

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5862-4]

Air Pollution Control; Proposed Action on Clean Air Act Grant to the Sacramento Metropolitan Air Quality Management District**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed determination with request for comments and notice of opportunity for public hearing.

SUMMARY: The U.S. EPA has made a proposed determination that reductions in expenditures of non-Federal funds for the Sacramento Metropolitan Air Quality Management District (SMAQMD) in Sacramento, California are a result of non-selective reductions in expenditures. This determination, when final, will permit the SMAQMD to keep the financial assistance awarded to it by EPA for FY-96 and to be awarded financial assistance for FY-97 by EPA under section 105(c) of the Clean Air Act (CAA).

DATES: Comments and/or requests for a public hearing must be received by EPA at the address stated below by August 22, 1997.

ADDRESSES: All comments and/or requests for a public hearing should be mailed to: Valerie Cooper, Grants and Program Integration Office AIR-8, Air Division, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105-3901; FAX (415)744-1076.

FOR FURTHER INFORMATION CONTACT: Valerie Cooper, Grants and Program Integration Office AIR-8, Air Division, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105-3901 at (415) 744-1237.

SUPPLEMENTARY INFORMATION: Under the authority of section 105 of the CAA, EPA provides financial assistance to the SMAQMD, whose jurisdiction includes Sacramento County in California, to aid in the operation of its air pollution control programs. In FY-95, EPA awarded the SMAQMD \$1,272,403 which represented approximately 14% of the SMAQMD's budget, and in FY-96 \$1,581,581 which represented approximately 16% of the SMAQMD's budget.

Section 105(c)(1) of the CAA, 42 U.S.C. 7405(c)(1), provides that "[n]o agency shall receive any grant under this section during any fiscal year when its expenditures of non-Federal funds for recurrent expenditures for air pollution control programs will be less than its expenditures were for such

programs during the preceding fiscal year. In order for [EPA] to award grants under this section in a timely manner each fiscal year, [EPA] shall compare an agency's prospective expenditure level to that of its second preceding year." EPA may still award financial assistance to an agency not meeting this requirement, however, if EPA, "after notice and opportunity for public hearing, determines that a reduction in expenditures is attributable to a non-selective reduction in the expenditures in the programs of all Executive branch agencies of the applicable unit of Government." CAA section 105(c)(2). These statutory requirements are repeated in EPA's implementing regulations at 40 CFR 35.210(a).

The SMAQMD is a single-purpose agency whose source of funding originates from several different sources as described below. It is the "unit of Government" for section 105 (c)(2) purposes. In its FY-96 section 105 application, the SMAQMD projected non-recurrent non-Federal expenditures (or its maintenance of effort (MOE)) of \$8,132,074 which included fees collected by SMAQMD for permits it issues under Title V of the CAA.¹ In January of 1997, however, the SMAQMD submitted to EPA documentation which shows that its actual FY-96 MOE was \$6,980,263 which is exclusive of Title V. This amount represents a shortfall of \$1,084,267 from the MOE of the preceding fiscal year (FY-95). In order for the SMAQMD to be eligible to keep its FY-96 grant and to be awarded an FY-97 grant, EPA must make a determination under section 105(c)(2).

In FY-96, the SMAQMD determined that its MOE would decrease because: (1) Revenue from Title V permit fees are not available for MOE purposes, (2) revenue from the Department of Motor Vehicles (DMV) decreased, (3) contributions from Sacramento, County are no longer available, (4) the Small Business Assistance Center is providing less funding to the District as well as to other State agencies.

The SMAQMD's MOE reductions resulted from circumstances beyond the District's control. EPA proposes to determine that the SMAQMD's lower FY-96 MOE level meets the section 105(c)(2) criteria as resulting from a non-selective reduction of expenditures. Pursuant to 40 CFR 35.210, this determination will allow the SMAQMD to keep the funds received from EPA for

¹ A CAA section 105 grantee's MOE may be reduced to reflect the transfer of activities to an EPA approved Title V program previously funded through section 105 grants. See 60 FR 366, 368 (January 4, 1995) and 40 CFR 35.205(b).

FY-96 and to be eligible for an FY-97 award.

This notice constitutes a request for public comment and an opportunity for public hearing as required by the Clean Air Act. All written comments received by August 22, 1997 on this proposal will be considered. EPA will conduct a public hearing on this proposal only if a written request for such is received by EPA at the address above by August 22, 1997. If no written request for a hearing is received, EPA will proceed to a final determination.

Dated: July 10, 1997.

David P. Howekamp,

Director, Air Division.

[FR Doc. 97-19395 Filed 7-22-97; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5862-3]

Notice of Meeting, Board of Scientific Counselors (BOSC), Subcommittee Review of the National Health and Environmental Effects Research Laboratory (NHEERL)**AGENCY:** Environmental Protection Agency.**ACTION:** Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Board of Scientific Counselors (BOSC) of the Office of Research and Development (ORD) will conduct a meeting on August 4 and 5, 1997. The Committee will review the activities of the National Health and Environmental Effects Research Laboratory (NHEERL) of the ORD. The focus of the session will be to assess the adequacy of the organization's scientific and technical efforts. The meeting will be held at the U.S. EPA's Environmental Research Center, Classroom number 3 starting at 9 am, on August 4 and 5, and ending no later than 5 pm on either day. The main laboratory telephone number is (919) 541-2282.

The meeting is open to the public, and seating is limited. Any member of the public wishing further information concerning the meeting should contact Randall C. Bond, Designated Federal Officer at (919) 541-2973. Those individuals requiring a copy of the Agenda should contact Ms. Nancy Fowler at (919) 541-1968. Members of the public wishing to make comments at the sessions should provide those comments to Mr. Bond no later than July 23, 1997. Comments will be limited