

a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Charleston, SC.

(b) *Special local regulations.* (1) Entry into the regulated area is prohibited to all non-participants.

(2) After the termination of the Invitational Rowing Regatta each day, and during intervals between scheduled events, at the discretion of the Coast Guard Patrol Commander, all vessels may resume normal operations.

(c) *Effective dates.* This section is effective at 7:00 a.m. and terminates at 5:00 p.m. annually, on Thursday, Friday, Saturday and Sunday of the third week of March.

Dated: November 12, 1996.

J.D. Hull,

*U.S. Coast Guard Acting Commander,
Seventh Coast Guard District.*

[FR Doc. 96-31032 Filed 12-5-96; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-5660-6]

Clean Air Act Approval and Promulgation of State Implementation Plan for Colorado; Oxygenated Gasoline Program; Carbon Monoxide State Implementation Plans for Denver and Longmont—Supplemental Notice; and PM₁₀ State Implementation Plan for Denver—Supplemental Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: The Environmental Protection Agency ("EPA" or the "Agency") is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Colorado that would shorten the season for the oxygenated gasoline program from four to three and a half months. The State has requested that EPA approve Colorado's elimination of the requirement for oxygenated gasoline use during the last two weeks of February for the Denver-Boulder, Fort Collins-Loveland, and Colorado Springs Metropolitan Statistical Areas (MSA). Based on Colorado's revision to its oxygenated gasoline requirements, EPA is reproposing approval of the Denver Carbon Monoxide (CO) SIP, Longmont CO SIP, and Denver PM₁₀ SIP. EPA is taking the action to shorten the oxygenated gasoline season under Sections 110 and 211(m) of the Clean Air Act.

DATES: Comments must be received on or before January 6, 1997.

ADDRESSES: Comments may be mailed to Richard R. Long, Director, Air Programs, USEPA Region VIII (P2-A), 999 18th Street—Suite 500, Denver, Colorado 80202-2466. Copies of the documents relevant to this action are available for public inspection during normal business hours at the above address. Interested persons wanting to examine these documents should make an appointment with the appropriate contact person at least 24 hours before the visiting day.

FOR FURTHER INFORMATION CONTACT:

Scott Lee, at (303) 312-6736 or via e-mail at lee.scott@epamail.epa.gov.

While information may be requested via e-mail, comments must be submitted in writing to the EPA Region VIII address above.

SUPPLEMENTARY INFORMATION:

I. Background

Section 211(m) of the Act requires that certain states submit revisions to their SIPs, and implement oxygenated gasoline programs, no later than November 1, 1992. This requirement applies to all states with carbon monoxide nonattainment areas with design values of 9.5 parts per million or more based generally on 1988 and 1989 data. The Act requires that the winter oxygenated gasoline program apply to all gasoline sold in the larger of the Consolidated Metropolitan Statistical Area (CMSA) or Metropolitan Statistical Area (MSA) in which the nonattainment area is located. (In Colorado, these areas are the Colorado Springs MSA, Fort Collins-Loveland MSA, and the Denver-Boulder CMSA.) Gasoline for the specified control area(s) must contain not less than 2.7% oxygen by weight during that portion of the year in which the areas are prone to high ambient concentrations of carbon monoxide.

Under Section 211(m)(2), the length of the control period, established by the EPA Administrator, shall not be less than four months unless a state can demonstrate that, because of meteorological conditions, a reduced control period will assure that there will be no carbon monoxide exceedances outside of such reduced period. EPA guidance¹ identified an appropriate control period for Colorado, to run from the first day of November through the last day of February.

¹ See "Guidelines for Oxygenated Gasoline Credit Programs and Guidelines on Establishment of Control Periods under Section 211(m) of the Clean Air Act as Amended—Notice of Availability," 57 FR 47849 (October 20, 1992).

