on emissions and requires quality control of waiver issuance. The SIP must set a maximum waiver rate and must describe corrective action that would be taken if the waiver rate exceeds that committed to in the SIP.

Virginia's Motor Vehicle Emissions Control Law and the Commonwealth's proposed I/M regulation provide the necessary authority to issue waivers, set and adjust cost limits, administer and enforce the waiver system, and to set a $450 waiver cost limit (adjusted annually by the CPI, as compared to the CPI in 1989).

Virginia's regulation phases in the waiver limits, beginning with the commencement of testing, over one biennial test cycle, to the federal limit by July 1, 1998. EPA is approving this phase-in schedule, because the commencement of I/M testing was delayed by the deadlines set forth in the NHSDA. EPA contends that this is consistent with its interpretation that start dates and evaluation dates may be extended by approximately two years under authority of the NHSDA, and phasing in the waiver over a similar time period is appropriate. Also, EPA's I/M rule provides one cycle to phase in the waiver after the start of testing, so it is acceptable for Virginia to phase in the waiver over one cycle after the start date set forth by the NHSDA.

The Commonwealth's proposed regulation allows emission inspection station inspectors to issue waivers. The I/M rule, 40 CFR 51.360(c)(1), only allows the state or a single contractor to issue waivers. This is a minor deficiency and must be corrected in the final I/M SIP revision submitted by the end of the 18-month interim period.

The Commonwealth has set a 3% maximum waiver rate, as a percentage of failed vehicles, for both pre-1981 and 1981 and later vehicles. The Commonwealth has committed, per 40 CFR 51.360, to take corrective action if the waiver rate exceeds 3%. This waiver rate was used in the Commonwealth's existing performance standard modeling demonstration, and should be maintained in the new performance standard modeling demonstration.

Otherwise, the Commonwealth's SIP satisfies the waiver requirements of 40 CFR 51.360, and is approvable.

Motorist Compliance Enforcement—40 CFR 51.361

The federal I/M rule requires that compliance be ensured through the denial of motor vehicle registration in enhanced I/M programs, unless an exception for use of an existing alternative is approved. The SIP shall provide information concerning the enforcement process, legal authority to implement and enforce the program, and a commitment to a compliance rate

to be used for modeling purposes and to be maintained in practice.

Chapter 10, § 46.2–1183 of the Motor Vehicle Emissions Control Law provides the legal authority to implement registration denial motorist enforcement. Virginia's I/M regulation requires that motorists obtain an emissions certificate demonstrating that they have passed a test or received a waiver in order to obtain a vehicle registration from the Department of Motor Vehicles (DMV). The Virginia SIP commits to maintain a compliance rate of 96%, which was used in the performance standard modeling demonstration.

The motorist compliance enforcement program is to be implemented in part by the DMV, which is the lead agency for registration issuance. The Department of State Police and local police authorities are charged with enforcement against motorists who fail to comply with registration requirements.

The Virginia SIP does not address mechanisms by which motorists will be notified of testing, readily visible means of determining compliance with the I/M program, penalties for motorists failing to comply with motor vehicle testing and registration, or mechanisms to prevent vehicle owners from avoiding testing by manipulating registrations. These, along with all other requirements of 40 CFR 51.361 must be addressed in the SIP. Virginia has committed in the SIP to prepare a registration procedures manual to govern registration aspects of this portion of the program. It is expected that some of these requirements will be addressed in that procedures document.

The requirements listed above are relatively minor in nature. These requirements must be satisfied prior to the end of the 18-month interim approval period. Virginia's SIP otherwise satisfies the requirements of 40 CFR 51.361, and is approvable.

Motorist Compliance Enforcement Program Oversight—40 CFR 51.362

The federal I/M rule requires that the enforcement program shall be audited regularly and shall follow effective program management practices, including adjustments to improve operation when necessary. The SIP must include quality control and quality assurance procedures to be used to insure the effective overall performance of the enforcement system. An information management system must be established which will characterize, evaluate and enforce the program.

