

response to this proposed rule, no further activity is contemplated in relation to this rule. If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action.

DATES: Comments on this proposed rule must be received in writing by April 7, 1997.

ADDRESSES: Written comments should be addressed to Montel Livingston, Environmental Protection Specialist, U.S. Environmental Protection Agency, Office of Air Quality (OAQ-107), 1200 Sixth Avenue, Seattle, Washington 98101

Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the following locations: EPA, Region 10, Office of Air Quality, 1200 Sixth Avenue, Seattle, Washington 98101, and Oregon Department of Environmental Quality, 811 S.W. Sixth Avenue, Portland, Oregon 97204. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

FOR FURTHER INFORMATION CONTACT: David C. Bray, Office of Air Quality (OAQ-107), EPA, Region 10, Seattle, Washington 98101, (206) 553-4253.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action which is located in the Rules Section of this Federal Register.

Dated: February 19, 1997.

Jane S. Moore,

Acting Regional Administrator.

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40 CFR Parts 52 and 81

[WA63-7138; WA58-7133; OR57-7272; FRL-5700-2]

Approval and Promulgation of Implementation Plans and Redesignation of Areas for Air Quality Planning Purposes; States of Washington and Oregon

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) invites public comment on its proposed approval of revisions to the Washington and Oregon State Implementation Plans (SIPs), and EPA's

proposed redesignation to attainment of the Portland/Vancouver (Pdx/Van) interstate ozone (O₃) nonattainment area. Under the Clean Air Act (CAA) as amended in 1990, designations can be revised if sufficient data are available to warrant such revisions. EPA is proposing to approve the Washington and Oregon maintenance plans and other redesignation submittals because they meet the maintenance plan and redesignation requirements and will ensure that the area remains in attainment. The approved maintenance plans will become a federally enforceable part of the Oregon and Washington SIPs. In this action, EPA is also proposing to approve the Washington and Oregon 1990 baseline emission inventories for this area, revisions to the approved Inspection and Maintenance (I/M) SIPs of both States, and a number of revisions to both SIPs.

DATES: Comments must be postmarked on or before April 7, 1997.

ADDRESSES: Written comments should be addressed to: Montel Livingston, SIP Manager, EPA, Office of Air Quality (OAQ-107), 1200 Sixth Avenue, Seattle, Washington 98101.

Copies of the States' requests and other information supporting this proposed action are available for inspection during normal business hours at the following locations: EPA, Office of Air Quality (OAQ-107), 1200 Sixth Avenue, Seattle, Washington 98101, and at the States' offices: Washington State Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, and Oregon State Department of Environmental Quality, 811 SW Sixth Avenue, Portland, OR 97204-1390.

FOR FURTHER INFORMATION CONTACT: Sue Ennes, Office of Air Quality (OAQ-107), EPA, Seattle, Washington, (206) 553-6249.

SUPPLEMENTARY INFORMATION

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I. Background

The Oregon Department of Environmental Quality (ODEQ) and the Washington Department of Ecology (WDOE) submitted maintenance plans and requested redesignation of the Pdx/Van interstate nonattainment area from nonattainment to attainment for O₃. The SIP revision requests were submitted by the WDOE on June 13, 1996, and by ODEQ on August 30, 1996. No tribal lands are within the maintenance plan area nor have any tribal lands been identified as being affected by the maintenance plans.

The Pdx/Van air quality maintenance area (AQMA) was designated an interstate O₃ nonattainment area in 1978 under the 1977 CAA. On November 15, 1990, the CAA Amendments of 1990 were enacted. (Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q). Under section 181(a)(1) of the 1990 CAA, the area was further classified as a "marginal" O₃ nonattainment area, and an attainment deadline of November 15, 1993, was established. This interstate nonattainment area consists of the southern portion of Clark County, Washington, and portions of Multnomah, Clackamas, and Washington Counties in Oregon.

The AQMA has ambient monitoring data that show no violations of the O₃

national ambient air quality standards (NAAQS) during the period of 1991 to the present. Public hearings on the redesignation requests were held in Portland, OR, and Tigard, OR, on May 22, and 23, 1996, respectively.

On October 18, 1996, EPA Region 10 determined that the information received from the WDOE and ODEQ constituted a complete redesignation request under the federal completeness criteria of 40 CFR part 51, appendix V, sections 2.1 and 2.2.

II. Evaluation Criteria

Section 107(d)(3)(E) of the CAA, as amended in 1990, specifies that the Administrator may not redesignate an area from nonattainment to attainment unless certain conditions have been met. These conditions are as follows:

A. Section 107(d)(3)(E)(i)—the Administrator determines that the NAAQS has been attained in that area for the pollutant.

B. Section 107(d)(3)(E)(ii) and (v)—the Administrator has fully approved the applicable implementation plan for the area under section 110(k) and the State has met all relevant requirements under section 110 and Part D.

C. Section 107(d)(3)(E)(iii)—the Administrator determines that the improvement in air quality is due to permanent and enforceable emission reductions.

D. Section 107(d)(3)(E)(iv)—the Administrator has fully approved a maintenance plan for the area.

III. Review of State Submittal

EPA proposes to find that the Washington and Oregon redesignation requests for the Pdx/Van interstate area meets the requirements of section 107(d)(3)(E), noted above. Following is a brief description of how each of the 107(d)(3)(E) requirements is met. A Technical Support Document (TSD), on file at the EPA Region 10 office (dockets OR57-7272 and WA58-7133), contains additional analysis of this redesignation proposal.

A. Attainment of the O3 National Ambient Air Quality Standards (NAAQS)

An area may be considered as attaining the NAAQS for O3 if the quality assured ambient air quality monitored data show that the average annual number of "expected" O3 exceedances is less than or equal to 1.0. There were no violations of the standard based on the three year period 1991-1993. The ODEQ and WDOE submitted data from all four of their monitoring locations in the Pdx/Van area which indicate that no violations of the O3

standard have been measured since 1990. Because the nonattainment area has complete quality-assured data showing no violations of the O3 NAAQS over the most recent consecutive three calendar year period, the area has met the condition of attainment of the O3 NAAQS.

B. The Area Has Met All Applicable Requirements Under Section 110 and Part D of the CAA

Section 107(d)(3)(E) requires that, for an area to be redesignated, an area must have met all applicable requirements under section 110 and Part D and that EPA may not approve redesignation of a nonattainment area to attainment unless EPA has fully approved all of the SIP requirements that were due under the 1990 CAA. Although section 110 was amended in 1990, the Washington and Oregon SIPs approved by EPA for the O3 marginal nonattainment area meet the requirements of amended section 110(a)(2). A number of the requirements did not change in substance and, therefore, EPA believes that the pre-amendment SIPs met these requirements.

The 1990 CAA required that nonattainment areas achieve specific new requirements depending on the severity of the nonattainment classification. As noted earlier, Pdx/Van was classified as a marginal O3 nonattainment area. For the purposes of evaluating the request for redesignation to attainment, EPA has approved all but the following elements of the Pdx/Van SIP: the NSR programs; the 1990 base year emission inventories; minor local Reasonably Available Control Technology (RACT) rule changes (Washington only); and outstanding source-specific RACT determinations ODEQ identified after submittal of the redesignation request (OR only), (see discussion under 1, 3 and 4 below for details).

1. New Source Review (NSR)

The CAA required all classified nonattainment areas to meet several requirements regarding NSR, including provisions to ensure that increased emissions of VOCs will not result from any new or major source modifications, and a general offset rule. Current guidance does not require State NSR programs to be approved by EPA before approving redesignation requests (see policy announced in the memorandum, "Part D New Source Review (part D NSR) Requirements for Areas Requesting Redesignation to Attainment," dated October 14, 1994, from Mary D. Nichols to Air Division Directors I-X). However, because the

Pdx/Van maintenance plan is relying on credit from a new hybrid NSR/Prevention of Significant Deterioration (PSD) program, the State NSR programs need EPA approval prior to redesignation.

The NSR program for WDOE was approved on June 2, 1995 (60 FR 28726). Further revisions to the Oregon NSR program and the Southwest Air Pollution Control Agency (SWAPCA) NSR regulations are being approved separately in a direct final action. SWAPCA is the local air pollution control authority that developed and will be implementing the maintenance plan in Vancouver, WA. In this notice, EPA is proposing to approve the new hybrid PSD/NSR programs for both States.

Upon redesignation of the Pdx/Van area to attainment, the PSD provisions contained in Part C of Title I of the CAA are applicable. EPA's PSD regulations in 40 CFR 52.21 will apply to the Vancouver area and Oregon's PSD rules will apply in the Portland area.

2. Conformity

The WDOE submitted its transportation conformity SIP revision to EPA on December 1, 1995. A determination that the submittal is administratively and technically complete has not yet been made. The WDOE has not submitted its general conformity SIP revision.

The ODEQ submitted its transportation conformity SIP revision to EPA on April 14, 1995. EPA approved the transportation conformity rules as a SIP revision on May 16, 1996. In addition, general conformity requirements were submitted to EPA on September 27, 1995. A completeness determination letter dated March 18, 1996, was sent to ODEQ.

