relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7671q.

Dated: May 30, 1997.

Myron O. Knudson,

Acting Regional Administrator.

[FR Doc. 97–14984 Filed 6–6–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[WA 13–6–6121; WA 55–7130; and WA 57–7132; FRL–5837–2]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: EPA invites public comment on its proposed approval of parts of three revisions to the State of Washington Implementation Plan (SIP). These revisions were submitted by the Washington Department of Ecology (Washington) to address the attainment of the National Ambient Air Quality Standard (NAAQS) for carbon monoxide (CO) in the Spokane, Washington urbanized area.

DATES: Comments must be received in writing and postmarked on or before July 9, 1997.

ADDRESSES: Written comments should be addressed to Montel Livingston, SIP Manager, Office of Air Quality, M/S OAQ–107, EPA Region 10, Docket #s WA 13–6–6121; WA 57–7132; and WA 55–7130, 1200 Sixth Avenue, Seattle, Washington 98101. Copies of Washington's submittals are available for public review during normal business hours at the following locations: EPA, Region 10, Office of Air Quality, M/S OAQ–107, 1200 Sixth Avenue, Seattle, Washington 98101; Washington Department of Ecology, Attention: Tami Dahlgren, Olympia, Washington 98504–7600, telephone (360) 407–6830; and the Spokane County Air Pollution Control Authority, West 1101 College, Suite 403, Spokane, Washington 99201, telephone (509) 456–4727.

FOR FURTHER INFORMATION CONTACT: William M. Hedgebeth of the EPA Region 10 Office of Air Quality at (206) 553–7369.

SUPPLEMENTARY INFORMATION:

I. Background

On January 22, 1993, Washington submitted a SIP revision (Docket # WA 13–6–6121) consisting of a plan for the attainment and subsequent maintenance of the CO NAAQS for the Spokane area. This included a demonstration of attainment of the CO NAAQS and provisions for forecasting and tracking vehicle miles traveled (VMT) in the Spokane area, with contingency measures to be implemented if any estimate of actual VMT in the nonattainment area, or any updated forecast of VMT contained in an annual report for any year prior to attainment, exceeds the number predicted in the most recent VMT forecast. Also included were provisions which have been superseded by subsequent SIP revisions: Reasonably Available Control Measures for residential wood combustion; Reasonably Available Control Technology for point sources; New Source Review; Vehicle Emission Inspection and Maintenance Program; oxygenated fuels; and transportation conformity. On September 14, 1993, Washington submitted a revision to the January 22, 1993, SIP submittal consisting of the 1990 base year emissions inventory and the 1995 projected year emissions inventory. Washington also submitted, on September 29, 1995, a 1993 updated (periodic) emissions inventory for the Spokane area, to meet the requirement of section 187(a)(5) of the CAA for periodic inventories.

On April 30, 1996, Washington submitted a SIP revision (Docket # WA 57–7132) consisting of revisions to the previously submitted vehicle emission estimates portion of the 1990 base year emissions inventory and of the 1995 projected year inventory; the emissions budget; VMT estimates and forecasts; and the attainment demonstration. This revision also added a contingency measure (3.5% oxygenated fuel) for failure to attain the NAAQS.

On April 30, 1996, Washington also submitted a SIP revision (Docket # WA 55–7130) consisting of the removal of two transportation control measures (TCMs) which had previously been approved by EPA on March 22, 1982, as part of the 1982 Spokane CO SIP.

The implementation plan revisions were submitted by Washington to satisfy certain federal requirements for an approvable nonattainment area CO SIP for the Spokane nonattainment area in the State of Washington. EPA is proposing to approve parts of the submitted revisions and deferring action on several other parts of those revisions. Other parts are not being addressed in this action because they have been superseded by subsequent revisions and were or will be addressed in separate actions. The rationales for the approvals and deferrals of action are set forth in this notice. Additional information is available at the address indicated above.