Virginia has not developed its procedures manual for its oversight program to ensure motorist compliance. Virginia must submit a procedures manual which satisfies the quality control and information management responsibilities of the motorist compliance enforcement oversight program section of the federal I/M rule, at 40 CFR 51.363.

For a complete list of specific deficiencies with respect to 40 CFR 51.362, refer to the technical support document (TSD) for this action, found in the EPA docket. These deficiencies are minor in nature, and must be addressed prior to the end of the 18-month interim approval period.

Other than the deficiencies noted above, this portion of Virginia's SIP satisfies the requirements of 40 CFR 51.362, and is approvable.

Quality Assurance—40 CFR 51.363

An ongoing quality assurance program shall be implemented to discover, correct and prevent fraud, waste, and abuse in the program. The program shall include covert and overt performance audits of the inspectors, audits of station and inspector records, equipment audits, and formal training of all state I/M enforcement officials and auditors. A description of the quality assurance program which includes written procedure manuals on the above discussed items must be submitted as part of the SIP.

Virginia's SIP contains a detailed description of the elements of the quality assurance program and an appendix describing quality assurance and audit procedures. Virginia commits to conduct at least one covert audit per year per inspection bay, and at least two overt audits per year per inspection bay. However, the procedures manuals for use by Commonwealth quality assurance auditors have not yet been completed. These manuals must include detailed covert and overt audit procedures to be used by the Commonwealth for program oversight purposes. Virginia has committed to complete these audit manuals by December 1, 1996.

This lack of detailed audit procedures manuals is a minor deficiency, and therefore the Commonwealth must complete and submit these manuals by the end of the 18-month interim approval period.

The Virginia SIP otherwise meets the quality assurance requirements of section 40 CFR 51.363, and is approvable.

Enforcement Against Contractors, Stations and Inspectors—40 CFR 51.364

Enforcement against licensed stations, contractors and inspectors shall include swift, sure, effective, and consistent penalties for violation of program requirements. The federal I/M rule requires the establishment of minimum penalties for violations of program rules and procedures which can be imposed against stations, contractors and inspectors. The legal authority for establishing and imposing penalties, civil fines, license suspensions and revocations must be included in the SIP. State quality assurance officials shall have the authority to temporarily suspend station and/or inspector licenses immediately upon finding a violation that directly affects emission reduction benefits, unless constitutionally prohibited. An official opinion explaining any state constitutional impediments to immediate suspension authority must be included in the submittal. The SIP shall describe the administrative and judicial procedures and responsibilities relevant to the enforcement process, including which agencies, courts and jurisdictions are involved, who will prosecute and adjudicate cases and the resources and sources of those resources which will support this function.

Virginia's regulations establish a general enforcement process, including: issuance of notices of violation (NOVs), hearing processes, and avenues of appeal. Virginia has several avenues for adjudicating violation cases—including formal fact findings, formal DEQ hearings, and the ability to suspend stations or inspectors without a hearing, in certain instances. Virginia's regulation provides that penalties may be imposed against station owner permittees or against stations, as well as against inspectors.

In the cases where testing privileges are suspended, inspectors must demonstrate their ability to properly perform test procedures before testing privileges may be restored. Suspended inspectors are barred from participating in inspection operations during the term of the suspension.

Virginia's SIP includes provisions to maintain and submit to EPA records of all enforcement actions, including: warnings, violations, civil fines, suspensions, and license revocations, and violations. The DEQ will maintain this information in a ''Violation History Report'' for each station and each inspector.

The Virginia SIP includes legal authority to establish and impose penalties against stations and inspectors participating in the enhanced I/M program. The Commonwealth has not yet adopted and submitted a penalty schedule for inspectors and test stations in the SIP, however the SIP contains a commitment to do so prior to program

start-up. The lack of a penalty schedule is a minor deficiency, and Virginia must adopt and submit an acceptable penalty schedule prior to the end of the 18-month interim approval period.

With the exception of the lack of a penalty schedule, this submittal meets the enforcement requirements of this section of the I/M rule.