Although these four conformity SIP revisions have not all been approved, EPA may approve this redesignation request. EPA has modified its national policy regarding the interpretation of the provisions of section 107(d)(3)(E) concerning the applicable requirements for purposes of reviewing a carbon monoxide (CO) redesignation request and the same modification applies to O3. (See 61 FR 2918, January 30, 1996.) The federal transportation and general conformity rules are applicable until the EPA approves the State established conformity regulations. Because areas are subject to the conformity requirements regardless of whether they are redesignated to attainment, and must implement conformity under Federal rules if State rules are not yet adopted, EPA believes it is reasonable to view these requirements as not being

applicable requirements for purposes of evaluating a redesignation request. It is noted that approval of the Pdx/Van redesignation request does not obviate the need for the WDOE to submit the required general conformity SIP revision to EPA.

3. Emissions Inventory

The CAA required an inventory of all actual emissions from all sources, as described in section 172(c)(3), by November 15, 1992. Both States submitted their original base year 1990 emission inventories (EIs) on November 16, 1992. As part of the redesignation request, ODEQ and WDOE submitted corrections to the base year 1990 emission inventory for the Pdx/Van area. EPA guidance document from John Calcagni and William Laxon entitled, "Public Hearing Requirements for 1990 Base Year Emission Inventories for Ozone and CO Nonattainment areas," 9/10/92, states that for a moderate O₃ nonattainment area the 1990 EI is not subject to public review requirements until a Redesignation Request/Maintenance Plan is submitted. Both State EIs went through public review with the redesignation request and maintenance plans and met this requirement. The EIs of both States have addressed all EPA comments and meet all requirements identified by EPA. In this notice, EPA is proposing to approve both emission inventories.

4. Reasonably Available Control Technologies (RACT) Requirements

Areas designated nonattainment before the 1990 CAA amendments and which retained that designation and were classified as marginal or above as of enactment are required by section 182(a)(2)(A) of the CAA to meet the RACT fix-up requirements. The Pdx/Van area was first designated nonattainment in 1978 by the 1977 CAA, and, therefore, this area is subject to the RACT fix-up requirement (requirements in place before the 1990 CAA amendments).

SWAPCA adopted regulations on October 15, 1996, to meet the RACT fix-up requirement (SWAPCA 400 and 490). These regulations are titled "General Regulations for Air Pollution Sources" and "Emission Standards and Controls for Sources Emitting Volatile Organic Compounds." EPA is proposing to approve these regulations in this notice.

Oregon submitted to EPA its RACT fix-up rules on May 14, 1991, and the rules were approved by EPA on September 29, 1993.

EPA proposes to approve the redesignation request as meeting the requirements of section 107(d)(3)(E),

based in part upon Oregon's approved general RACT rule and other source-specific RACT rules for which no categorical RACT requirements exist (non-Control Technology Guidelines (CTG) sources). The ODEQ already has implemented most of the RACT program, and is in the process of establishing RACT requirements for a few remaining sources that require source-specific RACT determinations. The ODEQ general RACT rule, which has been approved by EPA, provides that ODEQ "shall have RACT requirements developed on a case-by-case basis." Oregon Administrative Rule (OAR) 340-22-104(5). The rules establish a requirement that all non-CTG sources apply RACT requirements, and they must apply for a RACT determination within three months following notification by ODEQ. The RACT established by ODEQ must be approved by EPA, and will be included in the source's operating air permit.

EPA acknowledges that Oregon has not completed the process of making RACT determinations for a few non-CTG sources in the nonattainment area. While EPA guidance generally requires full adoption, submission, and approval of these RACT determinations prior to approval of a redesignation request, EPA has established an exception to this general policy which it intends to invoke here. This exception and its rationale were articulated in the Federal Register Notice approving the redesignation request of Grand Rapids, Michigan, 61 FR 31831, 31833-34.

A requirement under section 107(d)(3)(E)(v) is that the State comply with section 182(b)(2)(A) by submitting a SIP revision requiring the implementation of RACT for certain sources. While EPA's redesignation policy generally requires that these rules be adopted prior to redesignation, upon redesignation they can become part of the contingency plan portion of the maintenance plan. In its recent approval of the redesignation request for Grand Rapids, EPA determined that the requirement for RACT could be met in the form of the submission and approval of a commitment to adopt and implement these rules as contingency measures in the maintenance plan. Thus, EPA created an exception to its general policy, which it justified in terms of several factors: first, the RACT rules at issue were not needed to bring about attainment of the O₃ standard; second, the State demonstrated maintenance of the standard without the implementation of the measures at issue; and third, in the case of Grand Rapids, the State committed to include the RACT rules as contingency

measures in the maintenance plan, while including other effective contingency measures in the maintenance plan.

EPA believes that the rationale and justification for the exception created in Grand Rapids apply with equal or greater force to Portland-Vancouver. The Portland/Vancouver submission satisfies the first two factors articulated as the basis for the Grand Rapids exception: the RACT rules at issue are not necessary for attainment and maintenance of the standard. As for the third factor, in lieu of contingency measures, Oregon has committed to submit the adopted RACT determinations for approval into the SIP. (See Docket File for letter dated February 7, 1997.)

At this time, ODEQ has notified all non-CTG sources that a RACT determination is required. In a letter to EPA, ODEQ has committed to initiate the public hearing process within three months of getting a response from a source and, within six weeks, after the permit revisions are finalized, to submit such source specific determinations to EPA. ODEQ has established RACT rules for three non-CTG sources; EPA has approved one and is processing the other two as direct final rules in a separate action. ODEQ is in the process of proposing RACT determinations for three other sources. In a separate parallel action EPA is proposing to approve one of these three ODEQ RACT determinations. ODEQ also sent initiating letters to seven recently identified non-CTG sources, notifying them of the requirement to submit a complete analysis of RACT requirements within three months, in accordance with the ODEQ rules.

In addition, the non-CTG sources for which ODEQ has not yet established RACT requirements are relatively minor sources and the implementation of RACT requirements is not necessary for maintenance of the NAAQS in the maintenance plan area, i.e., the maintenance plan did not take credit for reductions and is not depending on these reductions for maintenance. However, before EPA takes final action to approve the redesignation, EPA will approve the specific RACT rules for two sources whose emission reductions are identified and credited in the maintenance plan. EPA notes that the area proposed for redesignation is a marginal O₃ nonattainment area which has not violated the NAAQS since 1991.

Therefore, the only difference between the Pdx/Van request and the exception proposed for Grand Rapids is the commitment to complete the adoption of RACT rules for sources that

it has identified, rather than a commitment to adopt such rules merely as contingency measures. Since Oregon has already initiated and committed to the adoption of RACT rules which will become part of the SIP, and not merely contingency measures, the justification for applying this exception here is equally as compelling as, if not more compelling than, the case of Grand Rapids. EPA believes that there is no significant environmental consequence to this application of the exception here, and that it is legally permissible under the statutory provisions governing redesignation. The VOC RACT rules remain applicable requirements under section 107 and EPA believes that ODEQ's initiation of the process for all sources, which it and the sources are bound to complete under Oregon rules, meets the redesignation requirements.

5. Emission Statement

Under section 182(a)(3)(B) of the CAA, a State must require each owner of a stationary source of volatile organic compounds (VOC) or nitrogen oxides (NO_x) located in a marginal nonattainment area to submit an annual statement of actual emissions from that source. EPA approved Washington's emission statement program on November 14, 1994, and approved Oregon's program on March 24, 1994.

6. Vehicle Inspection and Maintenance (I/M) Program

Section 182(a)(2)(b) of the CAA requires that any O₃ nonattainment area which has been classified as "marginal" or worse have an I/M program. The original federal I/M regulations were codified at 40 CFR part 51, Subpart S, and required States to submit an I/M SIP revision which included all necessary legal authority and the items specified in 40 CFR 51.372 (a)(1) through (a)(8) by November 15, 1993.

EPA has previously determined that the two States' I/M programs (currently in operation) met the applicable regulations established in 40 CFR part 51, Subpart S. A basic I/M program has been in operation in Portland since 1975 and became operational in the Vancouver portion of the nonattainment area on June 1, 1993. Portland submitted I/M "fix ups" on November 15, 1993, and June 13, 1994, to meet EPA basic I/M requirements. These were approved by EPA on January 29, 1994, and September 9, 1994. Information on the existing Washington I/M program can be found in the Federal Register notice (61 FR 38086; July 23, 1996) finalizing EPA's approval of the program. These elements will not be enumerated here. In EPA's view, the new revisions EPA

proposes to approve in this action also meet the applicable federal requirements (see discussion below in IV.E).

C. Section 107(d)(3)(E)(iii), Permanent and Enforceable Emission Reductions

There are several control measures that were responsible for the Pdx/Van nonattainment area achieving attainment of the O₃ NAAQS. The major measures are:

- The Federal Motor Vehicle Control Program which reduces VOC and NO_x emissions as newer, cleaner vehicles replace older, high emitting vehicles;
- Summertime Reid Vapor Pressure (RVP) of 7.8 psi required for gasoline for the Oregon portion of the AQMA. (Gasoline for Vancouver area service stations is supplied by Portland bulk terminals and therefore the area receives gasoline with 7.8 psi RVP);
- The major source NSR program which requires Lowest Achievable Emission Rate and offsets;
- The Portland basic vehicle emission Inspection and Maintenance program;
- Stage I vapor recovery for Portland and Vancouver;
- RACT applied to major industrial sources of VOC.