II. Review of State Submittal

A. Emissions Inventories (Base Year and Periodic)

Under section 187(a)(1) of the CAA, for moderate CO nonattainment areas, states are required to submit a base year CO inventory that represents actual emissions in the CO season by November 15, 1992. Section 172(c)(3) of the CAA requires that nonattainment plan provisions include a comprehensive, accurate, and current inventory of actual emissions from all sources of relevant pollutants in the nonattainment area. The base year for the inventory is 1990. Stationary point, stationary area, on-road mobile, and non-road mobile sources of CO are included in the inventory. This inventory addresses actual CO emissions for the area during the peak CO season, which reflects the months when peak CO air quality concentrations occur. In Spokane, the peak CO season is October through December. All required sources were included in the inventory. Stationary sources with emissions of 50 tons or greater per year were included in the point source category. Stationary sources with emissions less than 50 tons per year were included in the area source category. The following list presents a summary of the 1990 CO peak season daily emissions estimates in tons per winter day by source category: *Point Sources:* 76.98 tons per day; *Area Sources:* 58.69 tons per day; *Mobile On-Road Sources:* 271.54 tons per day; *Mobile Non-Road Sources:* 16.18 tons per day; *Total Sources:* 423.39 tons per day. Available guidance for preparing emission inventories is provided in the General Preamble (57 FR 13498, April 16, 1992).

Washington also submitted a 1995 Projected Year Emission Inventory. This inventory incorporates growth factors for population, households, and employments. For one of the point sources, the 1995 inventory used the 1990 emission figure, although a decrease in emissions had been estimated for 1995. For another of the point sources, emissions from 1991 were used, adjusted to 1995 using Bureau of Economic Analysis industry growth rates. For residential wood combustion, a household growth factor

was applied to the 1990 emissions. The primary change in estimating on-road vehicle emissions for 1995 the use of EPA's newest MOBILE emissions model, which estimated significantly increased CO emissions. In addition, there was an adjustment for a change in the inspection and maintenance area, which now includes the entire nonattainment area. The following list presents a summary of the 1995 CO peak season daily emissions estimates in tons per winter day by source category: *Point Sources:* 77.41 tons per day; *Area Sources:* 60.83 tons per day; *Mobile On-Road Sources:* 169.34 tons per day; *Mobile Non-Road Sources:* 17.87 tons per day; *Total Sources:* 325.45 tons per day.

Section 187(a)(5) of the CAA requires that states submit, for moderate CO nonattainment areas, periodic inventories that represent actual emissions; the first periodic inventory was due no later than September 30, 1995, with subsequent periodic inventories submitted every three years thereafter until the area is redesignated to attainment. The first periodic inventory (1993) was submitted by Washington on September 29, 1995.

The following chart compares CO season daily emissions for 1990 and 1995:

DAILY EMISSIONS
(Pounds Per Day)

Category	Base Year 1990	1995
Point Sources	153,954 (18%)	154,824 (24%)
Area Sources	117,376 (14%)	121,651 (19%)
On-road Mobile Sources	543,087 (64%)	338,680 (52%)
Non-road Mobile Sources	32,371 (4%)	35,749 (5%)
Total	846,788	650,904

EPA is proposing to approve the 1990 Base Year emissions inventory as meeting the requirements of section 187(a)(1) of the CAA. EPA is also proposing to approve the 1993 periodic emissions inventory as meeting the requirements of section 187(a)(5) of the CAA. Washington has provided acceptable documentation of quality assurance and has clearly identified the methodologies used in determining the emissions for each source category. References from which emissions and growth factors were derived were clearly identified. A more complete analysis supporting EPA's approval of the 1990 and 1993 emissions inventories is included in the Technical Support Document.

B. VMT/VMT Contingency Measures

Section 187(a)(2)(A) of the CAA required EPA, in consultation with the U.S. Department of Transportation (DOT), to develop guidance for states to use in complying with the VMT forecasting and tracking provisions of section 187. A Notice of Availability for the resulting Section 187 VMT Forecasting and Tracking Guidance was published in the **Federal Register** on March 19, 1992 (57 FR 9549).