On November 26, 1992, the State of Colorado submitted to EPA a revision to Regulation No. 13 (Colorado had an existing state oxygen gasoline program), which updated Colorado's oxygenated gasoline program to meet federal guidelines. The November 26, 1992 SIP revision provided for a 2.7% minimum oxygen content by weight program and established a control period in accordance with the EPA guidance. EPA proposed approval of this SIP revision on January 11, 1994 (59 FR 1513) and finalized approval on July 25, 1994 (59 FR 37698) in conjunction with a limited approval of Colorado's PM₁₀ SIP.

On July 11, 1994, Governor Roy Romer submitted comprehensive revisions to the Colorado SIP. Included in the comprehensive revision was a commitment to revise Regulation No. 13, Colorado Oxygenated Gasoline Program. The State's commitment, which it has since met, was to adopt and implement a 3.1% oxygenated fuels program, providing additional benefit over the 2.7% program already required in the area by Section 211(m) of the Act. The State determined it needed the additional benefit to ensure attainment of the CO standard in Denver by the applicable attainment date.

The Colorado Air Quality Control Commission (AQCC) revised Regulation No. 13 in two steps. On July 19, 1994, the AQCC revised Regulation No. 13 to incorporate the "maximum blending" approach for the winter of 1994-95. This approach requires gasoline suppliers using methyl tertiary butyl ether (MTBE) as an oxygenate to blend at the 2.7% oxygen level (the maximum allowed by Federal regulations), and suppliers using ethanol as an oxygenate to blend at the 3.5% oxygen level (also the maximum allowed by Federal regulations). The market share of ethanol in the Denver area has exceeded 50% in recent years, and this approach is expected to result in at least a 3.1% oxygen content during each winter season. On October 20, 1994, the AQCC revised Regulation No. 13 to incorporate a more complex 3.1% "averaging" program. If the maximum blending approach should fail to provide for at least a 3.1% oxygen content, the SIP revision provides that in subsequent winter seasons the averaging program will take effect. On September 29, 1995, the Governor submitted both revisions to EPA for approval. EPA found the submittal complete on November 30, 1995. On July 9, 1996, EPA proposed approval of these revisions as a control measure for the Denver CO SIP and a

contingency measure for the Longmont CO SIP² (61 FR 36004).

On October 19, 1995, the AQCC held a public hearing and adopted a SIP revision (revision to Regulation No. 13) based on the provision of section 211(m)(2) that allows EPA to reduce the oxygenated gasoline control period if the State can demonstrate that, because of meteorological conditions, a reduced period will assure that there will be no exceedances of the carbon monoxide standard outside of such reduced period. The revision eliminates the oxygenated gasoline program requirements for the last two weeks of February, otherwise leaving Colorado's program requirements unchanged. The Governor submitted the revision to EPA for approval on December 22, 1995 and indicated that the revision superseded and replaced all previous versions of Regulation No. 13.

II. EPA Analysis of State Submittal

The applicable Clean Air Act requirements and EPA's rationale for its proposed actions are discussed below.

A. Section 211(m)(2) Demonstration

Section 211(m)(2) of the Clean Air Act states the Administrator may reduce the oxygenated gasoline control period below the minimum four months "if the State can demonstrate that because of meteorological conditions, a reduced period will assure that there will be no exceedances of the carbon monoxide standard outside of such reduced period."

Based on this provision, EPA required the State to demonstrate, based on worst-case meteorology for Denver for the last 21 years (as indicated by daily peak 8-hour CO concentrations), at least a 95% probability that there would be no exceedances of the CO standard during the last two weeks of February as a result of the shortening of the control period. EPA believes that to implement the statutory requirement of assuring no exceedances it is reasonable to require a State to show a very high probability of no exceedances and that 95% is a reasonable threshold for the State's demonstration here. Given the limitations of statistical analysis and the problems associated with proving a negative, EPA believes that a higher threshold would be inappropriate. EPA has not determined whether a lower threshold would provide sufficient assurance that there would be no exceedances.

EPA believes the selected approach is conservative in assuring no exceedances of the CO standard. The risk analysis is based on worst-case conditions, and assumes that no oxygenates are present in gasoline beginning on February 14. However, because 3.1% oxygen content requirements are enforced at both retail outlets and at the terminals that supply retail outlets until the end of the control period, oxygenated gasoline continues to be supplied to retail outlets from the terminals after the end of the control period. Historically, the presence of oxygenates has tapered off over a two week period after the control period ends. EPA expects this trend to continue. Therefore, some level of oxygenates will be in gasoline and CO reductions will continue to be realized throughout the two-week period for which control requirements are being eliminated.