Emission reductions achieved through the implementation of these control measures are permanent and enforceable when approved by EPA as part of the SIP. In addition, there are a number of State and local measures that are part of the maintenance plan which, upon EPA approval, will be federally enforceable, including stage I & II gasoline vapor recovery requirements, improvements in public transit, transportation demand management measures, and traffic flow improvements.

The ODEQ and WDOE have demonstrated that actual enforceable emission reductions are responsible for the air quality improvement and that O₃ emissions are not artificially low due to a local economic downturn or unusual or extreme occurrences in the weather patterns. Data in the maintenance plan show the area has grown rapidly since the early 1980's. The Pdx/Van area initially attained the NAAQS in 1991, with monitored attainment through 1996 despite this growth. Also, meteorological conditions during the attainment time period were conducive to O₃ formation. EPA finds that the combination of existing EPA-approved SIP and federal measures contribute to the permanence and enforceability of reduction in ambient O₃ levels that have allowed the area to attain the NAAQS.

D. Section 107(d)(3)(E)(iv), Fully Approved Maintenance Plan

Section 175A of the CAA sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. The plan must demonstrate continued attainment of the applicable NAAQS for at least ten years after the Administrator approves a redesignation to attainment. Eight years after the redesignation, the States must submit a revised maintenance plan which demonstrates attainment for the ten years following the initial ten-year period. To provide for the possibility of future NAAQS violations, the maintenance plan must contain contingency measures, with a schedule for implementation, adequate to assure prompt correction of any air quality problems.

In this notice, EPA is proposing approval of the Oregon and Washington maintenance plans for the Pdx/Van marginal nonattainment area because EPA finds that the submittal meets the requirements of section 175A.

1. Attainment Emission Inventory

The maintenance plan should include an emission inventory representative of the time period when monitoring data indicated attainment. The attainment inventory uses 1992 as its base year and was developed consistent with EPA guidance. Since air monitoring recorded attainment in 1992, 1992 is an acceptable year for the attainment inventory. A summary of the base year and projected maintenance year inventories are shown in the tables below by pollutant for point, area, biogenic, and mobile sources. Detailed inventory data are contained in the docket maintained by EPA.

2. Maintenance Demonstration

The ODEQ and WDOE included in their submittals projected emission inventories showing that future emissions will not exceed the levels determined to ensure maintenance throughout the 10 year maintenance time period. The States also performed modeling, although not required, for this marginal nonattainment area. (Refer to EPA's TSD prepared for this notice for more details regarding the projected inventories and modeling for the Pdx/Van area.)

a. *Projected Year Inventory.* The States projected emission inventories for the end of the maintenance period using appropriate growth factors, consistent with EPA guidance. In addition, the States made projections for the interim years of 1996, 1999, 2001, and 2003 to supplement the 2006 projections. As

shown in the tables below, the 2006

VOC and NO_x emission levels are below the 1992 attainment emissions.

	1990	1992	1996	1999	2001	2003	2006
Vancouver, WA, VOC Emission Projections (tons/day)							
Point Sources	5	4	4	4	4	5	5
Area Sources	15	14	14	14	15	15	16
On-road	22	16	13	11	9	9	9
Non-road	8	8	9	9	10	9	9
Biogenic	17	17	17	17	17	17	17
Total	67	59	57	55	55	55	56

Portland, OR, VOC Emissions Projections (tons/day)							
Point Sources	40	36	37	41	42	45	48
Area Sources	58	57	56	56	57	59	61
On-road	114	92	70	52	47	44	41
Non-road	38	39	41	38	41	39	36
Biogenic	46	46	46	46	46	46	46
Total	296	270	250	233	233	233	232

Vancouver, WA, NO_x Emission Projections (tons/day)							
Point Sources	6	5	5	6	6	6	7
Area Sources	1	1	1	1	1	1	1
On-road	14	15	14	12	12	12	11
Non-road	7	7	7	7	7	7	6
Total	28	28	27	26	26	26	25

Portland, OR, NO_x Emission Projections (tons/day)							
Point Sources	13	15	16	18	20	21	21
Area Sources	12	12	13	13	13	13	14
On-road	76	75	68	56	54	52	51
Non-road	33	35	37	36	36	35	35
Total	134	137	134	123	123	121	121

b. Modeled Attainment. EPA does not require modeling for marginal nonattainment areas. However, the States performed modeling using the Empirical Kinetics Modeling Approach (EKMA). EKMA calculates the VOC control requirement to attain the O₃ standard considering expected changes in emissions and transport of O₃ precursors. (The EPA model, OZIPM-4, was used to conduct the EKMA analysis.)

The historical trend of the measured ambient O₃ data was characterized using a regression analysis. The airshed capacity for the AQMA was divided between the two States based on each area achieving approximately an equal percent reduction from forecast emissions in 2006, the last year of the maintenance plan.

c. Control Measures. The States have adopted a number of new control measures which include credit for some federal rules. Additional information may be found on the following control

measures in part IV, or the TSD. The control measures are:

- (1) Hybrid low enhanced vehicle inspection including On Board Diagnostics (OBD).
- (2) Expanded vehicle inspection boundary.
- (3) RVP, fleet turnover, and National Low Emission Vehicles (NLEV) (see below for additional details on NLEV).
- (4) Employee commute options.
- (5) Voluntary parking ratio program.
- (6) Transportation control measures.
- (7) New EPA nonroad engine rules.
- (8) VOC Area Source Rules.
- (9) Industrial permit limit (PSEL) donation program.
- (10) Major NSR/PSD program.
- (11) Source specific RACT requirements and a gasoline pipeline (see part III. B. 4 for additional information on RACT).
- (12) Public education and incentive program.

NLEV additional information: ODEQ and WDOE have included emission reduction credits for the proposed NLEV

(previously known as FedLEV) program in on-road emission forecasts beginning in 2001. The NLEV program was proposed by automobile manufacturers as an alternative to the California LEV program recommended by States comprising the Ozone Transport Commission (OTC). While it appears likely that NLEV will be available in Oregon by 2001, implementation of the NLEV program depends on negotiations among the automobile manufacturers and the OTC States, and is not under the direct control of EPA.

Because the OTC States and automobile manufacturers have not yet committed to the NLEV program and the program is not yet in place, EPA has not authorized SIP credit for the program. This policy will change in the near future if the NLEV program agreement is finalized. EPA, however, is proposing approval of the Pdx/Van O₃ maintenance plan because:

- The maintenance year emission inventories are below the attainment

year (1992) emission inventories without taking any credit for potential NLEV reductions.

- The maintenance plans have been designed to address the most adverse meteorological conditions that might be expected during the maintenance period.
- ODEQ and SWAPCA have committed to adopt a backup measure by 1999 if NLEV will be delayed beyond 2001. (The back-up measure alone is not sufficient justification for approval.)

3. Verification of Continued Attainment

Continued attainment of the O₃ NAAQS in the marginal nonattainment area depends, in part, on the efforts of the States of Washington and Oregon in tracking indicators of continued attainment during the maintenance period. The ODEQ and WDOE will analyze annually the O₃ air quality monitoring data to verify continued attainment of the O₃ standard in accordance with 40 CFR Part 50 and EPA's redesignation guidance. Permanent O₃ monitoring stations are operated in compliance with EPA monitoring guidelines set forth in 40 CFR Part 58 and, in addition to periodic monitoring saturation studies, SWAPCA and ODEQ are working on a "future study" which could result in recommendations to add permanent additional monitors.

The ODEQ and WDOE have also committed to perform periodic emission inventory reviews of the O₃ maintenance plan. In preparing the updates, ODEQ and SWAPCA will review the emission factors, growth factors, rule effectiveness, and penetration factors, and other significant assumptions used to prepare the emission forecast. Factors will be confirmed or adjusted where more accurate information is available. Any new emission sources will be included in the update. Updates will be prepared for 1996, 1999, 2001, 2003, and 2006 and will be submitted to EPA for review.

4. Contingency Plan

Section 175A requires a State to provide a contingency measure that it will put into effect within some specified period of time after a triggering event (e.g., exceedance or violation of a standard). In addition, section 175A(d) of the CAA requires that all control measures contained in the SIP prior to redesignation be retained as contingency measures in the O₃ maintenance plan. In both Oregon and Washington, the following measures will be implemented in the Pdx/Van area if an actual violation of

the O₃ NAAQS is recorded and validated:

- The NSR requirements for proposed major sources and major modifications in the AQMA (and the area of significant air quality impact) will change: specifically, the requirement to install Best Available Control Technology (BACT) in the AQMA will be replaced with a requirement for Lowest Achievable Emission Rate (LAER) controls and the growth allowance will be eliminated and replaced with offsets. In addition, in the Portland area, rules will be adopted to implement requirements for reformulated gasoline, congestion pricing, or equivalent emission reduction measures. These requirements will take effect upon validation of a NAAQS violation.
- With an additional violation, area rules in Vancouver will be adopted to implement a remote sensing I/M program, and further enhancements to the I/M program, or an equivalent measure.

The Oregon and Washington contingency plans meet EPA's requirements for redesignation.

5. Subsequent Maintenance Plan Revisions

In accordance with section 175A(b) of the CAA, Oregon and Washington have agreed to develop the next ten-year maintenance plan (2007–2016) and submit it to EPA by December 31, 2004. Such a revised SIP will provide for maintenance for an additional ten years.

