

indicated on the released portion of the record, at the place in the record the deletion is made if technically feasible, unless indicating the extent of the deletion would harm an interest protected by the exemption pursuant to which the deletion is made.

5. Section 2702.4 is revised to read as follows:

§ 2702.4 Materials available.

Materials which may be made promptly available from the Commission include, but are not limited to:

- (a) A guide for requesting records or publicly available information from the Commission;
- (b) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;
- (c) Indices providing identifying information to the public as to the opinions described in the preceding paragraph which may be relied upon, used, or cited as precedent;
- (d) Statements of policy and interpretations which have been adopted by the Commission and are not published in the **Federal Register**.

6. Section 2702.5(e) is revised to read as follows:

§ 2702.5 Fees applicable—categories of requesters.

* * * * *

(e) For purposes of paragraphs (b) through (d) of this section, whenever it reasonably appears that a requester, or a group of requesters acting in concert, is attempting to break down a single request into a series of requests relating to the same subject matter for the purpose of evading the assessment of fees, such requests will be aggregated and fees assessed accordingly.

7. In Section 2702.6 the first sentence of paragraph (a) and paragraphs (b) and (c) are revised to read as follows:

§ 2702.6 Fee schedule.

- (a) *Search fee.* The fee for searching for information and records shall be \$15 per hour for clerical time and \$30 per hour for professional time. * * *
- (b) *Review fee.* The review fee shall be charged for the initial examination by the Executive Director of documents located in response to a request in order to determine if they may be withheld from disclosure, and for the deletion of portions that are exempt from disclosure, but shall not be charged for review by the Chairman or the Commissioners. See § 2702.3. The review fee is \$45 per hour.
- (c) *Duplicating fee.* The copy fee for each page of paper up to 8½" x 14"

shall be \$.15 per copy per page. Any private section services required will be assessed at the charge to the Commission. The fee for copying computer tapes or discs, photographs, and other nonstandard documents will be the actual direct cost incurred by the Commission. If duplication charges are likely to exceed \$25, the requester shall be notified of the estimated amount of fees, unless the requester has indicated in advance his willingness to pay fees as high as those anticipated.

8. Section 2702.7(b) is revised to read as follows:

§ 2702.7 No fees; waiver or reduction of fees.

* * * * *

(b) Documents shall be furnished without any charge, or at a charge reduced below the fees otherwise applicable, if disclosure of the information is determined to be in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

* * * * *

Issued this 15th day of October, 1997 at Washington, D.C.

Mary Lu Jordan,
Chairman, Federal Mine Safety and Health Review Commission.

[FR Doc. 97-28206 Filed 10-23-97; 8:45 am]
BILLING CODE 6735-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CT-7202a; FRL-5902-2]

Approval and Promulgation of Implementation Plans; Connecticut

AGENCY: Environmental Protection Agency (EPA).
ACTION: Direct final rule.

SUMMARY: The EPA today is approving State Implementation Plan (SIP) revisions submitted by the State of Connecticut. These revisions consist of 1990 base year ozone emission inventories, and establishment of a Photochemical Assessment Monitoring System (PAMS) network.

The inventories were submitted by Connecticut to satisfy a Clean Air Act (CAA) requirement that States containing ozone nonattainment areas submit inventories of actual ozone precursor emissions in accordance with guidance from the EPA. The ozone emission inventories submitted by

Connecticut are for the State's portion of the New York, New Jersey, Connecticut severe area, and the greater Hartford serious area. The PAMS SIP revision was submitted to satisfy the requirements of the CAA and the PAMS regulations. The intended effect of this action is to approve as a revision to the Connecticut SIP the state's 1990 base year ozone emission inventories, and to approve the PAMS network into the State's SIP.