The State performed an analysis of the probability of a carbon monoxide exceedance in the Denver area during the last two weeks of February 1996 assuming no oxygenates in automotive fuels and all other elements of the Denver CO SIP in place. The analysis was based on a climatology of 21 years of measured daily peak carbon monoxide concentrations at the CAMP monitoring site in downtown Denver for the two weeks of interest. The high concentrations at the CAMP site have generally been the highest measured at CO monitoring sites in the Denver-Boulder area during the last two weeks of February. CAMP has also shown the greatest number of exceedances of the CO NAAQS during this two-week period. The twenty-one year period of record was sufficiently long to provide statistically realistic estimates of worst-case atmospheric dispersion conditions. Carbon monoxide emissions in Denver are expected to decrease between 1996 and 2005, and are expected to remain below 1996 levels at least through 2015, because a cleaner vehicle fleet is projected to more than offset the effect of increasing traffic volumes. Thus, the calculated probability of a CO NAAQS exceedance is at a maximum in 1996 at least through 2015. EPA does not believe it is necessary or reasonable to project beyond 2015 to meet the statutory requirement of assuring no exceedances, given the increasing uncertainty inherent in such long-range forecasting, and believes that a shorter period might be adequate.

In order to normalize the effects of emissions changes over the 21-year study period, measured concentrations were adjusted to reflect estimated changes in CO emissions between the measurement year and 1996. The

resulting analysis provided a distribution of concentrations that would have occurred had the same historical meteorological conditions occurred at 1996 emission rates, without oxygenated fuels. The State's analysis, using three different statistical methods, showed that there would have been between a 3 and 5% probability of a CO NAAQS exceedance during the last two weeks of February 1996 if oxygenated fuels had not been in use. As noted above, due to the effects of fleet turnover, this 3 to 5% probability should represent the maximum probability of an exceedance during the last two weeks of February at least through 2015, and the probability should in fact decrease between 1996 and 2005.

For the Colorado Springs and Fort Collins-Loveland areas, if the oxygenated gasoline program is eliminated during the last two weeks of February, the probability of an exceedance during those two weeks is lower than it is for the Denver area. Compared to the Denver area, these areas have experienced significantly fewer exceedances of the CO standard and significantly lower "high" concentrations over the relevant time frame. Thus, the probability of an exceedance in the last two weeks of February 1996 in the Colorado Springs area and the Fort Collins-Loveland area, if the oxygenated gasoline program had been eliminated, would have been less than the 3 to 5% projected at the CAMP monitor. The probability is expected to decrease in years after 1996 due to fleet turnover.

The State's analysis meets the requirements discussed above and, thus, EPA can approve the shortening of the control period. However, if an exceedance occurs during the last two weeks of February, EPA intends to reevaluate this determination and consider calling for a SIP revision.

B. Impact on Denver and Longmont Carbon Monoxide SIPs

On July 9, 1996, EPA proposed approval of the Denver and Longmont CO SIPs. Subsequent to this proposal, EPA became aware that the version of Regulation No. 13 that was a control measure for Denver and a contingency measure for Longmont had been replaced by the October 19, 1995 version of Regulation No. 13. The two versions are identical except that the October 19, 1995 version eliminates the last two weeks of February from the program. In addition, for the Longmont CO SIP, the State took credit in the attainment demonstration for the 2.7% oxygenated gasoline program contained

² For the Longmont CO SIP, the State also included the previously approved 2.7% oxygenated gasoline program as a control measure for the attainment demonstration. See 61 FR 36004.

in the version of Regulation No. 13 that EPA approved on July 25, 1994 (59 FR 37698). The October 19, 1995 Regulation No. 13 replaces the four month, 2.7% program with the three-and-a-half month, 3.1% program. Hence, for purposes of the Denver and Longmont CO SIPs, EPA is publishing this supplemental notice to announce EPA's proposal to approve the SIPs with the October 19, 1995 version of Regulation No. 13 substituted for the prior versions. The analysis regarding the CO SIPs remains as described in the July 9, 1996 proposal, except that EPA explains below the basis for its conclusion that the elimination of the last two weeks of the oxygenated gasoline program does not affect the validity of the attainment demonstration for the Denver CO SIP or the attainment demonstration and contingency measures for the Longmont CO SIP.