The section 187 guidance identifies the Federal Highway Administration's Highway Performance Monitoring System (HPMS) as the foundation for VMT estimates and forecasts. HPMS was chosen as the best method for estimating actual VMT since it is a count-based, statistically-based, nationwide program with auditing procedures in place, and because travel demand models would require resource intensive annual updates of input data and annual validation against traffic counts in order to be useful for estimating annual VMT. EPA believes that these time and resource requirements generally make travel demand models an unrealistic option for estimating actual annual VMT with reasonable accuracy.

To develop growth factors for forecasting VMT, the section 187 guidance offers as one alternative the use of network-based travel demand models. If these models are properly updated and validated, and if they use an equilibrium approach to allocating trips, they are considered to be the best predictor of growth factors for VMT forecasts. Moderate areas without a network model that is validated according to the specifications described in the Section 187 Guidance are offered the alternative of developing growth factors based on a linear regression extrapolation of the past six years' HPMS VMT. In both cases, the growth factors are applied to the HPMS VMT reported to the Federal Highway Administration.

As specified in the Act, the contingency measure triggers serve to address as early as possible any situation in which a trend towards higher then expected VMT has been detected, since such a trend may affect the forecasted attainment date.

When determining whether annual VMT or a VMT forecast has exceeded the most recent prior forecast and, therefore, whether contingency measures should be implemented, EPA believes that it is appropriate to take into account the statistical variability in the estimates of VMT generated through HPMS. Consequently, EPA has identified a margin of error to be applied when making VMT comparisons. With the expectation that HPMS sampling procedures will improve over the next few years in response to recent Federal Highway Administration guidance, the margin of error starts at 5.0 percent for VMT comparisons made in 1994, becomes 4.0 percent for VMT comparisons made in 1995, and is reduced to 3.0 percent for VMT comparisons made in 1996 and thereafter. However, since each revised VMT forecast becomes the VMT baseline for triggering contingency measures, the application of a margin of error every year could allow the forecasts to increase without bound, without ever triggering contingencies. To prevent this occurrence, EPA believes it is appropriate to allow the application of the margin of error only as long as, cumulatively, neither an estimate of actual VMT nor a VMT forecast ever exceeds by more than 5.0 percent the VMT forecast relied upon in the area's attainment demonstration.

In practice, then, there are two ways in which an estimate of actual VMT or an updated forecast can be found to exceed a prior forecast. Individual yearly comparisons can result in an exceedance of the forecast made 12 months earlier by more than the prescribed percentage for that year, and exceedances can accumulate so that, cumulatively, they exceed the 5.0

percent cap above the attainment demonstration forecast.

EPA interprets the requirement for contingency measures to ''take effect without further action by the State or the Administrator'' to mean that no further rulemaking activities by the State or EPA would be needed to implement the measures. The General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990, published in the **Federal Register** on April 16, 1992, offers guidance on the type and size of contingencies to be included in the SIP revision. This guidance is advisory in nature and is non-binding. (*See* 57 FR 13532–13533, April 16, 1992.)

The State of Washington has submitted a SIP revision to EPA in order to satisfy the requirements of sections 187(a)(2)(A) and 187(a)(3). Washington's submittal provides for each of the following mandatory elements: (1) A forecast of VMT in the nonattainment area for each year prior to the attainment year; (2) a provision for annual updates of the forecasts along with a provision for annual reports describing the extent to which the forecasts proved to be accurate; these reports shall provide estimates of actual VMT in each year for which a forecast was required; and (3) adopted and enforceable contingency measures to be implemented without further action by the State or the Administrator if actual annual VMT or an updated forecast exceeds the most recent prior forecast or if the area fails to attain the CO NAAQS by the attainment date.

The following items are the basis for approval of the portions of the SIP revisions addressing VMT:

1. VMT Forecasts

In Spokane, the Federal Aid Urban Area is identical to the CO nonattainment area and is the VMT forecast area. The Spokane Regional Council (SRC) developed daily VMT forecasts for the area using a network-based travel demand modeling process methodology. Washington has met the requirements of sections 187(a)(2)(A) by submitting a SIP revision that implements all required elements.