DATES: This action is effective on December 23, 1997 unless EPA receives adverse or critical comments by November 24, 1997. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments on this action should be addressed to Susan Studlien, Deputy Director, Office of Ecosystem Protection, Environmental Protection Agency, Region I, JFK Federal Building, Boston, Massachusetts, 02203. Copies of the documents relevant to this action are available for public inspection during normal business hours at the EPA Region I office, and at the Connecticut Department of Environmental Protection, Bureau of Air Management, 79 Elm Street, Hartford, CT 06106-1630. Persons interested in examining these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.
FOR FURTHER INFORMATION CONTACT: Robert F. McConnell, Air Quality Planning Group, EPA Region I, JFK Federal Building, Boston, Massachusetts, 02203; telephone (617) 565-9266.

SUPPLEMENTARY INFORMATION: Connecticut submitted its 1990 base year emission inventories of ozone precursors to the EPA on January 13, 1994, as a revision to the State's SIP. Revisions to the inventories were received on February 3, 1994, and February 16, 1995. Connecticut submitted a SIP revision establishing a PAMS network into the State's overall ambient air quality monitoring network on March 2, 1995. This notice is divided into four parts:

- I. Background Information
- II. Analysis of State Submission
- III. Final Action
- IV. Administrative Requirements

I. Background Information

1. Emission Inventory

Under the CAA as amended in 1990, States have the responsibility to inventory emissions contributing to NAAQS nonattainment, to track these emissions over time, and to ensure that control strategies are being implemented

that reduce emissions and move areas towards attainment. The CAA requires ozone nonattainment areas designated as moderate, serious, severe, and extreme to submit a plan within three years of 1990 to reduce volatile organic compound (VOC) emissions by 15 percent within six years after 1990. The baseline level of emissions, from which the 15 percent reduction is calculated, is determined by adjusting the base year inventory to exclude biogenic emissions, non-reactive VOC emissions that do not form ozone, and to exclude certain emission reductions not creditable towards the 15 percent. The 1990 base year emissions inventory is the primary inventory from which the periodic inventory, the Reasonable Further Progress (RFP) projection inventory, and the modeling inventory are derived. Further information on these inventories and their purpose can be found in the "Emission Inventory Requirements for Ozone State Implementation Plans," U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina, March 1991. The base year inventory may also serve as part of statewide inventories for purposes of regional modeling in transport areas. The base year inventory plays an important role in modeling demonstrations for areas classified as moderate and above.

The air quality planning requirements for marginal to extreme ozone nonattainment areas are set out in section 182(a)-(e) of title I of the CAA. The EPA has issued a General Preamble describing the EPA's preliminary views on how the agency intends to review SIP revisions submitted under title I of the Act, including requirements for the preparation of the 1990 base year inventory (see 57 FR 13502 (April 16, 1992) and 57 FR 18070 (April 28, 1992)). In this action EPA will rely on the General Preamble's interpretation of the CAA, and the reader should refer to the General Preamble for a more detailed discussion of the interpretations of title I advanced in today's rule and the supporting rationale.

Those States containing ozone nonattainment areas classified as marginal to extreme are required under section 182(a)(1) of the CAA to submit a final, comprehensive, accurate, and current inventory of actual ozone season, weekday emissions from all sources within 2 years of enactment (November 15, 1992). This inventory is for calendar year 1990 and is denoted as the base year inventory. It includes both anthropogenic and biogenic sources of

volatile organic compound (VOC), nitrogen oxides (NO_x), and carbon monoxide (CO). The inventory is to address actual VOC, NO_x, and CO emissions for the area during a peak ozone season, which is generally comprised of the summer months. All stationary point and area sources, as well as mobile sources within the nonattainment area, are to be included in the compilation. Available guidance for preparing emission inventories is provided in the General Preamble (57 FR 13498 (April 16, 1992)).

2. PAMS Network

On March 2, 1995, the Connecticut Department of Environmental Protection (DEP) submitted to the EPA a SIP revision incorporating PAMS into the ambient air quality monitoring network of State or Local Air Monitoring Stations (SLAMS) and National Air Monitoring Stations (NAMS). The State will establish and maintain PAMS as part of its overall ambient air quality monitoring network.