Data Collection—40 CFR 51.365

Accurate data collection is essential to the management, evaluation and enforcement of an I/M program. The federal I/M regulation requires data to be gathered on each individual test conducted and on the results of the quality control checks of test equipment required under 40 CFR 51.359.

Virginia's I/M regulation does not indicate specific data elements to be entered by inspectors and reported to the Commonwealth. However, the regulation does require the inspector to accurately identify and enter vehicle and owner information for the specific test.

The Commonwealth does commit to submit annual reports containing summaries of test data, quality assurance, and quality control information based upon program test data. A commitment to submit biennial reports to EPA which adequately address reporting requirements set forth in 40 CFR 51.366(e) is also included in the SIP.

The submittal does not require that the specific data elements identified in 40 CFR 51.365(a) be collected and reported to the Commonwealth. This is a minor deficiency which must be corrected prior to the end of the 18-month interim approval period. This requirement can be satisfied by Virginia requiring these data elements to be collected. Two avenues for this requirement are via the regulation, or through the test equipment specifications (i.e. by requiring the test equipment to prompt the inspector to enter these elements and by blocking testing if the data is not entered).

With the exception of a requirement for collection of the specific data elements, described above, the Virginia SIP meets the data analysis and reporting requirements of this section of the I/M rule.

Data Analysis and Reporting—40 CFR 51.366

Data analysis and reporting are required to allow for monitoring and evaluation of the program by the state and EPA. The federal I/M rule requires annual reports to be submitted which provide information and statistics and summarize activities performed for each of the following programs: testing, quality assurance, quality control, and enforcement. These reports are to be submitted by July and shall provide statistics for the period of January to December of the previous year. A biennial report shall be submitted to EPA which addresses changes in program design, regulations, legal authority, program procedures and any weaknesses in the program found during the two year period and how these problems will be or were corrected.

Virginia's SIP commits to submit annual statistical data summaries of activities related to testing, quality assurance, quality control, and enforcement programs, beginning January 1, 1998, containing data from the previous calendar year. Since Virginia's program is scheduled to begin in the month of July, not January, this reporting schedule is acceptable. Virginia's SIP contains an appendix (Appendix 12) which describing program statistics specific data elements in these annual reports. The data elements specified comply with the requirements of 40 CFR 51.366.

For a list of the specific data elements to be submitted in each of the annual reports, refer to the TSD for this rulemaking action.

Inspector Training and Licensing or Certification—40 CFR 51.367

The federal I/M rule requires all inspectors to be formally trained and licensed or certified to perform inspections.

Virginia's SIP contains regulatory authority requiring that program inspectors complete DEQ-approved formal training courses and then pass a qualification test, prior to becoming a licensed inspector. A description of the written and hands-on tests that inspectors are required to pass are described in Virginia's regulation and in Appendix 13 of the SIP. The SIP also addresses requirements for obtaining an inspector's license and describes the licensing process. A list of elements to be covered by Virginia's inspector training program is included in Virginia's I/M rule, and is detailed in the TSD for this action.

Virginia's regulation requires inspectors to be relicensed every three years, and requires inspectors to undergo the same training and hands-on testing required to initially obtain a license, in order to be relicensed. EPA rules require relicensing every two years, however, since Virginia's requirements are stricter than federal rules require, EPA considers the Commonwealth's three-year license period to be acceptable.

The Virginia SIP satisfies the inspector training and licensing requirements of 40 CFR 51.367, and is approvable.

Public Information and Consumer Protection—40 CFR 51.368

The federal I/M rule requires the SIP to include public information and consumer protection programs.

Virginia's plan to develop public information and consumer protection plans is described in SIP, and elements to be included in those plans are listed in a ''Public Information Plan'' contained in Appendix 15 of the SIP. Virginia commits in the SIP to complete development of the actual plan by January 1, 1997.