IV. Supporting Rules

A. NSR Changes for Maintenance Plan

1. SWAPCA 400 "General Regulations for Air Pollution Sources"

On December 11, 1996, WDOE submitted a revision of the SIP for the State of Washington which consisted of various amended regulations for a local air agency authority, SWAPCA. SWAPCA has amended its Permit to Construct rules in SWAPCA 400 to establish a new program for "maintenance areas" (nonattainment areas which have been redesignated by EPA to attainment). This new program, which EPA is proposing to approve as a SIP revision, is basically a combination of nonattainment area (Part D NSR) requirements and attainment area PSD requirements for new major sources and major modifications to existing major sources in attainment areas. Specifically, a new section—SWAPCA 400–111 "Requirements for Sources in a Maintenance Area"—was

added which requires new major sources and major modifications to existing sources in maintenance areas to: comply with all applicable new source performance standards (NSPS), national emission standards for hazardous air pollutants (NESHAP), and State and local emission standards; not cause any ambient air quality standard to be exceeded, not violate the requirements for reasonable further progress, not delay the attainment date for a nonattainment area, and not exceed emission levels or other requirements in the maintenance plan; apply best available control technology (BACT) for each maintenance pollutant (or precursor); demonstrate that all major sources owned or operated by the source in the State are in compliance with applicable requirements; provide emission offsets (which may be met in whole or in part by an allocation from the growth allowance in the SIP maintenance plan); demonstrate that offsets will produce a net air quality benefit; conduct an alternatives analysis; and comply with the PSD requirements, visibility requirements, and SWAPCA air toxics requirements if applicable. The new section also includes provisions which specify how the growth allowance will be managed and allocated and specific requirements for acceptable emission offsets. Finally, this new section includes a contingency plan element that changes the BACT requirement to a LAER requirement, and prohibits the use of any growth allowance if the contingency plan is implemented due to a violation of an ambient air quality standard. SWAPCA also made conforming changes to SWAPCA 400–030 "Definitions," SWAPCA 400–040 "General Standards for Maximum Emissions," SWAPCA 400–050 "Emission Standards for Combustion and Incineration Units," SWAPCA 400–060 "Emission Standards for General Process Units," SWAPCA 400–070 "Emission Standards for Certain Source Categories," SWAPCA 400–101 "Sources Exempt from Registration Requirements," SWAPCA 400–105 "Records, Monitoring and Reporting," SWAPCA 400–109 "Notice of Construction Application," SWAPCA 400–110 "New Source Review," SWAPCA 400–112 "Requirements for new Sources in Nonattainment Areas," SWAPCA 400–113 "Requirements for New Sources in Attainment or Nonclassifiable Areas," SWAPCA 400–114 "Requirements for Replacement or Substantial Alteration of Emission Control Technology at an Existing Stationary Source," SWAPCA 400–171 "Public Involvement," SWAPCA 400–

190 "Requirements for Nonattainment Areas," SWAPCA 400-230 "Regulatory Actions and Civil Penalties," and SWAPCA 400-270 "Confidentiality of Records and Information," and added new sections SWAPCA 400-116 "Maintenance of Equipment," and SWAPCA 400-290 "Severability." A complete description of the changes and EPA's review is found in the TSD.

2. OAR Chapter 340 Division 28

"Stationary Source Air Pollution Control And Permitting Procedures"

Oregon has amended its NSR Rules in OAR 340 Division 28 to establish a new program for "maintenance areas" (nonattainment areas which have been redesignated by EPA to attainment), which EPA proposes to approve as part of the Oregon SIP. This new program is basically a combination of nonattainment area (Part D NSR) requirements and attainment area PSD requirements for new major sources and for major modifications to existing major sources in attainment areas. Specifically, a new section, OAR 340-028-1935 "Requirements for Sources in Maintenance Areas," was added which requires new major sources and major modifications to existing sources in maintenance areas to apply BACT for each maintenance pollutant (or precursor); demonstrate that all major sources owned or operated by the source in the State are in compliance; provide emission offsets (which may be met in whole or in part by an allocation from the growth allowance in the SIP maintenance plan); demonstrate that offsets will produce a net air quality benefit; conduct an alternatives analysis; and comply with the PSD requirements if applicable. This new section also includes a contingency plan element that changes the BACT requirement to a LAER requirement, and prohibits the use of any growth allowance if the contingency plan is implemented due to a violation of an ambient air quality standard. This section also includes requirements for allocation of a growth allowance and clarifies that the nonattainment area NSR provisions and not the maintenance plan NSR provisions continue to apply until such time as EPA approves a request to redesignate an area from nonattainment to attainment. Conforming changes were made to OAR 340-028-0110

"Definitions," OAR 340-028-1900 "Applicability," OAR 340-028-1910 "Procedural Requirements," OAR 340-028-1920 "Review of New Sources and Modifications for Compliance with Regulations," OAR 340-028-1930 "Requirements for Sources in Nonattainment Areas," OAR 340-028-

1940 "Prevention of Significant Deterioration Requirements for Sources in Attainment or Unclassified Areas," OAR 340-028-1960 "Baseline for Determining Credit for Offsets," OAR 340-028-1970 "Requirements for Net Air Quality Benefit," OAR 340-028-2000 "Visibility Impact," and OAR 340-030-0111 "Emissions Offsets." A complete description of the changes and EPA's review is found in the TSD.

B. SWAPCA 490 "Emission Standards and Controls For Sources Emitting Volatile Organic Compounds"

EPA proposes approval of changes to the SWAPCA 490 VOC Area Source RACT Fix-up regulations to support the O3 maintenance plan. The proposed changes include updated citations and technical clarification to the whole of SWAPCA 490. The key modifications are: addition of language to incorporate revised federal requirements of 40 CFR 63.420 for leak testing gasoline tankers; revision of the certification sticker issuance to provide for a full year of applicability; and clarification of the applicability of the rule to address the maintenance plan area in addition to the nonattainment area.

The changes were locally effective November 1, 1996, and were submitted to EPA on December 11, 1996. The submittal satisfies the requirements of 40 CFR 63.420. The SWAPCA rules are at least as stringent as the WDOE rules and thereby meet the requirements of the CAA.

C. SWAPCA 491 "Emission Standards and Controls for Sources Emitting Gasoline Vapors"

On December 11, 1996, WDOE submitted a revision of the Washington SIP which consisted of various amended SWAPCA regulations. EPA is proposing to approve SWAPCA 491 "Emission Standards and Controls for Sources Emitting Gasoline Vapors," as part of the Washington SIP because it is consistent with EPA policy and strengthens the Washington SIP. The changes include: clarification to existing language and definitions; removal of obsolete compliance dates; changes consistent with WDOE's federally approved regulations for Stage I requirements; and provision of references to testing and reporting requirements. The sections are as follows:

- 491-010 "Policy and Purpose" (explains the emission categories that apply to this regulation).
- 491-015 "Applicability" (explains the type of gasoline movements to which the regulation applies).

491-020 "Definitions" (clarifications/explanations specific to the regulation).

491-030 "Registration" (provides for annual registration and fees of owner or operator of gasoline loading terminal, bulk gasoline tank, or gasoline dispensing facilities).

491-040 "Gasoline Vapor Control Requirements" (specifies: capacity or throughput criteria for application of rule; and, permissible uses for fixed-roof gasoline storage tanks, gasoline loading terminals, bulk gasoline plants and transport tanks, gasoline dispensing facilities (Stage I), and gasoline dispensing facilities (Stage II)).

491-050 "Failures, Certification, Testing and Recordkeeping" (specifies: conditions where facilities are discontinued; certifications needed for operation; performance criteria of vapor collection systems; and, test procedure and test recordkeeping requirements).

491-060 "Severability" (provides for separation of the rule into parts should any provision be held invalid).

In this action today, EPA is proposing to approve all the sections in SWAPCA 491 "Emission Standards and Controls for Sources Emitting Gasoline Vapors," which became State-effective on November 1, 1996.

D. SWAPCA 493 "VOC Area Source Rules"

EPA proposes approval of SWAPCA 493. SWAPCA's rules are as stringent as Oregon's rules which are discussed and proposed for approval in this Federal Register action (OAR 340-022-0700 through -340-022-1130 "Area Source VOC Regulations"). SWAPCA rules are also proposed for approval because they are at least as stringent as Oregon's rules. These rules cover spray paints, architectural coatings, motor vehicle refinishing, and area source common provisions. EPA is allowing Vancouver, WA, to take credit for the consumer products federal rule in the same way as allowed in the Grand Rapids maintenance plan April 2, 1996, proposed rulemaking, page 14529.

E. Inspection and Maintenance (I/M)

As part of this action, EPA is also proposing to approve certain modifications to Oregon's and Washington's I/M programs. The changes affect the Pdx/Van maintenance plan in that the emission reduction credit claimed for each State's I/M program effectiveness will, if approved,

change from what EPA has allowed for these States in the past.

In Oregon the I/M modifications are directly solely at the Portland I/M area. In Washington the revisions are directed to the statewide I/M program, which includes Vancouver, Spokane, and the Puget Sound Area.