Section 182(c)(1) of the CAA and the General Preamble (57 FR 13515) require that the EPA promulgate rules for enhanced monitoring of ozone, NO_x, and VOCs no later than 18 months after the date of the enactment of the Act. These rules will provide a mechanism for obtaining more comprehensive and representative data on ozone air pollution in areas designated nonattainment and classified as serious, severe, or extreme.

The final PAMS rule was promulgated by the EPA on February 12, 1993 (58 FR 8452). Section 58.40(a) of the revised rule requires the State to submit a PAMS network description, including a schedule for implementation, to the Administrator within six months after promulgation or by August 12, 1993. Further, § 58.20(f) requires the State to provide for a PAMS network within nine months after promulgation of the final rule or by November 12, 1993.

On October 14, 1993, the Connecticut DEP submitted a draft PAMS network plan. The EPA reviewed the submittal and informed the State it was approvable and met the requirements of section 58.40(a) via a letter dated July 21, 1994. On March 2, 1995, Connecticut submitted a formal amendment to the SIP regarding PAMS Air Quality Monitoring. A letter finding the submittal complete was sent to the State on April 24, 1995. Since network descriptions may change annually, they are not part of the SIP as recommended by the document, "Guideline for the Implementation of the Ambient Air Monitoring Regulations, 40 CFR part

58" (EPA-450/4-78-038, OAQPS, November 1979).

Ambient air quality monitoring network descriptions undergo annual system reviews as required by 40 CFR section 58.20(d). The review covers the SLAMS, National Air Monitoring Station (NAMS) and PAMS networks. In addition, 40 CFR section 58.25 pertaining to SLAMS, section 58.36 pertaining to NAMS, and section 58.46 pertaining to PAMS each require that any changes to the network description as identified during the annual review must be approved by EPA.

The Connecticut PAMS SIP revision is intended to meet the requirements of section 182(c)(1) of the Act and to comply with the PAMS regulations, codified at 40 CFR part 58. The Connecticut DEP held a public hearing on the PAMS SIP revision on January 7, 1994.

II. Analysis of State Submission

1. Emission Inventory

A. Procedural Background

The Act requires States to observe certain procedural requirements in developing emission inventory submissions to the EPA. Section 110(a)(2) of the Act provides that each emission inventory submitted by a State must be adopted after reasonable notice and public hearing.¹ Final approval of the inventory will not occur until the State revises the inventory to address public comments. Changes to the inventory that impact the 15 percent reduction calculation and require a revised control strategy will constitute a SIP revision. EPA created a "de minimis" exception to the public hearing requirement for minor changes. EPA defines "de minimis" for such purposes to be those in which the 15 percent reduction calculation and the associated control strategy or the maintenance plan showing, do not change. States will aggregate all such "de minimis" changes together when making the determination as to whether the change constitutes a SIP revision. The State will need to make the change through the formal SIP revision process, in conjunction with the change to the control measure or other SIP programs.² Section 110(a)(2) of the Act similarly

¹ Also Section 172(c)(7) of the Act requires that plan provisions for nonattainment areas meet the applicable provisions of section 110(a)(2).

² Memorandum from John Calcagni, Director, Air Quality Management Division, and William G. Laxton, Director, Technical Support Division, to Regional Air Division Directors, Region I-X, "Public Hearing Requirements for 1990 Base-Year Emission Inventories for Ozone and Carbon Monoxide Nonattainment Areas," September 29, 1992.

provides that each revision to an implementation plan submitted by a State under the Act must be adopted by such State after reasonable notice and public hearing.

On January 13, 1994, Connecticut submitted to the EPA as a SIP revision the 1990 base year inventories for its two ozone nonattainment areas. Prior to the State's submittal of final inventories, the State had submitted draft inventories to EPA for review during July, August, and October 1992. EPA reviewed the draft inventories and sent comments to the state by letter dated November 20, 1992. Revised inventories were submitted to EPA in January and May of 1993 which addressed many of EPA's comments. The State held a public hearing on the inventory on July 20, 1993. EPA reviewed the May submittal and provided comments to the State through the hearing process by letter dated August 30, 1993. These comments included comments developed by an EPA contractor's review of the Connecticut inventories. The contractor's comments are summarized within a report dated April 16, 1993. Connecticut submitted its final 1990 base year emission inventories as revisions to the State's SIP on January 13, 1994. Additional revisions were submitted on February 3, 1994, and February 16, 1995.