The Commonwealth intends to operate public referee stations, where testing disputes can be resolved. Additionally, the Commonwealth intends to operate consumer complaint hotline services to subject motorists. Additionally, Virginia describes strategies to educate the public on the I/M program in a public awareness plan contained in the SIP. Finally, Virginia intends to make statistical information available to the public regarding the repair performance effectiveness of repair facilities within the program area, per 40 CFR 51.369. For details regarding elements to be included in the ''Public Information Plan'', refer to the TSD for this action or to the SIP narrative document contained in the SIP.

The Virginia SIP submittal meets the public information and consumer protection requirements of the I/M rule, however, Virginia must finalize and formally submit its ''Public Information Plan''. This is a minor deficiency, which must be corrected prior to the end of the 18-month interim approval period. Other than the deficiency cited above, Virginia's SIP satisfies the requirements of 40 CFR 51.368, and is approvable.

Improving Repair Effectiveness—40 CFR 51.369

Effective repairs are the key to achieving program goals. The federal I/M rule requires states to take steps to ensure that the capability exists in the repair industry to repair vehicles. The SIP must include a description of the technical assistance program to be implemented, a description of the procedures and criteria to be used in meeting the performance monitoring requirements required in the federal regulation, and a description of the repair technician training resources available in the community.

Virginia's SIP commits to track the effectiveness of repair facilities in the conducting emissions repairs under the enhanced I/M program. The SIP also contains a commitment to provide to the affected public the minimum performance monitoring information required by 40 CFR 51.369. A completed repair form, will be required prior to motorist's receipt of a retest. However, the SIP does not contain a detailed plan for performance monitoring, per 40 CFR 51.369(b).

Virginia has established in its SIP that insufficient emissions repair training exists and commits to work with vocational schools to provide for availability of better training. Virginia also commits in its SIP to establish or operate a repair technician hotline to assist repair technicians and to provide technical repair information for emissions-related repairs. A description of repair training available in the community must be submitted.

The Virginia SIP meets the requirements for improving repair effectiveness, with the exception of a repair performance monitoring program, per 40 CFR 51.369(b) and a description of available training, per 40 CFR 51.369(c). However, this is a minor deficiency and must be corrected prior to the end of the 18-month interim approval period in order for EPA to fully approve the I/M SIP revision.

Other than the minor deficiencies cited above, this requirement satisfies the requirements of 40 CFR 51.369, and is approvable.

Compliance With Recall Notices—40 CFR 51.370

The federal I/M rule requires states to establish methods to ensure that vehicles that are subject to enhanced I/M and are included in an emission related recall receive any recall related repairs prior to receiving an emission test and renewing vehicle registration.

Virginia's I/M regulation requires that motor vehicles show proof of compliance with emissions-related recalls prior to receiving an emissions inspection under the enhanced I/M program. Per EPA's I/M rule, Virginia must maintain a database of outstanding emissions-related recalls for vehicles registered in the I/M program area. Motorists having vehicles which are subject to an outstanding recall must show proof of compliance with the recall in order to obtain an emissions test.

Virginia has not yet completed its recalls compliance procedures, since EPA has not completed its guidance on emissions recall compliance. The Commonwealth has committed in its SIP to complete its recall procedures within six months of EPA's completion of recall guidance. These procedures must address a process for notifying motorists of outstanding recalls, a means of identifying vehicles having an unresolved recall at I/M testing stations, quality control methods to ensure recall compliance, and a database system to identify and track vehicles subject to outstanding recalls. Additionally, Virginia must prepare and submit annual reports with statistical information regarding compliance with emissions recalls in the enhanced I/M program area.

Virginia lacks only detailed recall compliance procedures and a commitment to annually report recall compliance information to EPA, therefore, this is a minor deficiency. However, Virginia must correct this deficiency prior to the end of the 18-month interim approval period. Otherwise, Virginia's SIP satisfies the requirements of 40 CFR 51.370.

On-Road Testing—40 CFR 51.371

On-road testing is required in enhanced I/M areas. The use of either remote sensing devices (RSD) or roadside pullovers including tailpipe emission testing can be used to meet the federal regulations. The program must include on-road testing of 0.5% of the subject fleet or 20,000 vehicles, whichever is less, in the enhanced I/M program area. Motorists that have passed an emission test and are found to be high emitters as a result of an on-road test shall be required to pass an out-of-cycle test.