1. Oregon I/M Submittal

EPA proposes to approve the SIP revision submitted by the State of Oregon. This revision continues to require the implementation of a basic motor vehicle I/M program in the Portland Metropolitan Service district and the Medford-Ashland AQMA. The intended effect of this action is revision of the I/M test type for certain vehicles in the Portland area. Under this plan, certain vehicles would be subject to "enhanced" testing even though EPA regulations for the area itself only require compliance with a basic standard. In addition, EPA proposes to approve the State's request to expand the Portland I/M area boundary. This action is being taken under Section 110 of the Clean Air Act.

a. Oregon I/M and Clean Air Act Requirements Background. The CAA requires States to make changes to improve existing I/M programs or implement new ones. Section 182(a)(2)(B) requires any O3 nonattainment area which has been classified as "marginal" (pursuant to section 181(a) of the Act) or worse to have an I/M program. All CO nonattainment areas were also subject to this requirement.

In addition, Congress directed the EPA in section 182(a)(2)(B) to publish updated guidance for State I/M programs, taking into consideration findings of the Administrator's audits and investigations of these programs. The States were to incorporate this guidance into the SIPs for all areas required by the Act to have an I/M program.

On November 5, 1992 (57 FR 52950), the EPA published a final regulation establishing the I/M requirements, pursuant to section 182 and 187 of the Act. The I/M regulation was codified at 40 CFR part 51, Subpart S, and requires States to submit I/M SIP revisions which include all necessary legal authority and the items specified in 40 CFR 51.372 (a)(1) through (a)(8) by November 15, 1993. Oregon has met these requirements; see Federal Register (FR) notice 59 FR 46557, published on September 9, 1994.

On December 12, 1996, Oregon submitted additional revisions to portions of the SIP concerned with I/M program modification, implementation,

and operation. These SIP revisions were reviewed by EPA to determine completeness shortly after submittal, in accordance with the completeness criteria set out at 40 CFR Part 51, Appendix V. The submittals were found to be complete, and letters dated February 10, 1997, were forwarded to the Director of ODEQ indicating the completeness of the submittal.

EPA has previously designated two areas as CO nonattainment in Oregon, one of which is also an O3 nonattainment area. The Portland CO nonattainment area, classified as "moderate," with a design value less than or equal to 12.7 ppm, contains portions of the following three counties: Clackamas, Multnomah, and Washington. The Portland O3 nonattainment area, classified as "marginal," consists of the AQMA. The Medford CO nonattainment area, classified as "moderate," also with a design value less than or equal to 12.7 ppm, contains a portion of Jackson County. The nonattainment designations for CO and O3 were published in the Federal Register on November 6, 1991, and November 30, 1992, and have been codified in the CFR. See 56 FR 56694 (November 6, 1991) and 57 FR 56762 (November 30, 1992), codified at 40 CFR, sections 81.300-81.437. Based on these nonattainment designations, basic I/M programs have been required in both the Portland area and the Medford area.

By this action, EPA is proposing to approve Oregon's submittal, revising the I/M program in the Portland area. EPA has reviewed the State submittal against the statutory requirements and for consistency with the Agency's regulations. EPA summarizes below the requirements of the Federal I/M regulations, as found in 40 CFR Part 51.350-51.373, and its analysis of the State submittal. Parties desiring additional details on the Federal I/M regulations are referred to the November 5, 1992, Federal Register notice (57 FR 52950) or 40 CFR Part 51.350-51.373.

The State's December 12, 1996, submittal provides for replacement of the existing I/M test type, for certain vehicles and model years, in the Portland area beginning on September 1, 1997. Though Oregon will continue to conduct a biennial, test-only I/M program in Portland, following approval of the State's maintenance plan and redesignation request, the program will be more effective than the current program, and will meet the emission reduction requirements of the proposed O3 maintenance plan. Since the Portland area has not yet been designated as in attainment of the CO

NAAQS, the I/M program in that area will also be required to continue meeting EPA's basic performance standard and other basic program requirements contained in the Federal I/M rule. No changes to the Medford basic program are proposed. (Refer to the February 12, 1997, TSD in the docket for a complete description of the SIP provisions which are not being changed.)

Testing will continue to be performed by ODEQ (with the exception of those fleets which are self-tested). Other aspects of the Oregon I/M program that will only change as noted below include: testing of 1975 and newer vehicles in Portland; test fees to ensure the State has adequate resources to implement the program; enforcement by registration denial; a repair effectiveness program; commitment to testing convenience, quality assurance, data collection, zero waiver rate, reporting, and test equipment and procedure specification for the basic test; commitment to developing "enhanced" test procedure specifications; commitment to ongoing public information and consumer protection programs; inspector training and certification; and penalties against inspector incompetence. An analysis of how the revisions to the Oregon I/M program will meet the Federal SIP requirements by section of the Federal I/M rule is provided below.

(1) *Applicability.* The SIP needs to describe the applicable areas in detail and, consistent with 40 CFR 51.372, needs to include the legal authority or rules necessary to establish program boundaries.

Portland's I/M program, specified in Oregon's Revised Statutes (ORS) 815.300 and OAR 340-024-0301, has been implemented in portions of Clackamas, Multnomah, and Washington Counties. In this action the area proposed for expansion includes portions of the three aforementioned counties, plus the area within the counties of Columbia and Yamhill. The legal authority for Oregon's Environmental Quality Commission (EQC) to establish geographic boundaries is found in ORS 468A.390 and 815.300.

(2) *Basic I/M Performance Standard.* The Medford and Portland I/M programs provided for in the existing CO SIP are required to meet a performance standard for basic I/M for the pollutants that caused the affected area to come under I/M requirements. The performance standard sets an emission reduction target that must be met by a program in order for the SIP to be approvable. The SIP must also

provide that the program will meet the performance standard in actual operation, with provisions for appropriate adjustments if the standard is not met.

As part of the 1994 SIP package, the State submitted a modeling demonstration using the EPA computer model MOBILE5a, and showing that the basic performance standard is met in both Portland and Medford. The State has recently submitted a demonstration supporting the claimed effectiveness of the proposed revision to the Portland program. The proposed modifications to the Portland program are, in EPA's view, sufficient to meet both the declared needs of the proposed Portland/Vancouver O3 maintenance plan and the federal requirements for a basic I/M program.

(3) Adequate Tools and Resources. The SIP needs to include a description of the resources that will be used for program operation, which includes:

- A detailed budget plan which describes the source of funds for personnel, program administration, program enforcement, purchase of necessary equipment, and any other requirements discussed throughout, for the period prior to the next biennial self-evaluation required in the Federal I/M rule, and;
- A description of personnel resources, the number of personnel dedicated to overt and covert auditing, data analysis, program administration, enforcement, and other necessary functions, and the training attendant to each function.

Oregon's I/M program, as set forth in ORS 468A.400, is funded solely by collection of fees from vehicle owners at the time of passing the I/M test. The fee has been \$10 per certificate issued for ODEQ-inspected vehicles, and \$5 each from certificates issued by fleets. Under the revision, these fees may be increased to: a maximum amount of \$10 for vehicles in Medford, a maximum of \$21 for Portland vehicles, and a range of from \$5 to \$10 per vehicle for fleets. No other changes have been proposed in this action. EPA proposes to find that the Oregon I/M program provides for adequate tools and resources to implement the program.

(4) Test Frequency and Convenience. The SIP needs to include the test schedule in detail, including the test year selection scheme if testing is other than annual. Also, the SIP needs to include the legal authority necessary to implement and enforce the test frequency requirement and explain how the test frequency will be integrated with the enforcement process.

The Oregon I/M program requires biennial inspections for all subject motor vehicles (see ORS 468A.365). For new, Oregon licensed vehicles the first test is required for reregistration two years after initial registration. In addition, all gasoline powered heavy duty trucks and most motor vehicles registered as government-owned vehicles are required to be certified annually. Short waiting times and short driving distances relating to network design are satisfactorily addressed in the existing SIP.

EPA proposes to approve the following changes in this action: continuation of the basic test for Portland area vehicles from three to five years old (i.e., model years from three to five years old), and model years between and including 1975 and 1980; modification to the Portland program so that vehicles from six years old to model year 1981 will be required to undergo "enhanced" testing (including a purge test); and, pressure tests on Portland-area gas caps as part of the overall I/M testing.

(5) Vehicle Coverage. The SIP needs to include 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 may not be registered in the area. EPA proposes to approve the following changes to Portland area vehicle coverage, anticipated to be effective by September 1, 1997: basic tests for light duty vehicles (LDVs) less than or equal to five years old and between (and including) the model years of 1975 and 1980; enhanced tests for light duty vehicles greater than or equal to six years old, but less than model year 1981; annual certification of government-owned vehicles which are part of fleets numbering more than 50 vehicles; bi-annual certification of government-owned vehicles which are part of fleets numbering less than 50 vehicles; and, annual certification of U.S. Government vehicles—except for tactical military vehicles—operated in either the Portland or Medford areas.

(6) Test Procedures and Standards. The SIP needs to include a description of each test procedure used. The SIP also needs to include the rule, ordinance, or law describing and establishing the test procedures.

In the Portland I/M area all 1975 model and newer vehicles have been subject to a two speed idle test. This action proposes to approve modification of the Portland test type to include the existing idle test and a new transient loaded test called "BAR31." The new

test would be used on the model years of LDVs discussed above. The BAR31 test involves a maximum of four tests (second order equation, symmetrical peak, acceleration/deceleration modes) of approximately 31 seconds of duration each. In OAR 340-024-0312(4)(a), Oregon also proposed an additional test that would allow vehicles that failed all four cycles to have their emissions extrapolated out to six cycles; if the extrapolated "sixth hill" emissions passed the cutpoints, the vehicle would pass. EPA proposes to disapprove this additional test. As explained in the TSD, following negotiations between the State and EPA concerning the type of BAR31 test to be administered, and the level of credit appropriate for the implemented test, the State decided to eliminate the sixth hill test. The agreed-upon level of credit allotted to Oregon's BAR31 program does not, therefore, include this option. Although State regulations still include this language regarding the sixth hill extrapolation, ODEQ indicates it has no plans to allow its use.