The EPA Region I Office has compared the final Connecticut inventories with the deficiencies noted in the various comment letters and concluded that the State has adequately addressed the issues presented in the comment letters.

B. Emission Inventory Review

Section 110(k) of the CAA sets out provisions governing the EPA's review of base year emission inventory submittals in order to determine approval or disapproval under section 182(a)(1) (see 57 FR 13565-13566 (April 16, 1992)). The EPA is approving the Connecticut ozone base year emission inventories based on the Level I, II, and III review findings. This section outlines the review procedures performed to determine if the base year emission inventories are acceptable or should be disapproved.

The Level I and II review process is used to determine that all components of the base year inventory are present. The review also evaluates the level of supporting documentation provided by the State and assesses whether the emissions were developed according to current EPA guidance.

The Level III review process is outlined here and consists of 10 points that the inventory must include. For a

base year emission inventory to be acceptable it must pass all of the following acceptance criteria:

1. An approved Inventory Preparation Plan (IPP) was provided and the QA program contained in the IPP was performed and its implementation documented.

2. Adequate documentation was provided that enabled the reviewer to determine the emission estimation procedures and the data sources used to develop the inventory.

3. The point source inventory must be complete.

4. Point source emissions must have been prepared or calculated according to the current EPA guidance.

5. The area source inventory must be complete.

6. The area source emissions must have been prepared or calculated according to the current EPA guidance.

7. Biogenic emissions must have been prepared according to current EPA guidance or another approved technique.

8. The method (e.g., Highway Performance Modeling System or a network transportation planning model) used to develop vehicle miles travelled (VMT) estimates must follow EPA guidance, which is detailed in the document, "Procedures for Emission Inventory Preparation, Volume IV: Mobile Sources," U.S. Environmental Protection Agency, Office of Mobile Sources and Office of Air Quality Planning and Standards, Ann Arbor, Michigan, and Research Triangle Park, North Carolina, December 1992.

9. The MOBILE model (or EMFAC model for California only) was correctly used to produce emission factors for each of the vehicle classes.

10. Non-road mobile emissions were prepared according to current EPA guidance for all of the source categories.

The base year emission inventory will be approved if it passes Levels I, II, and III of the review process. Detailed Level I and II review procedures can be found in "Quality Review Guidelines for 1990 Base Year Emission Inventories," U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, July 27, 1992. Level III review procedures are specified in EPA memoranda noted in the margin.³

The emission inventories prepared by Connecticut for its two, serious ozone

nonattainment areas meet each of Level III's ten criteria. Documentation of the EPA's evaluation, including details of the review procedure, is contained within the technical support document prepared for the Connecticut 1990 base year inventory, which is available to the public as part of the docket supporting this action.

2. PAMS Network

The Connecticut PAMS SIP revision will provide the State with the authority to establish and operate the PAMS sites, will secure State funds for PAMS, and will provide the EPA with the authority to enforce the implementation of PAMS, since its implementation is required by the Act.

The criteria used to review the proposed SIP revision are derived from the PAMS regulations, codified at 40 CFR Part 58, and are included in "Guideline for the Implementation of the Ambient Air Monitoring Regulations, 40 CFR part 58" (EPA-450/4-78-038, Office of Air Quality Planning and Standards, November 1979), the September 2, 1993, memorandum from G. T. Helms entitled, "Final Boilerplate Language for the PAMS SIP Submittal," the CAA, and the General Preamble.