Section 46.2–1178.1 of the Virginia Motor Vehicle Emissions Control Law provides Virginia legal authority to conduct on-road testing and to assess civil penalties against motorists whose vehicles emit over regulatory standards set by the Commonwealth for on-road testing, unless the vehicle passes or is waived under an out-of-cycle emissions test.

Virginia's I/M regulation sets forth a description of the on-road testing program and the emissions standards cars must meet to pass this testing. On-road testing in Virginia's program will be conducted via either remote sensing equipment, or by roadside pullover and a two-speed idle test. Vehicles must comply with standards set by Virginia for relevant pollutants, including CO for remote sensing tests, and HC and CO for two-speed idle tests. Virginia will engage a contractor, as needed, to conduct roadside testing to satisfy the requirements of 40 CFR 51.371.

Under Virginia's proposed program, vehicles which fail on-road testing standards may be retested (outside of the normal biennial cycle) and repaired, or waived, to avoid civil penalties. Motorists' vehicles that receive a waiver from regularly scheduled I/M testing are exempt from civil penalties related to on-road testing. Motorists having vehicles that fail an on-road test, who either do not obtain a follow-up test, or whose vehicles fail the test and are not repaired to pass an emissions test are subject to the penalties set forth in Virginia's regulation.

The Commonwealth's SIP submittal does not, however, contain sufficient information regarding on-road testing resource allocations, including information on staffing requirements for both the Commonwealth and the private testing vendor. Additionally, the SIP lacks methods for analyzing and reporting the results of on-road testing. These are, however, minor deficiencies and must be corrected in the final I/M SIP revision submitted by the end of the 18-month interim period, either by submitting an on-road testing procedures manual or the request for proposals (RFP) for the contractor hired to operate the on-road testing program.

Otherwise, this submittal satisfies the requirements of 40 CFR 51.371, and is approvable.

State Implementation Plan Submissions/Implementation Deadlines—40 CFR 51.372–51.373

The federal I/M rule requires states to provide in their I/M SIP a schedule for implementation of the enhanced I/M program described in the SIP, including interim milestone dates leading to mandatory testing. A list of milestones which must be included, at a minimum, is contained in 40 CFR 51.372. Additionally, 40 CFR 51.373 sets deadlines by which I/M programs must be adopted and put in place. However, language in the recently enacted National Highway Systems Designation Act, granted states additional time to adopt and submit I/M SIPs to satisfy the requirements of the Clean Air Act. States were to submit SIPs, including proposed regulations if necessary, to EPA by March 27, 1996, and were granted eighteen months from the date of EPA interim approval to establish the effectiveness of the program. The NHSDA deadlines supersede any program implementation deadlines contained in 40 CFR 51.373.

Virginia's SIP contains a list of milestones and associated dates. Under this schedule, testing to include all aspects of the new enhanced I/M program, using phase-in test standards and a phased in waiver limit, is to commence on July 1, 1997. Final test

procedures and test equipment specifications are to be adopted by October 1, 1996. All official testing inspectors and stations are to be licensed by June 1, 1997. Virginia's waiver cost limit will be fully phased in over one biennial test cycle, to be at the full federal limit by July 1, 1998. Final testing standards, or cutpoints, will replace the phase-in standards at the beginning of the second biennial test cycle, July 1, 1999.

Virginia has not listed dates by which all outstanding procedures documents are to be finalized and submitted to EPA. Virginia has made commitments to complete many of these procedures throughout the SIP. Milestones and dates for completion of any outstanding procedures documents should be listed in this portion of the SIP. This is however, a minor deficiency, which the Commonwealth must complete prior to the end of the 18-month interim approval period.

Otherwise, Virginia's SIP satisfies the requirements of 40 CFR 51.372 and 51.373, and is therefore approvable.