The Oregon BAR31 test has been reviewed by EPA, and approved. Its application in Oregon's program has been accorded an initial level of effectiveness (credit) commensurate with the State's supporting documentation (available for review in the docket). The credit found to be appropriate is approximately 90% of that accorded to IM240, the Agency's recommended enhanced test-type. Specifically, it has 90%, 95%, and 95% of the effectiveness of IM240 for reducing, respectively, hydrocarbons, carbon monoxide, and nitrogen oxides. It is appropriate, therefore, that the State refers to the BAR31 test as an "enhanced" test. Following implementation of the program, the State has committed to auditing 0.1% of its fleet for four years with an IM240 test to better quantify the actual effectiveness of the BAR31 test. Detailed procedures for the BAR31 test will be developed pursuant to receipt of the equipment.

The only change proposed to Portland's (or Medford's) basic program test procedures EPA proposes to approve is the introduction of a gas cap pressure test in Portland. OBD system checks for 1996 and newer vehicles will start in the year 1998 for both basic and BAR31 tests.

(7) Test Equipment. The SIP needs to include written technical specifications for all test equipment used in the program and shall address each of the requirements in 40 CFR 51.358 of the Federal I/M rule. On June 21, 1996, the State received authorization from the

State Emergency Board to purchase the new enhanced testing equipment. However, no revisions to the technical specifications of the equipment to be used for I/M purposes have been proposed in this action. It is anticipated that the State will document specifications for the new enhanced equipment following purchase.

(8) Quality Control. The SIP needs to include a description of quality control and record keeping procedures. The SIP needs to include the procedures manual, rule, and ordinance or law describing and establishing the procedures of quality control and requirements.

The existing Oregon I/M SIP narrative contains descriptions and requirements establishing the quality control procedures in accordance with the Federal I/M rule. These requirements help ensure that equipment calibrations are properly performed and recorded, as well as maintaining compliance document security. No revisions to the SIP have been proposed in this action for the basic I/M program. Details about the proposed Portland area's BAR31 enhanced testing methods are contained in (new) OAR 340-024-0312.

(9) Inspector Training and Licensing or Certification.

The SIP needs to include a description of the training program, the written and hands-on tests, and the licensing or certification process.

The Oregon I/M SIP provides for the implementation of training, certification, and refresher programs for emission inspectors. Training will include all elements required by 51.367(a) of the EPA I/M rule. All inspectors are required to be certified to inspect vehicles in the Oregon I/M program. The only change EPA proposes to approve as part of this action to accept training credit is the calculation of overall I/M emission reduction effectiveness.

(10) Improving Repair Effectiveness. The SIP needs to include a description of the technical assistance program to be implemented, and a description of the repair technician training resources available in the community. Only one general update to the SIP has been proposed in this action for "improving repair effectiveness." The update EPA proposes to approve is actually an addition to a previous program that met federal requirements. The addition notes that since November 1995 an advisory committee has been working to develop a ODEQ Auto Technician Emissions Training. The training program envisioned will be voluntary and will issue certifications for two levels of repair proficiency.

2. Washington I/M Submittal

EPA proposes to approve the SIP revision submitted by the State of Washington for the purpose of approving changes to the I/M program for Washington State. EPA proposes to approve changes to the Washington I/M program that apply to Vancouver, Spokane, and the Puget Sound areas. On December 20, 1996, Washington submitted SIP revision requests to the EPA to satisfy the requirements of sections 182(b)(4) and 182(c)(3) of the Clean Air Act, as amended, 42 U.S.C. 7511a(b)(4) and 7511a(c)(3) (1990), and the Federal I/M rule (40 CFR Part 51, Subpart S). These SIP revisions will change certain provisions of the existing approved SIP that require vehicle owners to comply with the Washington I/M program in portions of the Washington counties of Clark, King, Pierce, Snohomish, and Spokane. The three I/M areas currently operating programs are associated with: (1) the Vancouver O3 nonattainment area, proposed for re-designation, but currently classified as "marginal," (2) the Spokane CO nonattainment area, classified as "moderate," and (3) the Puget Sound O3 attainment area. In addition, both the Puget Sound area and Vancouver are now in attainment for CO, and have continued I/M in their areas under an approved maintenance plan. The revisions relate primarily to an additional allowable I/M test type, allowable gas cap leak tests, and new federal OBD requirements.

a. *Washington I/M and Clean Air Act Requirements Background* Section 182(a)(2)(B) of the Clean Air Act requires any O3 nonattainment area which has been classified as "marginal" or worse (pursuant to section 181(a) of the Act) to establish an I/M program. These areas must implement basic or enhanced I/M programs depending upon their specific classifications. In particular, O3 nonattainment areas classified as "serious" or worse, with populations of 200,000 or more, and CO "moderate" or "serious" nonattainment areas, with design values above 12.7 ppm and populations of 200,000 or more, are required to meet EPA guidance for enhanced I/M programs.

Additionally, areas which have been re-designated from non-attainment to attainment may continue to use I/M to reduce emissions. I/M requirements within those areas" maintenance plans seeking to advance the air quality of the respective areas to attainment may, therefore, be very similar to those requirements contained in previous SIPs.

Prior to November 25, 1996, EPA had designated two areas as O3 nonattainment in the State of Washington. The Puget Sound O3 nonattainment area was classified as marginal, and contained portions of King, Pierce, and Snohomish Counties. The Vancouver non-attainment area was also classified as marginal, and contained a portion of Clark County. In an action taken on November 25, 1996, however, the Puget Sound area was re-designated to attainment, leaving only one area in nonattainment.

Likewise, prior to October 21, 1996, three areas in Washington State were designated as CO nonattainment areas. Both the Spokane CO nonattainment area (Spokane County) and the Puget Sound CO nonattainment area (portions of King, Pierce, and Snohomish Counties) had design values greater than 12.7 ppm and were designated as "moderate plus." In addition, the Vancouver area was a "moderate" CO nonattainment area, with a design value below 12.7 ppm. The central Puget Sound area had, and continues to have, an urbanized area population of over one million, and Spokane had, and continues to have, an urbanized area population in excess of 200,000.

Based on these nonattainment designations and populations, basic I/M programs were required in the Vancouver and Puget Sound O3 nonattainment areas, while enhanced I/M programs were required in the Puget Sound and Spokane CO nonattainment areas. On November 25, 1996, however, the Puget Sound area was redesignated to attainment for CO and O3, and on October 21, 1996, the Vancouver area was redesignated to attainment for CO.

As a result of the redesignations of the Puget Sound area for O3 attainment, only one Washington area—Vancouver—continues to be (until EPA approves the Pdx/Van maintenance plan and redesignation request) classified as marginal O3 nonattainment. Vancouver is part of the larger Pdx/Van nonattainment area. In addition, subsequent to the re-designations noted above, only one area in Washington—Spokane—remains designated as a CO ("moderate plus") nonattainment area. Based on these nonattainment designations and populations, an enhanced I/M program continues to be required in Spokane, a basic program continues to be required in Vancouver, and a program is still required by the Puget Sound maintenance plan.

The I/M action being proposed herein (received by EPA on December 20, 1996) includes proposed changes to the I/M program in the State of Washington. If the Vancouver area is redesignated to

attainment and the I/M proposals are approved, Washington will no longer have any O3 nonattainment areas and I/M, for the purposes of reducing ambient O3 levels, will only be required in Vancouver and Puget Sound to meet reduction targets in the respective maintenance plans. Only Spokane will remain a CO nonattainment area, and require an enhanced I/M program. The Puget Sound and Vancouver areas, which continue to be in CO attainment, will need I/M programs only to meet the reduction targets of their maintenance plans.

EPA has reviewed the December 20, 1996, State submittal for compliance with statutory requirements and for consistency with the Agency's regulations. A summary of the EPA's analysis of why it is proposing to approve the SIP revision is provided below. In addition, a history and a summary to support approval of the Washington and Oregon State submittals are contained in a TSD, dated February 12, 1997, which is available from the EPA Region 10 Office (address provided above).

I/M programs have been running in the Puget Sound area since 1982, in Spokane since 1985, and in Vancouver since 1993. Washington State's current centralized, test only, biennial program meets the requirements of EPA's low enhanced performance standard, and of other requirements contained in the Federal I/M rule in the applicable nonattainment areas. On December 20, 1996, Washington submitted an I/M SIP revision that would provide for the continued implementation of I/M programs in the Puget Sound, Spokane, and Vancouver areas, but revises State regulations to allow for implementation of a different I/M test in those areas. Emission testing is, and will continue to be, overseen by the WDOE and performed by its I/M contractor. Public hearings for the State's submittal were held in Vancouver, Bellevue, and Spokane on July 16, 17, and 18, 1996, respectively. A description of the existing Washington I/M program can be found in the Federal Register notice (61 FR 38086; July 23, 1996) finalizing EPA's approval of the program. These elements will not be enumerated here.