1. Denver CO SIP Attainment Demonstration

The attainment demonstration is based on adverse meteorological conditions that occurred on January 15, 1988, and December 5, 1988. The State chose these dates because they represent the highest CO concentration episodes that were observed between January 1988 and January 1991.³ The attainment demonstration is based on the presumption that if the standard is attained under the conditions present during these highest ranking CO episodes, it will also be attained for the remainder of the winter season. This is consistent with EPA policy regarding CO attainment demonstrations. None of the top forty-eight ranked episodes during the 1988 to 1991 period occurred during the last two weeks of February. Concentrations during the highest-ranked late February episodes were much lower than those recorded during the highest episodes in December and January.⁴ The maximum calculated incremental increase (1.85 ppm) in CO concentration from non-oxygenated fuel vehicles would not be sufficient to increase total CO concentrations above 9.0 ppm during the last two weeks of February in the attainment year. Thus, NAAQS attainment would be assured

³ EPA guidance calls for the use of three years of monitoring data as the basis for modeling attainment. See "Guideline for Regulatory Application of the Urban Airshed Model for Area-wide Carbon Monoxide," EPA-450/4-92-011a, June 1992.

⁴ The highest value recorded in the 1988 to 1991 period was 18.7 ppm. The 48th highest value during the 1988 to 1991 period was 9.0 ppm. Since the highest-ranked episode during the last two weeks of February was not within the top 48 values overall, it was lower than 9.0 ppm and was much lower than 18.7 ppm.

during the last two weeks of February 2000 even without the oxygenated gasoline program.

2. Longmont CO SIP

For the Longmont CO SIP, the State relied on the preexisting 2.7% oxygenated gasoline program as one of the control measures in the attainment demonstration and the State selected the 3.1% oxygenated gasoline program as the contingency measure. EPA believes neither measure is necessary for the last two weeks of February for the reasons discussed below.

With respect to the attainment demonstration, the State calculated a second high value at the end of 1995 (the attainment date) of 6.97 ppm CO. This second high value was calculated to occur on January 27, 1995; high values for the last two weeks of February were even lower. However, even if one were to assume this second high value occurred during the last two weeks of February, the elimination of the 2.7% oxygenated fuels program would not have caused the second high value to exceed the CO standard. Since fleet turnover is expected to progressively reduce CO concentrations in future years, the elimination of the 2.7% oxygenated gasoline program during the last two weeks of February will also not affect maintenance of the CO standard in the Longmont area.

With respect to the contingency measure, Longmont has never recorded an exceedance of the CO standard in February. The highest value recorded in February was 8.9 ppm, recorded on February 13, 1988, during the special monitoring study conducted in 1988 and 1989. The federal motor vehicle control program and the enhanced inspection/maintenance program have led to significant reductions in emissions since that time, and these reductions are expected to continue in future years due to fleet turnover. Because Longmont has never had values over the CO standard during the last two weeks of February, and because data in recent years have not even approached the standard during the last two weeks in February, EPA has determined that it is not necessary for the State to require an oxygenated gasoline program during the last two weeks of February as a contingency measure in the Longmont CO SIP.