Below is a table showing the forecasted VMT for Spokane:

ANNUAL VMT FORECASTS FOR SPOKANE

VMT forecast year	Spokane Co. nonattainment area (miles traveled)
1990 Actual	2,085,203,390
1993	2,286,713,685

ANNUAL VMT FORECASTS FOR SPOKANE—Continued

VMT forecast year	Spokane Co. nonattainment area (miles traveled)
1994	2,317,581,370
1995	2,376,606,980

2. Annual VMT Updates/Reports

Section 187(a)(2)(A) specifies that the SIP revision provide for annual updates of the VMT forecasts and annual reports that describe the accuracy of the forecasts and that provide estimates of actual VMT in each year for which a forecast was required. The Section 187 VMT Forecasting and Tracking Guidance specifies that annual reports should be submitted to EPA by September 30 of the year following the year for which the VMT estimate is made.

Washington has submitted a SIP revision to EPA which satisfies the requirements of section 187(a)(2)(A) in that it provides for the submittal of annual updates of the VMT forecasts along with a provision for annual reports describing the extent to which the forecasts proved to be accurate.

3. VMT Contingency Measures

Section 187(a)(3) specifies that Washington, in its SIP revision, adopt specific, enforceable contingency measures to be implemented if the annual estimate of actual VMT or a subsequent VMT forecast exceeds the most recent prior forecast of VMT or if the area fails to attain the CO NAAQS by the attainment date. Implementation of the identified contingency measures must not require further rulemaking activities by Washington or EPA. Washington meets this requirement by submitting two contingency measures. Those measures used by Washington to satisfy the VMT contingency measure requirement are: (1) Commute Trip Reduction programs, as put forth in SSHB 1671, Washington State's Transportation Demand Management Act; and (2) A campaign for voluntary reductions in vehicle operation during periods of poor air quality.

At this time, EPA is proposing to approve the SIP revision submitted by Washington for the purpose of forecasting and tracking VMT in the Spokane area. This approval would include the revisions to the VMT estimates and forecasts provided in the April 30, 1996, SIP submittal, and would also include the VMT contingency measures.

C. Contingency Measures (3.5 Percent Oxygenated Fuel)

States containing CO nonattainment areas with design values of greater than 12.7 ppm were required to submit, among other things, contingency measures to satisfy the provisions under section 172(c)(9). These provisions require contingency measures to be implemented in the event that an area fails to reach attainment by the applicable attainment date, December 31, 1995. Contingency measures were to be submitted to EPA by November 31, 1992, pursuant to section 172(b) of the CAA.

Contingency measures must be implemented within 12 months after the finding of failure to attain the CO NAAQS. Once triggered, they must take effect without further action by the state or EPA. Therefore, all contingency measures must be adopted and enforceable prior to submittal to EPA.

The Clean Air Act Amendments of 1990 (CAAA) do not specify how many contingency measures are needed or the magnitude of emission reductions they must provide if an area fails to attain the CO NAAQS. Because section 186(b)(2) requires EPA to reclassify a moderate CO nonattainment area as a serious nonattainment area if the area does not attain the NAAQS for CO by December 31, 1995, EPA believes that one appropriate choice of contingency measures would be to provide for the implementation of sufficient VMT reductions or emissions reductions to counteract the effect of one year's growth in VMT while the state revises its SIP to incorporate all of the new requirements of a serious CO area.

The State of Washington has submitted a SIP revision to EPA in order to satisfy the requirements of section 172(c)(9) of the CAA. The contingency measure consists of revising the oxygenate requirement for the Spokane area to 3.5 percent oxygen for future control periods in the case of failure to attain or maintain NAAQS for CO. The control period is defined as September 1 through the last day of February.

Because it has not been determined that the Spokane CO nonattainment area attained the CO NAAQS by December 31, 1995, the Spokane County Air Pollution Control Authority (SCAPCA) implemented the 3.5 percent oxygen contingency measure for the 1996–1997 winter control period, commencing on September 1, 1996. It is important to note that EPA has proposed to determine that the Spokane CO nonattainment area did not attain the CO NAAQS by December 31, 1995, as required, and to reclassify the Spokane

CO nonattainment area as a ''serious'' nonattainment area. *See* 61 FR 33879, July 1, 1996.

At this time, EPA is proposing to approve the contingency measure as satisfying the requirements of section 172(c)(9), and as consistent with EPA guidance.

D. Transportation Control Measures (TCM) Deletions

EPA approved two TCMs as part of a SIP revision on March 22, 1982. One of the TCMs consisted of widening Rowan Avenue in Spokane to 44 feet from Alberta to Wall Streets, a total distance of 1.27 miles; the TCM also included the installation of traffic lights along Rowan Avenue. The second TCM consisted of constructing North River Drive in Spokane from Maple to Hamilton, a distance of 1.91 miles.

EPA, in its November 24, 1993, Final Rule on Transportation Conformity, stated that ''if obstacles to TCM implementation are not being overcome because it is impossible to do so, if State and local agencies are not giving maximum priority to TCMs which are behind schedule, or if the original sponsor or the cooperative planning process decides not to implement the TCM or decides to replace it with another TCM, a SIP revision which removes the TCM will be necessary before plans and TIPS may be found in conformity. In order to be approved by EPA, such a SIP revision must include substitute measures that achieve emissions reductions sufficient to meet all applicable requirements of the Clean Air Act, including section 110(l).'' *See* 58 FR 62198, November 24, 1993.

Washington has submitted documentation that a Spokane Regional Transportation Council analysis showed that, at the present time, the Rowan Avenue TCM would have, at best, neutral air-quality impacts and that the North River Drive TCM would have definite negative impacts. In addition, neither TCM will be used to demonstrate attainment. Therefore, no substitute measures are required.

At this time, EPA is proposing to approve the deletion of the two transportation control measures discussed herein.

E. Attainment Demonstration

The air quality planning requirements for moderate CO nonattainment areas set out in sections 186 and 187 of the CAAA include, for moderate areas with a design value greater than 12.7 ppm at the time of classification, a requirement for states to submit a SIP revision to provide for attainment of the CO NAAQS by the applicable attainment date and which includes a demonstration that the plan as revised will provide for such attainment. Washington submitted an Attainment Demonstration as part of its January 22, 1993, SIP revision, and revised the Attainment Demonstration in a submittal dated April 30, 1996. EPA proposed, on July 1, 1996 (61 FR 33879), to find that the Spokane, Washington, CO nonattainment area did not attain the CO NAAQS by the CAA mandated attainment date for moderate nonattainment areas, December 31, 1995, to reclassify the Spokane CO nonattainment area as a serious nonattainment area. EPA has not made a final determination as to this reclassification and is deferring action on approval of the attainment demonstration pending this decision.

F. Emissions Budget

For federal transportation conformity purposes, Washington submitted, as part of its April 30, 1996, SIP revision, an emission budget, the projected mobile source inventory (1995) used in the attainment demonstration. Because attainment has not been demonstrated (see discussion in (E) above), EPA is deferring action on the emission budget.

G. Reasonably Available Control Measures (RACM)/Reasonably Available Control Technology (RACT)

The January 22, 1993, SIP revision relating to RACM in Spokane was superseded by a revision submitted on December 9, 1994. This revision was approved by EPA on January 27, 1997. *See* 62 FR 3800. Satisfaction of the RACT requirements was acknowledged by EPA in 62 FR 3800, as well as having been approved earlier in the redesignation to attainment of the Puget Sound and Vancouver CO nonattainment areas. See 61 FR 53323, October 11, 1996, and 61 FR 54560. October 21, 1996.

H. New Source Review

The January 22, 1993, SIP revision relating to New Source Review was superseded by a revision submitted on March 8, 1994. This revision was approved by EPA on June 2, 1995. *See* 60 FR 28726.

I. Vehicle Emission Inspection and Maintenance Program

The January 22, 1993, SIP revision relating to the Vehicle Emission Inspection and Maintenance Program was superseded by a revision submitted on August 21, 1995. This revision was approved by EPA on September 25, 1996. *See* 61 FR 50235.

J. Oxygenated Fuels

The January 22, 1993, SIP revision relating to oxygenated fuels was approved by EPA on January 20, 1994. *See* 59 FR 2994.