In EPA's view, the December 20 I/M SIP revisions continue to ensure that Washington's centralized, test only, biennial program meets the requirements of EPA's low enhanced performance standard, other requirements contained in 40 CFR Subpart S in the applicable nonattainment counties, the needs of the Spokane nonattainment area, and the needs of the Puget Sound and

(existing and newly proposed) CO and O3 Vancouver maintenance plans.

The revisions to the State I/M program in the Puget Sound area which EPA proposes to approve include:

- A loaded idle test (i.e., continued operation of the current testing regime), and the possibility of adopting an accelerated simulation mode (ASM) and gas cap check test;
- A program to continue evaluating on-road testing which is designed to meet the EPA 0.5% requirement for the State's enhanced program areas, or for areas seeking maintenance plan credit for such testing; and,
- A check of the OBD system for all vehicles 1996 and newer (starting in 1998).

The proposed I/M program revisions in Spokane that EPA proposes to approve include:

- A loaded idle test (i.e., continued use of the current test) and an ASM test; and,
- A check of the OBD system for all vehicles 1996 and newer (starting in 1998).

The I/M program revisions in Vancouver that EPA proposes to approve include:

- Continued operation of the current testing regime until replaced by an ASM test;
- An ASM and gas cap check test by 1998;
- A check of the OBD system for all vehicles 1996 and newer (starting in 1998);
- Expansion of the Clark County testing area; and,
- Exemption of vehicles three years old or newer in the expanded Clark County area.

Although in Spokane and Vancouver the State plans by 1998 to implement the ASM tests, and in all three areas implement OBD checks, the regulations supporting this intention simply provide for the "allowance" of such tests. Gas cap checking is also a test which new State regulations now "allow," rather than commit to. The emissions benefits to be gained by such enhancements are proposed in the Pdx/Van maintenance plan. Implementation in Vancouver is scheduled for no later than 1998.

An analysis of how the Washington I/M program continues to meet EPA's I/M regulations is provided below. For the most part, the Washington program has not been modified significantly; specific information about portions of the program that have not been modified are presented in the TSD.

(1) Applicability. The SIP needs to describe the applicable areas in detail and, consistent with 40 CFR 51.372,

needs to include the legal authority or rules necessary to establish program boundaries.

The Washington I/M regulations specify that I/M programs will be implemented in the areas described above. Although Vancouver has been required to implement only a basic I/M program for its O3 and, previously, for its CO nonattainment areas (and in the existing SIP the performance of Vancouver's program was compared to EPA's basic performance standard), the State chose to implement a "low enhanced" program in all areas that required I/M programs. The action proposed in this notice, if approved, would allow the use of an ASM2525 low enhanced I/M test in all three State areas (as well as other, more minor I/M modifications noted above). The proposed O3 maintenance plan for the Pdx/Van area, in fact, relies to a degree on the adoption of ASM2525 in Vancouver by 1998.

(2) Enhanced and Basic I/M Performance Standard. The federal I/M performance standard sets an emission reduction target that must be met by a program in order for the SIP to be approvable. The SIP must also provide that the program will meet the performance standard in actual operation, with provisions for appropriate adjustments if the standard is not met. The I/M programs in Vancouver and Spokane have been required to meet a performance standard—basic and low enhanced, respectively—for the pollutants that caused the affected areas to come under 40 CFR Part 51, Subpart S, I/M Requirements. If the redesignation of Vancouver is approved, the area will no longer need to meet the basic performance standard, except as specified in the maintenance plan.

The State has submitted a modeling demonstration using the EPA computer model MOBILE5a showing that the low enhanced performance standard will continue to be met for Spokane if ASM2525 is implemented. The State has also submitted modeling for the areas of Vancouver and Puget Sound that demonstrate to EPA's satisfaction that implementation of the new ASM2525 program will either meet or exceed the previously calculated emission reductions expected from the current I/M test types.

(3) Vehicle coverage. The SIP needs to include 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 may not be registered in the area. Also, the SIP

needs to include a description of any special exemptions which will be granted by the program, and an estimate of the percentage and number of subject vehicles which will be affected. Such exemptions need to be accounted for in the emission reduction analysis. In addition, the SIP needs to include the legal authority or rule necessary to implement and enforce the vehicle coverage requirement.

The State has not proposed any SIP revisions for these I/M elements, other than to exempt all vehicles from testing in the expanded Vancouver area (i.e., the new additional area included by the expansion) if they are newer than four years old. The Washington program continues to include coverage of all 1968 and newer model year gasoline powered LDVs and light-duty and heavy-duty trucks registered or required to be registered within the nonattainment areas, and fleets primarily operated within an I/M program area. The starting model year of a vehicle testing program may be changed each year to include the most recent 24 model years. I/M testing exemptions are granted for alternative fuel vehicles, electric vehicles, and motorcycles.

All subject fleets must complete the emission inspection process, without a waiver option being available. Fleets may be inspected in facilities other than the State's inspection stations, provided that WDOE approves the alternative tests. Vehicles operated on federal installations are required to be tested regardless of whether the vehicles are registered in the State or local I/M area. Legal authority for the vehicle coverage is contained in the Washington statutes and I/M rule.

(4) Test procedures and standards. The SIP needs to include a description of each test procedure used. The SIP also needs to include the rule, ordinance, or law describing and establishing the test procedures.

The existing Washington I/M SIP establishes test vehicle procedures and standards that at a minimum are consistent with EPA regulations. Test procedures and standards are specified in WAC 173-422-070. In Washington, all 1968 and newer gasoline or diesel-fueled vehicles are tested. Under the revised SIP, the State will test vehicles on a steady-state dynamometer, or by a two-speed idle and 2500 RPM unloaded test, or by ASM2525. Diesel vehicles will continue to be tested for exhaust opacity only. Specified vehicles are tested using a transient emissions test. In addition, starting in 1998, the State plans to perform OBD checks of vehicles of model year 1996 or later.

(5) Test equipment. The SIP needs to include written technical specifications for all test equipment used in the program and shall address each of the requirements in 40 CFR 51.358 of the Federal I/M rule. The specifications need to describe the emission analysis process, the necessary test equipment, the required features, and written acceptance testing criteria and procedures.

The existing Washington I/M SIP describes the performance features of computerized test systems, and exhaust gas analyzer specifications. For transient emissions tests, EPA's "High Tech I/M Test Procedures, Emission Standards, Quality Control Requirements and Equipment Specifications" Final Technical Guidance is followed. Regulations covering ASM2525 specifications are included in WAC 173-422-070. EPA understands that more detailed ASM2525, gas cap check, and OBD operational and QA/QC equipment specifications and protocols will be developed after the State has procured the test equipment.

(6) Quality control.

The SIP needs to include a description of quality control (QC) and recordkeeping procedures. The SIP needs to include the procedures manual, rule, and ordinance or law describing and establishing the procedures of QC.

The Washington I/M SIP continues to include a QC Plan that specifies QC and periodic maintenance procedures. No changes have been proposed, other than those new ASM2525 QC regulations contained in WAC 173-422-070. QC procedures for the existing program tests are specified in WAC 173-422-120. The WDOE Emission Check staff perform inspections to ensure that operation of the emission testing facilities, calibration and maintenance of exhaust analyzers, test procedures, and training of management and inspection personnel meet the standards outlined in WAC 173-422.

F. Oregon Miscellaneous O3 Supporting Rules

EPA is proposing approval of the additions to OAR Chapter 340, Divisions 22-0400 through -1130, 24-301, 30-0700 through -1190, and 31-0500 through -0530.

The additions to Divisions 22, 24, 30 and 31 submitted to the EPA on August 30, 1996, satisfy the requirements of section 110 of the CAA and 40 CFR Part 51.

The EPA is also proposing approval of Oregon's request for modification of Test Method 24 for Morton Traffic Markings' use of methacrylate

multicomponent coatings, as submitted on September 23, 1996. This request for modification was to assist in determining compliance with Oregon OAR 340-22-1020.

1. Background

The ODEQ submitted to EPA additions to OAR, Divisions 22, 24, 30, and 31 on August 30, 1996. The additions were State-effective on: August 12, 1996, for Division 24; August 14, 1996, for Divisions 22 and 30; and August 19, 1996, for Division 31.

The additions contained supporting regulations to ODEQ's O3 maintenance plan and redesignation request for the Portland AQMA. The submittals included Oregon's Stage II regulations (OAR 340-022-0400 through -0403), Area Source VOC regulations (OAR 340-022-0700-1130), Motor Vehicle Inspection Boundary (OAR-340-024 0301), Industrial Emissions Management program (OAR-340-030-0700 through -0740), Employee Commute Options Program (OAR 340-030-0800 through -1040), Voluntary Maximum Parking Ratios Program (OAR-340-030-1100 through -1190), and Boundary Descriptions and Nonattainment and Maintenance Area Designations (OAR 340-031-0500, -520, and -0530).

2. Discussion

Stage II Vapor Recovery Regulations (OAR 340-22-0400 through -0403) and Area Source VOC Regulations for General Gaseous Emissions (OAR 340-22-0700 through -1130) were submitted for Federal approval for the first time. These new rules included statements of purpose, definitions, general provisions, applicability, compliance schedules, standards and exemptions, requirements, inspection and testing procedures, recordkeeping and reporting, and other exemptions for gasoline vapors from gasoline transfer and dispensing operations, motor vehicle refinishing, consumer products, spray paints, and architectural coatings. The cited VOC emissions limits within these regulations are at least as stringent as the Federal rules which have been promulgated and approved. The EPA does not have emissions limits promulgated for spray paints and only has proposed rules for architectural coatings and consumer products.

Oregon also submitted a request for modification of Test Method 24 for Morton Traffic Markings' determination of VOC content for methacrylate multicomponent coatings. Upon review of that modification, EPA is proposing approval of the modification, with the condition added that a limit be set at ten

percent for how much sample can be lost while breaking up the compounds.

Motor Vehicle Inspection and Maintenance Area Boundary (OAR 340-024-0301) was submitted for Federal approval for the first time. This new rule described the boundary designations for motor vehicle emission control inspection, test criteria, methods and standards. These boundary designations have been reviewed and are proposed for approval.

Industrial Emissions Management Program Regulations (OAR 340-030-0700 through -0740); Employee Commute Options Program Regulations (OAR 340-030-0800 through -1040); and Voluntary Maximum Parking Ratios Program Regulations (OAR 340-030-1100 through -1190) were submitted for Federal approval for the first time. OAR 340-030-0700 through -0740 contained: statement of application, definition of terms, unused Plant Site Emission Limit (PSEL) donation program, industrial growth allowances, and industrial growth allowance allocation. These have been reviewed and are proposed for approval. The TSD contains additional discussion.

Definitions of Boundaries (OAR 340-031-0500), Nonattainment Area (OAR 340-031-0520), and Maintenance Areas (OAR 340-031-0530) were submitted for Federal approval for the first time. An identical copy of these rules was also submitted as part of the CO redesignation request for the Portland Metro area. The definitions of boundaries, nonattainment areas, and maintenance areas listed in these rules have been reviewed and are proposed for approval.

V. Proposed Action

EPA proposes to approve the Portland, Oregon, and Vancouver, Washington, interstate O3 maintenance plan and request for redesignation to attainment because ODEQ and WDOE have demonstrated compliance with the requirements of section 107(d)(3)(E) for redesignation. EPA also proposes to approve the 1990 O3 Emission Inventories, changes to the NSR programs, regulations implementing the hybrid low enhanced I/M programs, an expanded vehicle inspection boundary, minor RACT rule changes (Vancouver only), Employee Commute Options rule (Portland only), voluntary parking ratio rule (Portland only), PSEL management rules (Portland only), and local area source supporting rules.

The regulations EPA proposes to approve for the Vancouver, Washington, portion are found in the following: SWAPCA 400 "General Regulations for Air Pollution Sources"; SWAPCA 490

"Emission Standards and Controls for Sources Emitting Volatile Organic Compounds"; SWAPCA 491 "Emission Standards and Controls for Sources Emitting Gasoline Vapors"; and SWAPCA 493, "VOC Area Source Rules." The amendments to SWAPCA 400, 490, and 491 became effective on November 21, 1996. The amendments to SWAPCA 493 became effective on May 25, 1996. The Washington I/M SIP revision (WAC 173-422, sections -030, -050, -060, -070, -170, and -190) was adopted by the State on November 9, 1996.

The regulations EPA proposes to approve for the Portland, Oregon, portion are found in the following: Stage II Vapor Recovery Regulations (OAR 340-022-0400 through -340-022-0404); Area Source VOC Regulations (OAR 340-022-0700 through -340-022-1130); Industrial Emissions Management Program Regulations (OAR 340-030-0700 through -340-030-0740); Employee Commute Options Program Regulations (OAR 340-030-0800 through -340-030-1040); Voluntary Maximum Parking Ratios Program Regulations (OAR 340-030-1100 through -340-030-1190). The above five amendments to the OAR became effective on August 14, 1996. The following three amendments became effective on August 19, 1996: Definitions of Boundaries (OAR 340-031-0500); Nonattainment Areas (OAR 340-031-0520); Maintenance Areas (OAR 340-031-0530). The amendment to Motor Vehicle Inspection and Maintenance Area Boundary (OAR 340-024-0301) became effective August 12, 1996. The Oregon I/M revisions (Section 3.1, OAR 340-24-300 through -340-24-355; and section 5.4) were adopted by the State on November 14, 1996. Oregon NSR revisions were submitted by ODEQ on or before January 22, 1997.

EPA is soliciting public comment on its proposed approval of revisions to the Washington and Oregon SIPs and their request to redesignate to attainment the Pdx/Van O3 area. Comments will be considered before taking final action.

Interested parties are invited to comment on all aspects of this proposed approval. Comments should be submitted to the address listed in the front of this Notice. Public comments postmarked by April 7, 1997 will be considered in the final rulemaking action taken by EPA.

VI. Interim Implementation Policy (IIP) Impact

On December 13, 1996, EPA published proposed revisions to the O3 and particulate matter (PM) NAAQS. Also on December 13, 1996, EPA

published its proposed policy regarding the interim implementation requirements for O3 or PM during the time period following any promulgation of a revised O3 or PM NAAQS (61 FR 65751). This IIP includes proposed policy regarding O3 redesignation actions submitted to and approved by EPA prior to promulgation of a new O3 standard, as well as those submitted prior to and approved by EPA after the promulgation date of a new or revised O3 standard.

Complete redesignation requests, submitted by States and processed by EPA prior to the promulgation date of the new or revised O3 standard, will be approved based on the maintenance plan's ability to demonstrate attainment of the current 1-hour standard and compliance with existing redesignation criteria. Any redesignation requests submitted prior to promulgation, which are not acted upon by EPA prior to that promulgation date, must then also include a maintenance plan which demonstrates attainment of both the current one-hour standard and the new or revised O3 standard to be considered for redesignation.

As discussed previously, the Pdx/Van redesignation request demonstrates attainment under the current one-hour O3 standard. Since the EPA plans to approve this request prior to the promulgation date of the new or revised O3 standard, the Pdx/Van redesignation request meets the proposed IIP.

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

VII. Administrative Review

A. Executive Order 12866

This action has been classified as a Table 3 action for signature by the EPA 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, EPA Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or

final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, Part D, of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the federal SIP approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of State action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. E.P.A.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

C. 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 on by the rule.

EPA has determined that the approval action proposed 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 requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

Authority: 42 U.S.C. 7401-7671q.

List of Subjects

40 CFR Part 52

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

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: February 26, 1997.

Charles Findley,

Acting Regional Administrator, EPA Region 10.

[FR Doc. 97-5642 Filed 3-6-97; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 95-93, Notice 3]

RIN 2127-AF76

Federal Motor Vehicle Safety Standards; Withdrawal of Proposed Rule, Announcement of Technical Workshop on Accelerator Control Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Withdrawal of notice of proposed rulemaking, and announcement of a technical workshop.

SUMMARY: In this document, NHTSA withdraws a proposal to amend the safety standard on accelerator control systems that would have deleted a provision that specifies return-to-idle times for a normally operating accelerator control system. The proposal was part of NHTSA's efforts to implement the President's Regulatory Reinvention Initiative.

NHTSA has decided to withdraw its proposal in order to focus on the broader issue of making the accelerator control system standard more relevant for electronic accelerator systems. NHTSA announces a technical workshop, tentatively scheduled for March 24, 1997, to discuss electronic accelerator control technology and potential methods of assuring fail-safe performance.

DATES: Technical workshop: The technical workshop is tentatively scheduled for March 24, 1997. Those

persons wishing to participate in the workshop should contact Mr. Patrick Boyd (at the address given below) not later than March 24, 1997.

Written comments. Written comments on the subject matter of the workshop are due April 24, 1997.

ADDRESSES: The technical workshop will be held at the U.S. Department of Transportation building, 400 Seventh Street, SW., Washington, DC. A notice announcing the room number, and confirming the workshop date, will be published shortly after the deadline for the public to advise the agency of their intent to participate.

Written comments. Written comments concerning the subject matter of the technical workshop should refer to the docket number and notice number cited at the beginning of this notice, and be submitted to: Docket Section, Room 5109, 400 Seventh Street, SW., Washington, DC 20590 (Docket hours are from 9:30 a.m. to 4 p.m.) It is requested, but not required, that 10 copies of the comment be provided.

FOR FURTHER INFORMATION CONTACT: For technical issues: Mr. Patrick Boyd, Office of Crash Avoidance Standards, NPS-21, telephone (202) 366-6346.

For legal issues: Ms. Dorothy Nakama, Office of Chief Counsel, NCC-20, (202) 366-2992.

Both may be reached at the National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, DC, 20590. Comments should not be sent to these persons, but should be mailed to the Docket Section.

SUPPLEMENTARY INFORMATION:

President's Regulatory Reinvention Initiative

Pursuant to the President's March 4, 1995 directive, "Regulatory Reinvention Initiative," to the heads of departments and agencies, NHTSA undertook a review of all its regulations and directives. During the course of this review, the agency identified rules that it could propose to eliminate as unnecessary or to amend to improve their comprehensibility, application or appropriateness. As described below, NHTSA identified Federal Motor Vehicle Safety Standard No. 124 *Accelerator control systems* (49 CFR 571.124) as one rule that might benefit from being amended.

Background of Standard No. 124

Standard No. 124's purpose is to reduce deaths and injuries resulting from loss of control of the engine speed of a moving vehicle due to malfunctions in the vehicle's accelerator control system. Since 1972, Standard No. 124