The September 2, 1993, Helms memorandum stipulates that the PAMS SIP, at a minimum, must:

1. Provide for monitoring of criteria pollutants, such as ozone and nitrogen dioxide and non-criteria pollutants, such as nitrogen oxides, speciated VOCs, including carbonyls, as well as meteorological parameters;

2. Provide a copy of the approved (or proposed) PAMS network description, including the phase-in schedule, for public inspection during the public notice and/or comment period provided for in the SIP revision or, alternatively, provide information to the public upon request concerning the State's plans for implementing the rules;

3. Make reference to the fact that PAMS will become a part of the State or local air monitoring stations (SLAMS) network;

4. Provide a statement that SLAMS will employ Federal reference methods (FRM) or equivalent methods while most PAMS sampling will be conducted using methods approved by the EPA.

The Connecticut PAMS SIP revision provides that the State will implement PAMS as required in 40 CFR part 58, as amended February 12, 1993. The State will amend its SLAMS and its NAMS monitoring systems to include the PAMS requirements. It will develop its PAMS network design and establish monitoring sites pursuant to 40 CFR

³Memorandum from J. David Mobley, Chief, Emissions Inventory Branch, to Air Branch Chiefs, Region I-X, "Final Emission Inventory Level III Acceptance Criteria," October 7, 1992; and memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, to Regional Air Division Directors, Region I-X, "Emission Inventory Issues," June 24, 1993.

part 58 in accordance with an approved network description and as negotiated with the EPA through the 105 grant process on an annual basis. The State has begun implementing its PAMS network as required in 40 CFR part 58.

The Connecticut PAMS SIP revision also includes a provision to meet quality assurance requirements as contained in 40 CFR part 58, Appendix A. The State's SIP revision also assures EPA that the PAMS monitors will meet monitoring methodology requirements contained in

40 CFR part 58, Appendix C. Lastly, the State's SIP revision requires that the Connecticut PAMS network will be phased in over a period of five years as required in 40 CFR 58.44. The State's PAMS SIP submittal and the EPA's technical support document are available for viewing at the EPA Region I Office as outlined under the ADDRESSES section of this Federal Register document. The Connecticut PAMS SIP submittal is also available for viewing at the Connecticut State Office

as outlined under the ADDRESSES section of this Federal Register document.

III. Final Action

1. Emission Inventory

Connecticut has submitted complete inventories containing point, area, biogenic, on-road mobile, and non-road mobile source data, and accompanying documentation. Emissions from these sources are presented in the following table:

VOC⁴

[Ozone Seasonal Emissions in Tons Per Day]

NAA	Area source emissions	Point source emissions	On-road mobile emissions	Non-road mobile emissions	Biogenic	Total emissions
NY-NJ-CT	59.42	8.67	43.83	20.95	54.41	187.28
Hartford	178.05	33.74	127.12	78.44	383.39	800.74

⁴Note that these VOC inventory numbers include emissions of perchloroethylene. EPA has determined that perchloroethylene is photochemically non-reactive and does not significantly contribute to ozone production. Therefore, these inventory numbers have been adjusted to remove emissions of this compound in the proposed conditional approval of Connecticut's 15 percent plans published elsewhere in today's FEDERAL REGISTER.

NO_x

[Ozone Seasonal Emissions in Tons Per Day]

NAA	Area source emissions	Point source emissions	On-road mobile emissions	Non-road mobile emissions	Biogenic	Total emissions
NY-NJ-CT	2.73	43.72	55.73	15.73	NA	117.91
Hartford	8.07	87.31	175.56	82.61	NA	353.55

CO

[Ozone Seasonal Emissions in Tons Per Day]

NAA	Area source emissions	Point source emissions	On-road mobile emissions	Non-road mobile emissions	Biogenic	Total emissions
NY-NJ-CT	3.51	13.09	356.87	165.52	NA	538.99
Hartford	10.90	20.30	1,032.9	530.41	NA	1,594.51

Connecticut has satisfied all of the EPA's requirements for providing a comprehensive, accurate, and current inventory of actual ozone precursor emissions in the Connecticut portion of the NY-NJ-CT severe area and the Hartford serious ozone nonattainment area. The inventories are complete and approvable according to the criteria set out in the November 12, 1992 memorandum from J. David Mobley, Chief Emission Inventory Branch, TSD to G. T. Helms, Chief Ozone/Carbon Monoxide Programs Branch, AQMD. In today's final action, the EPA is approving the SIP 1990 base year ozone emission inventories submitted by Connecticut for the state's portion of the NY-NJ-CT severe area and the Hartford serious nonattainment area as meeting

the requirements of section 182(a)(1) of the CAA.