C. Impact on the Denver PM₁₀ SIP

On October 3, 1996, EPA proposed approval of the Denver PM₁₀ SIP. As with the Denver CO SIP, EPA became aware after proposing approval of the PM₁₀ SIP that the version of Regulation No. 13 that comprised a portion of the

Denver PM₁₀ SIP had been replaced by the October 19, 1995 version of Regulation No. 13. As noted above, the October 19, 1995 version eliminates the last two weeks from the program and calls for a 3.1% program rather than a 2.7% program. Hence, for the purposes of the Denver PM₁₀ SIP, EPA is publishing this supplemental notice to propose to approve the Denver PM₁₀ SIP with the October 19, 1995 version of Regulation No. 13 substituted for the prior version. The analysis regarding the Denver PM₁₀ SIP remains as described in the October 3, 1996 proposal, except that EPA explains below the basis for its conclusion that the elimination of the last two weeks of the oxygenated gasoline program does not affect the validity of the PM₁₀ SIP.

The modeling analysis for the PM₁₀ SIP attainment demonstration used a gridded emissions inventory for the Denver Metropolitan area and five years of historical meteorological data from Stapleton airport. To ensure accuracy, the model was tested by comparing modeled PM₁₀ concentrations with those actually measured at PM₁₀ monitoring sites during the base years (1984-1989). Model evaluation testing showed that the PM₁₀ modeling system met published EPA criteria for accuracy. In the PM₁₀ SIP attainment demonstration runs, the emission inventory was projected to the year 1995 and included emission reductions related to the proposed PM₁₀ control measures. Because five years of meteorological data were used, the 24-hour PM₁₀ NAAQS is met when the predicted sixth highest PM₁₀ concentration at all receptor locations is less than 150 µg/m³. The final SIP modeling results showed a sixth highest 1995 concentration of 147.8 µg/m³ near the CAMP monitoring station in Downtown Denver.

To estimate the effect of shortening the oxygenated fuels program on PM₁₀ attainment, the effect on total motor vehicle emissions was first calculated. EPA estimated that motor vehicle exhaust emissions of PM₁₀ during late February would increase by approximately 4.4% without oxygenated fuels. This emission increase was then factored back into the PM₁₀ SIP attainment modeling to determine the effect on predicted concentrations. At the highest concentration receptor locations near the CAMP monitoring site, motor vehicle exhaust accounted for about 10.6 µg/m³ of the total predicted PM₁₀ concentrations. A 4.4% increase in motor vehicle exhaust would thus increase total PM₁₀ concentrations by 0.46 µg/m³. At the CAMP receptor and

other locations nearby, this increase would have been insufficient to raise concentrations on the sixth highest ranked day above $150 \mu\text{g}/\text{m}^3$ for the attainment year. Readers should note that the shortening of the oxygenated gasoline program did not occur before the PM_{10} attainment date.

EPA has also considered possible impacts on maintenance of the PM_{10} NAAQS through the milestone date of December 31, 1997 and has concluded that the elimination of the oxygenated gasoline program during the last two weeks of February will not affect the maintenance of the PM_{10} standard. In calculating the sixth highest PM_{10} concentration in the maintenance year, the State estimated the growth in emissions and brought the concentration forward from the attainment demonstration. This led to a value of $149.9 \mu\text{g}/\text{m}^3$. If $0.46 \mu\text{g}/\text{m}^3$ were added to this value, the 24-hour PM_{10} standard would be exceeded. However, the sixth highest value occurred in December, not February, and thus, should be discarded. The seventh highest value also occurred in December and should also be discarded. However, even if this seventh highest value had occurred in the last two weeks of February, elimination of the oxygenated gasoline program would not have led to an exceedance of the standard. The seventh highest value during the attainment year was $146.4 \mu\text{g}/\text{m}^3$. Projecting to the end of 1997, this value would be $148.7 \mu\text{g}/\text{m}^3$. Adding $0.46 \mu\text{g}/\text{m}^3$ to this value would not lead to an exceedance of the standard. The highest PM_{10} value actually modeled for the attainment year during the last two weeks of February was $140.1 \mu\text{g}/\text{m}^3$, significantly lower than $146.4 \mu\text{g}/\text{m}^3$. Thus, the validity of the PM_{10} SIP is not affected by the elimination of the last two weeks of February from the oxygenated gasoline program.