K. Transportation Conformity

The January 22, 1993, SIP revision relating to transportation conformity was superseded by a revision submitted on May 10, 1994, which was further revised by a submittal dated November 30, 1995. EPA will act on this submittal separately from this action.

III. This Action

EPA is soliciting comments on its proposed approval of portions of the aforementioned revisions to the State of Washington Implementation Plan. 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. Comments postmarked on or before July 9, 1997 will be considered in the final rulemaking action taken by EPA.

IV. Administrative Review

A. Executive Order 12866

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

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 Clean Air Act do not create any new requirements but simply approve requirements that the state is already imposing. Therefore, because the federal SIP approval does not impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the

nature of the federal-state relationship under the CAA, preparation of a flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

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 by the rule.

EPA has determined that the approval action proposed for promulgation 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 proposes to approve pre-existing requirements under state or local law, and does not propose to impose new federal requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, would result from this action, if approved.

D. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a major rule as defined by 5 U.S.C. 804(2).

E. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 8, 1997. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Authority: 42 U.S.C. 7401–7671q.

Dated: May 27, 1997.

Chuck Clarke,

Regional Administrator.

[FR Doc. 97–14853 Filed 6–6–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[OR 56–7271; FRL–5837–1]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: EPA invites public comment on its proposed redesignation of the Portland, Oregon, carbon monoxide (CO) nonattainment area, which is located in parts of Multnomah, Washington, and Clackamas Counties in the State of Oregon, from nonattainment to attainment. EPA further proposes to approve the CO Maintenance Plan as a revision to the Oregon Department of Environmental Quality's (Oregon's) State Implementation Plan (SIP) which was submitted with Oregon's redesignation request. Under the Clean Air Act as amended in 1990 (CAA), designations can be revised if the State demonstrates full compliance with the redesignation requirements set forth in section 107(d)(3)(E) of the CAA.

EPA is proposing to approve the submitted Maintenance Plan as meeting the requirements of section 175A of the CAA; the 1990 base year emissions inventory as meeting the requirements of section 187(a)(1) of the CAA; and the 1991 attainment year (periodic) emissions inventories as meeting the requirements of section 187(a)(5) of the CAA.

DATES: Comments must be received in writing and postmarked on or before July 9, 1997.

ADDRESSES: Written comments should be addressed to Montel Livingston, SIP Manager, Office of Air Quality, M/S OAQ–107, EPA Region 10, 1200 Sixth Avenue, Seattle, Washington 98101. Copies of Oregon's submittals are available for public review during normal business hours at the following locations: EPA, Region 10, Office of Air Quality, M/S OAQ–107, 1200 Sixth Avenue, Seattle, Washington 98101; and the Oregon Department of Environmental Quality, 811 SW Sixth Avenue, Portland, Oregon 97204–1390, telephone (503) 229–5696.

FOR FURTHER INFORMATION CONTACT: William M. Hedgebeth of the EPA Region 10 Office of Air Quality at (206) 553–7369.

SUPPLEMENTARY INFORMATION:

I. Background

On March 15, 1991, the Governor of Oregon recommended that the Portland portion of the Portland-Vancouver Air Quality Maintenance Area be designated as nonattainment for CO as required by section 107(d)(1)(A) of the 1990 Clean Air Act Amendments (CAAA) (Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671(q)). The area was designated nonattainment and classified as ''moderate'' with a design value less than or equal to 12.7 parts per million (ppm) under the provisions outlined in sections 186 and 187 of the CAA. (See 56 FR 56694, November 6, 1991, codified at 40 CFR 81.338). On September 29, 1995, EPA approved the separation of the Portland-Vancouver CO nonattainment area into two distinct nonattainment areas, effective November 28, 1995. Because the Portland area had a design value of 9.8 ppm (based on 1988–1989 data), the area was considered moderate. The CAA established an attainment date of December 31, 1995, for all moderate CO areas. The Portland area has ambient monitoring data showing attainment of the CO National Ambient Air Quality Standard (NAAQS) since 1989. On August 30, 1996, Oregon submitted a CO redesignation request and a CO Maintenance Plan for the Portland area. Oregon submitted evidence that public hearings were held on May 22, 1996, in