2. PAMS Network

In today's action, the EPA is fully approving the revision to the Connecticut ozone SIP for PAMS.

The EPA is publishing these actions without prior proposal because the Agency views them as noncontroversial amendments and anticipates no adverse comments. However, in a separate document in this Federal Register publication, the EPA is proposing to approve these SIP revisions and is soliciting public comment on them. This action will be effective December 23, 1997 unless, by November 24, 1997, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final actions. All public comments received will be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective December 23, 1997.

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.

IV. Administrative Requirements

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 Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

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 promulgated does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

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 Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 23, 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).) EPA encourages interested parties to comment in response to the proposed rule rather than petition for judicial review, unless the objection arises after the comment period allowed for in the proposal.

List of Subjects in 40 CFR Part 52

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

Note: Incorporation by reference of the State Implementation Plan for the State of Connecticut was approved by the Director of the **Federal Register** on July 1, 1982.

Dated: September 19, 1997.

John P. DeVillars,

Regional Administrator, Region I.

40 CFR Part 52 is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7641q.

Subpart H—Connecticut

2. Section 52.370 is amended by adding paragraph (c)(74) to read as follows:

* * * * *

§ 52.370 Identification of plan.

(c) * * *

(74) A revision to the Connecticut SIP regarding ozone monitoring. Connecticut will modify its SLAMS and its NAMS monitoring systems to include a PAMS network design and establish monitoring sites. Connecticut's SIP revision satisfies 40 CFR 58.20(f) PAMS requirements.

(i) Incorporation by reference.

(A) PAMS SIP Commitment Narrative, which incorporates PAMS into the ambient air quality monitoring network of State or Local Air Monitoring Stations (SLAMS) and National Air Monitoring Stations (NAMS).

(ii) Additional material.

(A) Letter from the Connecticut Department of Environmental Protection dated March 2, 1995 submitting a revision to the Connecticut State Implementation Plan.

3. Section 52.384 is added to read as follows:

§ 52.384 Emission inventories.

(a) The Governor's designee for the State of Connecticut submitted the 1990 base year emission inventories for the Connecticut portion of the New York-New Jersey-Connecticut severe ozone nonattainment area and the Hartford serious ozone nonattainment area on January 13, 1994 as revisions to the State's Implementation Plan (SIP). Revisions to the inventories were submitted on February 3, 1994 and February 16, 1995. The 1990 base year emission inventory requirement of section 182(a)(1) of the Clean Air Act, as amended in 1990, has been satisfied for these areas.

(b) The inventories are for the ozone precursors which are volatile organic compounds, nitrogen oxides, and carbon monoxide. The inventories

covers point, area, non-road mobile, on-road mobile, and biogenic sources.

(c) Taken together, the Connecticut portion of the New York-New Jersey-Connecticut severe nonattainment area and the Hartford serious nonattainment area encompass the entire geographic area of the State.

[FR Doc. 97-27855 Filed 10-23-97; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region II Docket No. NY22-1-163, FRL-5913-7]

Approval and Promulgation of Implementation Plans; New York; Motor Vehicle Inspection and Maintenance Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final rule.

SUMMARY: EPA is granting interim approval of a State Implementation Plan (SIP) revision submitted by New York. This revision establishes and requires the implementation of an enhanced inspection and maintenance (I/M) program in the counties of the Bronx, Kings, Nassau, New York, Queens, Richmond, Rockland, Suffolk (except Fisher's Island), and Westchester Counties. The intended effect of this action is to give interim approval to the State's proposed enhanced I/M program for an interim period to last 18 months. This action is being taken under section 110 of the Clean Air Act and section 348 of the National Highway System Designation Act.

EFFECTIVE DATE: This rule will be effective November 24, 1997.