III. Proposed Action

EPA is proposing to approve revisions to the Colorado SIP submitted by the Governor on December 22, 1995. Specifically, EPA is proposing to approve revised Regulation No. 13, which was adopted by the Colorado Air Quality Control Commission on October 19, 1995. This revised Regulation No. 13 has the effect of eliminating the oxygenated gasoline requirements during the last two weeks of February for the Denver-Boulder, Fort Collins-Loveland, and Colorado Springs Metropolitan Statistical Areas. In addition, EPA is proposing to approve this revision to Regulation No. 13 as a substitute for the October 20, 1994 version of Regulation No. 13 that EPA

proposed to approve as a control measure for the Denver CO SIP and a contingency measure for the Longmont CO SIP on July 9, 1996 (61 FR 36004), and as a substitute for the version of Regulation No. 13 that EPA approved on July 25, 1994 and that the State relied on as control measure in the Longmont CO SIP (see EPA's notice of proposed rulemaking dated July 9, 1996, 61 FR 36004) and the Denver PM_{10} SIP (see EPA's notice of proposed rulemaking dated October 3, 1996, 61 FR 51631, and EPA's limited approval of the PM_{10} SIP dated July 25, 1994, 59 FR 37698). Also, based on this revision to Regulation No. 13, EPA is reproposing to approve the attainment demonstration in the Denver CO SIP, the attainment demonstration in the Longmont CO SIP, and the attainment and maintenance demonstrations in the Denver PM_{10} SIP.

EPA intends to take final action on this proposal to shorten the oxygenated gasoline season at the same time as it takes final action on the Denver and Longmont CO SIPs (proposed 61 FR 36004). EPA may take final action on the Denver PM_{10} SIP (proposed 61 FR 51631) at a separate time.

IV. Request for Public Comments

EPA is requesting comments on today's proposal. As indicated at the outset of this document, EPA will consider any comments received by January 6, 1997. With respect to the Denver and Longmont CO SIPs and the Denver PM_{10} SIP, those wishing to comment should note that EPA is only entertaining comment regarding these SIPs on the change to Regulation No. 13 and any impact of this change on the approvability of these SIPs. The comment period regarding other aspects of the CO SIP has already closed and the comment period regarding other aspects of the PM_{10} SIP was specified at 61 FR 51631 and closes on December 2, 1996.

V. Executive Order (EO) 12866

Under EO 12866, 58 FR 51735 (October 4, 1993), EPA is required to determine whether regulatory actions are significant and therefore should be subject to OMB review, economic analysis, and the requirements of the EO. The EO defines a "significant regulatory action" as one that is likely to result in a rule that may meet at least one of the four criteria identified in section 3(f) of the EO, including, under paragraph (1), that the rule may "have an annual effect on the economy of \$100 million or more or adversely affect, in a material way, the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or

safety, or State, local, or tribal governments or communities."

The SIP-related actions proposed today have been classified as Table 3 actions for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget has exempted these regulatory actions from EO 12866 review.

V. Regulatory Flexibility

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. sec. 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 that are less than 50,000.

SIP revision approvals under Section 110 and Subchapter I, Part D, of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval process does not impose any new requirements, EPA certifies that this proposed rule would not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State actions. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. EPA*, 427 U.S. 246, 256-266 (S. Ct. 1976); 42 U.S.C. section 7410(a)(2).

VI. Unfunded Mandates

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 SIP approval actions proposed today do 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. These Federal actions approve pre-existing requirements under State or local law, and impose no new requirements. Accordingly, no additional costs to State, local or tribal governments, or to the private sector, result from these actions.

List of Subjects in 40 CFR Part 52

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

Authority: U.S.C. 7401-7671q.

Dated: December 2, 1996.

Jack W. McGraw,

Acting Regional Administrator.

[FR Doc. 96-31124 Filed 12-5-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 70

[AD-FRL-5657-3]

Clean Air Act Interim Approval of Operating Permits Program; Delegation of Sections 111 and 112 Standards; State of Connecticut

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes interim approval of the Operating Permits Program submitted by Connecticut for the purpose of complying with Federal requirements for an approvable State program to issue operating permits to all major stationary sources, and to certain other sources. EPA is also approving Connecticut's authority to implement hazardous air pollutant requirements.

DATES: Comments on this proposed action must be received in writing by January 6, 1997.