III. Discussion for Rulemaking Action

Today's notice of proposed rulemaking begins a 30 day clock for the state to make a commitment to EPA to correct the major elements of the SIP that EPA considers deficient. These elements include the: enhanced I/M performance standard modeling demonstration, program evaluation methodology, I/M test procedures, and I/M test equipment specifications. If the Commonwealth does not make such commitments within 30 days, EPA today is proposing in the alternative that this SIP revision be disapproved.

Within 30 days, the Commonwealth must make a commitment to EPA to correct these deficiencies by a date certain within 1 year of the interim approval date, or in certain cases a date certain prior to the commencement of testing.

If the Commonwealth makes the commitment within 30 days, EPA's conditional approval of the plan will last until the date by which the state has committed to cure all of the deficiencies. EPA expects that within this period Virginia will not only correct the deficiencies as committed to by the Commonwealth, but that Virginia will also begin program start-up within 12 months of the final interim rulemaking. If the state does not correct deficiencies and implement the interim program by November 15, 1997, EPA is proposing in this notice that the interim approval will convert to a disapproval after a finding letter is sent to the state.

IV. Explanation of the Interim Approval

At the end of the 18-month interim period, the approval status for this program will automatically lapse pursuant to the NHSDA. It is expected that the Commonwealth will at that time be able to make a demonstration of the program's effectiveness using an appropriate evaluation criteria. As EPA expects that these programs will have started on or before November 15, 1997, the Commonwealth will have at least six months of program data that can be used for the demonstration. If the Commonwealth fails to provide a demonstration of the program's effectiveness to EPA within eighteen months of the final interim rulemaking, the interim approval will lapse, and EPA will be forced to disapprove the state's permanent I/M SIP revision. If the Commonwealth's program evaluation demonstrates a lesser amount of emission reductions actually realized than were claimed in the state's previous submittal, EPA will adjust the Commonwealth's credits accordingly, and use this information to act on the state's permanent I/M program.

V. Further Requirements for Permanent I/M SIP Approval

At the end of the 18-month period, final approval of the Commonwealth's plan will be granted based upon the following criteria:

1. Virginia has complied with all the conditions of its commitment to EPA,
2. EPA's review of the Commonwealth's program evaluation confirms that the appropriate amount of program credit was claimed by the state and achieved with the interim program,
3. Final program regulations are submitted to EPA, and
4. The Virginia I/M program meets all of the requirements of EPA's I/M rule, including those deficiencies found minor, or *de minimis*, for purposes of interim approval.

VI. EPA's Evaluation of the Interim Submittal

EPA's review of the Commonwealth's SIP indicates that with satisfaction of the conditions described above, the Commonwealth will have adopted an enhanced I/M program in accordance with the requirements of the NHSDA. EPA is proposing conditional, interim approval of the Virginia SIP revision for an enhanced I/M program, which was submitted on March 27, 1996. EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final interim action. Interested parties may participate in the federal rulemaking procedure by submitting written comments to the EPA Regional office listed in the **ADDRESSES** section of this document.

Proposed Action

EPA is proposing conditional interim approval of this revision to the Virginia SIP for an enhanced I/M program if a commitment is received from the Commonwealth within 30 days of the date of this proposal, to correct the identified deficiencies by a date certain within one year from the date of the final interim approval action.

The conditions for approvability are as follows:

(1) Virginia must formally submit, by a date certain within one year from interim conditional approval, new modeling to demonstrate that the program will meet the enhanced I/M performance standard by the first program evaluation date, for all localities which are part of the enhanced I/M program. The Commonwealth's revised modeling must correspond to the actual I/M program configuration, including actual test methods and start dates for all I/M program tests, actual cutpoints to be in-place for the evaluation year, and all other program assumptions as they exist in the SIP.

(2) The Commonwealth must submit to EPA as a SIP amendment by a date certain within twelve months of the final interim ruling, the final Virginia I/M regulation which requires that mass-based emission, transient cycle testing be performed on 0.1% of the subject fleet each year, per 40 CFR 51.353(c)(3). This program evaluation scheme must satisfy the program evaluation elements specified in 40 CFR 51.353(c), including a program evaluation schedule, a protocol for the testing, and a system for collection and analysis of program evaluation data;

(3) The Commonwealth must submit to EPA a commitment (along with a draft procedures document or revised draft regulation containing these procedures) to adopt approvable test procedures for its two-mode ASM test, within 30 days. Then by a date certain within one year and prior to the start of enhanced testing, the Commonwealth must submit the final Virginia I/M regulation or test procedures document which satisfies this requirement. If any alternative evaporative system test procedures are to be utilized, testing procedures for those tests must also be formally submitted at that time;

(4) The Commonwealth must submit to EPA, within 30 days, a commitment

(along with a draft test equipment specifications or revised draft regulation containing draft test equipment specifications) to adopt final test equipment specifications. Then by a date certain within one year and prior to the start of enhanced testing, the Commonwealth must submit the final test equipment specifications for all test equipment to be used in the program. This includes specifications for equipment to perform the following tests: ASM2, two-speed idle, evaporative system pressure testing, and evaporative system purge testing. These specifications must be EPA-approved and satisfy the requirements of 40 CFR 51.358.

If the Commonwealth fails to satisfy the above conditions by a date certain within one year, EPA proposes that the conditional interim approval will convert to a disapproval upon a letter from EPA indicating that the Commonwealth has failed to meet its conditions for interim approval.

The following minor deficiencies must be corrected in the final I/M SIP revision submitted by the end of the 18 month interim period:

(1) The SIP lacks a detailed description of the elements to satisfy the test frequency requirements required under 40 CFR 51.355(a), particularly regarding scheduling of vehicles for testing and the selection scheme for the biennial program inspections, as well as a description of how test frequency will be integrated with the registration denial motorist enforcement process;

(2) The SIP does not fully account for all exceptions from testing in the emissions reductions analysis. The state must account for testing exceptions and account for them in their performance standard modeling demonstration, per 40 CFR 51.356(b)(2);

(3) Virginia must develop quality control procedures, test equipment specifications, quality control procedures manual, or other ordinance or documents to satisfy all the quality control requirements of 40 CFR 51.359;

(4) Virginia must amend its regulation to allow that waivers be issued only by a single contractor or by the Commonwealth, per 40 CFR 51.360(c)(1);

(5) The final SIP submittal must include the procedures document that adequately addresses the means by which the Commonwealth will comply with all the motorist compliance enforcement program oversight requirements set forth at 40 CFR 51.362;

(6) Virginia must complete and submit as a SIP revision to EPA procedures manuals for use by the Commonwealth's quality assurance auditors to conduct covert and overt audits for program oversight purposes, per 40 CFR 51.363(e);

(7) The Commonwealth must adopt, and submit as a SIP revision, a penalty schedule for inspectors and inspection stations, per 40 CFR 51.364(a) and (d);

(8) Virginia's SIP, either the regulation or the test equipment specifications, must require that the specific data elements identified in 40 CFR 51.365(a) be collected and reported to the Commonwealth on a real-time basis;

(9) Virginia must finalize and submit the final ''Public Information Plan'' described in the SIP, to satisfy the requirements of 40 CFR 51.368(a) and (b);

(10) Virginia must formally submit the procedures and criteria to be used in meeting the repair performance monitoring requirements set forth in 40 CFR 51.369(b) and a description of the repair technician training resources available in the community (when available), per 40 CFR 51.369(c);

(11) Virginia must submit detailed recall compliance procedures and a commitment to annually report recall compliance information to EPA, per the requirements of 40 CFR 51.370;

(12) Virginia must amend the SIP to include information regarding resource allocation for the on-road testing program, as well as methods for analyzing and reporting the results of on-road testing, per 40 CFR 51.371. This may entail submittal of an on-road testing procedures manual or the request for proposals (RFP) for the contractor to be hired to operate the on-road testing program;

(13) Virginia must list in its schedule of implementation milestones deadlines by which all procedures documents not yet part of the SIP are to be finalized and submitted to EPA.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

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

SIP approvals under section 110 and subchapter I, part D of the Clean Air Act 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 Administrator 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 flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA,* 427 U.S. 246, 255–66 (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 proposed/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.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

The Administrator's decision to approve or disapprove the Virginia

enhanced I/M SIP revision will be based on whether it meets the requirements of section 110(a) (2)(A)–(K) and part D of the Clean Air Act, as amended, and EPA regulations in 40 CFR part 51.

List of Subjects in 40 CFR Part 52

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

Authority: 42 U.S.C. 7401–7671q.

Dated: October 24, 1996.

Stanley L. Laskowski,

Acting Regional Administrator, Region III.

[FR Doc. 96–28543 Filed 11–5–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Parts 152 and 156

[OPP–36190A; FRL–5572–6]

RIN 2070-AC46

Pesticides and Ground Water State Management Plan Regulation; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposal; extension of comment period.

SUMMARY: In the Federal Register of June 26, 1996, EPA announced proposed key components of the Agency's 1991 *Pesticides and Ground Water Strategy*. Through the development and use of State Management Plans (SMPs), EPA is proposing to restrict the use of certain pesticides by providing States with the flexibility to protect the ground water in the most appropriate way for local conditions. This document announces an extension of the comment period for an additional 30 days.

DATES: Comments must be submitted on or before December 6, 1996.

ADDRESSES: Submit written comments identified by the docket control number OPP–36190A by mail to: Public Response Section, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments directly to the OPP docket which is located in Rm. 1132 of Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form or encryption. Comments and data will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number ''OPP–36190A.'' No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this document may be filed online at many Federal Depository Libraries.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All comments will be available for public inspection in Rm. 1132 at the Virginia address given above from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Jim Roelofs, Policy and Special Projects Staff, Office of Pesticide Programs, Environmental Protection Agency, Mail Code (7501C), 401 M St., SW., Washington, DC 20460, Telephone: (703) 308-2964, e-mail: roelofs.jim@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the Federal Register of June 26, 1996 (61 FR 33260) (FRL–4981–9), EPA announced proposed key components of the Agency's 1991 *Pesticides and Ground Water Strategy*.

Although the comment period on the proposed rule announced in the proposed rule was for 120 days, the Agency has received a number of requests for an extension of time in which to submit comments. All of these requests are from organizations representing various commodity growers, for example, corn growers and grain sorghum producers. The requests generally note that the original comment period coincides with the busiest time of year for farmers, including the harvest time for these crops, and that the organizations representing these people feel they need more time to educate their members about the proposed rule, and give them an opportunity to comment to the Agency. Some of the requests specify a 90–day extension. All of these requests have been placed in the public docket for the proposed rule.

The Agency does want to encourage growers and commodity organizations to comment on the proposed rule, but believes that 90 days would unreasonably disrupt the rulemaking process and not be equitable for the many other commenters who have worked to submit comments by the original deadline. Therefore, the Agency is announcing a 30–day extension for the comment period, and encourages commodity organizations and their individual members to take this opportunity to submit comments.

List of Subjects

40 CFR Part 152

Environmental protection, Administrative practice and procedure, Pesticides and pests, Reporting and recordkeeping requirements.

40 CFR Part 156

Environmental protection, Labeling, Occupational safety and health, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: October 31, 1996.

Daniel M. Barolo,

Director, Office of Pesticide Programs.

[FR Doc. 96–28548 Filed 11–5–96; 8:45 am]

BILLING CODE 6560–50–F

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40 CFR Part 180

[OPP–300440; FRL–5572–2]

RIN 2070–AC18

Sodium Bicarbonate and Potassium Bicarbonate; Tolerance Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule.

SUMMARY: EPA proposes to establish exemptions from the requirement of a tolerance for residues of the biochemical pesticides sodium bicarbonate and potassium bicarbonate in or on all raw agricultural commodities (RACs), when applied as fungicides or post-harvest fungicides in accordance with good agricultural practices. EPA is proposing this regulation on its own initiative.

DATES: Comments, identified by the docket number [OPP–300440], must be received on or before December 6, 1996.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M. St., SW., Washington, DC 20460. In person deliver comments to: Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA 22202. Information