ADDRESSES: Copies of the State's submittal are available at the following addresses for inspection during normal business hours at the following locations: Environmental Protection Agency, Region II Office, Air Programs Branch, 290 Broadway, 25th Floor, New York, New York 10007-1866 and New York State Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233.

FOR FURTHER INFORMATION CONTACT: Rudolph K. Kapichak, Mobile Source Team Leader, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007-1866, (212) 637-4249.

SUPPLEMENTARY INFORMATION:

I. Background

On November 27, 1996, (61 FR 60242) EPA proposed conditional interim approval of New York's enhanced I/M program. New York submitted revisions to the existing program on March 27, 1996 to satisfy applicable requirements of the Clean Air Act (CAA) and the National Highway System Designation Act of 1995 (NHSDA).

The NHSDA directs EPA to grant interim approval for a period of 18 months to approvable I/M submittals. The NHSDA also directs EPA and the states to review the interim program results at the end of the 18-month period and to make a determination as to the effectiveness of the interim program. Following this demonstration, EPA will adjust any credit claims made by the state in its good faith estimate to reflect the emissions reductions actually measured by the state during the program evaluation period. The NHSDA is clear that the interim approval shall last for only 18 months and that the program evaluation is due to EPA at the end of that period. Therefore, EPA believes that Congress intended for these programs to start-up as soon as possible, which EPA had believed should have been on or before November 15, 1997, so that at least six months of operational program data can be collected to evaluate the interim programs. EPA believes that in setting such a strict timetable for program evaluations under the NHSDA, Congress recognized and attempted to mitigate any further delay with the start-up of these programs.

Since publication of New York's proposed conditional approval, the State presented new information that led EPA to believe that "as soon as practicable" is not November 15, 1997 for New York. As a result, EPA recognizes New York's intent to start the program as soon as possible, but no later than November 15, 1998. In recognizing this later start date, EPA considered a number of issues related to the start of this program. Specifically:

• Emission Credits

Most I/M programs currently planned are requiring biennial inspections, however, New York will require annual inspections. As a result, New York will complete one full cycle of inspections, as will other states with biennial programs, by November 1999. This will allow New York to achieve all of the I/M program related emission reduction credits claimed in the 15 percent plan and the 9 percent rate-of-progress (ROP) plan. New York submitted these plans

on September 4, 1997. EPA will take action on the State's 15 percent and 9 percent ROP plans at a later date.

• Revisions to the Test Procedure and Equipment Specifications

On December 17, 1996, New York held a kickoff meeting with test equipment vendors and potential bidders to discuss the State's requirements regarding time of delivery and adherence to the State's standard of performance. As a result, the State asked that by April 1, 1997 vendors express their interest in providing such test equipment prior to the November 15, 1997 program start date required by EPA. None of the vendors expressed such interest, and in fact considered the schedule time-constrained and unfeasible. This forced the State to reevaluate its overall program development plans and ultimately led New York to abandon its requirement for vendors to adhere to a standard of performance for the test equipment.

• Potential Benefits to Other States

The State has developed a new transient test procedure that provides mass emission measurement results (similar to IM240) with less expensive analyzer equipment generally associated with Acceleration Simulation Mode (ASM) testing. Development of this new test procedure has taken considerable time and effort on the part of New York. A mass emissions transient test (METT), like the one developed by New York, captures overall vehicle emissions during a simulated trip while an ASM test uses one constant speed and load. As a result, the "NYTEST" procedure has the potential for significant cost savings and may provide other states with another viable transient test procedure.

• Network Size

New York anticipates that 2,500 to 3,000 test-and-repair stations will need to be retrofitted to accommodate testing of the downstate vehicle fleet, which is approximately five million vehicles. Given that other states have begun program implementation and are further along in this process, New York will need to compete for similar equipment from a very limited number of sources. As a result, the magnitude of this program will require a longer phase-in period to ensure that sufficient stations are properly equipped prior to program start up.

If New York fails to start its program according to the schedule described in this notice, the interim approval granted under the provisions of the NHSDA, which allows the State to take full credit