ADDRESSES: Comments should be addressed to Donald Dahl, Air Permits, CAP, U.S. Environmental Protection Agency, Region I, JFK Federal Building, Boston, MA 02203-2211. Copies of the State's submittal and other supporting information used in developing the proposed interim approval are available for inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 1, One Congress Street, 11th floor, Boston, MA 02203-2211.

FOR FURTHER INFORMATION CONTACT: Donald Dahl, CAP, U.S. Environmental Protection Agency, Region 1, JFK Federal Building, Boston, MA 02203-2211, (617) 565-4298.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

A. Introduction

As required under title V of the 1990 Clean Air Act Amendments (sections 501-507 of the Clean Air Act ("the Act")), EPA has promulgated rules which define the minimum elements of an approvable State operating permits program and the corresponding standards and procedures by which the EPA will approve, oversee, and withdraw approval of State operating permits programs (see 57 FR 32250 (July 21, 1992)). These rules are codified at 40 Code of Federal Regulations (CFR) Part 70. Title V requires States to develop, and submit to EPA, programs for issuing these operating permits to all major stationary sources and to certain other sources.

The Act requires that States develop and submit these programs to EPA by November 15, 1993, and that EPA act to approve or disapprove each program within 1 year after receiving the submittal. The EPA's program review occurs pursuant to section 502 of the Act and the Part 70 regulations, which together outline criteria for approval or disapproval. Where a program substantially, but not fully, meets the requirements of Part 70, EPA may grant the program interim approval for a period of up to 2 years. If EPA has not fully approved a program by the end of an interim program, it must establish and implement a Federal program.

B. Federal Oversight

When EPA promulgates this interim approval, it will extend for two years following the effective date. During the interim approval period, the State of Connecticut is protected from sanctions, and EPA is not obligated to promulgate, administer and enforce a Federal permits program for the State of Connecticut. Permits issued under a program with interim approval have full standing with respect to Part 70, and the State will permit sources based on the transition schedule submitted with the approval request.

II. Proposed Action and Implications

A. Analysis of State Submission

1. Support Materials

The Governor of the State of Connecticut submitted an administratively complete title V

Operating Permits Program (PROGRAM) on September 28, 1995. EPA deemed the PROGRAM administratively complete in a letter to the Governor dated November 22, 1995. The PROGRAM submittal includes a legal opinion from the Attorney General of Connecticut stating that the laws of the State provide adequate authority to carry out the PROGRAM, and a description of how the State intends to implement the PROGRAM.

2. Regulations and Program Implementation

The State of Connecticut has submitted Section 22a-174-33 of the Department of Environmental Protection Regulations, implementing the State Part 70 program as required by 40 CFR § 70.4(b)(2). Sufficient evidence of procedurally correct adoption is included in the PROGRAM.

The following requirements, set out in EPA's Part 70 operating permits program review are addressed in Section IV of the State's submittal.

The Connecticut PROGRAM, including the operating permit regulations, substantially meet the requirements of 40 CFR Part 70, including §§ 70.2 and 70.3 with respect to applicability; §§ 70.4, 70.5 and 70.6 with respect to permit content and operational flexibility; § 70.5 with respect to permit applications and criteria which define insignificant activities; §§ 70.7 and 70.8 with respect to public participation and permit review by affected States; and § 70.11 with respect to requirements for enforcement authority. Although the regulations substantially meet Part 70 requirements, there are program deficiencies that are outlined in section II.B. below as Interim Approval issues. Those Interim Approval issues are more fully discussed in the Technical Support Document ("TSD"). The "Issues" section of the TSD also contains a detailed discussion of elements of Part 70 that are not identical to, or explicitly contained in, Connecticut's regulation, but which are satisfied by other elements of Connecticut's program submittal and/or other Connecticut State law.

Connecticut has made several important commitments that effect how the program will be implemented during the interim approval period. The EPA is relying on these commitments to insure that Connecticut operates an acceptable operating permits program during the period. These commitments include an effort by the state to expedite certain rule changes that address critical components of its implementing regulation, including: