

Emissions Inventory," dated November 1992.

(C) Two letters dated April 30, 1996, from Washington to EPA submitting two revisions to the SIP; "Supplement to A Plan for Attaining and Maintaining National Ambient Air Quality Standards for the Spokane Carbon Monoxide Nonattainment Area," dated March 1995; and "Supplement to the State Implementation Plan for Washington State, Spokane County Carbon Monoxide Nonattainment Area, Supplement 1 of 2," replacement pages for Sections 2.5 and 6.2 of Section 4.5.2.CO.1 of the State Implementation Plan, dated January 1996; "Supplement to the State Implementation Plan for Washington State, Spokane County Carbon Monoxide Nonattainment Area, Supplement 2 of 2," new Section 10.0, Contingency Measures, of Section 4.5.2.CO.1 of the State Implementation Plan, dated January 1996; and Spokane County Air Pollution Control Authority Motor Fuel Specifications for Oxygenated Gasoline, Regulation I, Article VI, Section 6.16, adopted July 6, 1995.

(ii) Additional material.

(A) Letter of September 29, 1995, submitting CO Periodic Emission Inventory Reports; "Spokane County Carbon Monoxide Nonattainment Area, 1993 Periodic Update Emissions Inventory," dated September 1995.

3. In § 52.2479 the table is amended by revising Section 2.2.415 to read as follows:

§ 52.2479 Contents of the federally approved, State submitted implementation plan.

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Washington State Implementation Plan for Air Quality; State and Local Requirements

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[CO-001-0006a & CO-001-0021a; FRL-5934-2]

Clean Air Act Approval and Promulgation of PM₁₀ Implementation Plan for Colorado; Designation of Areas for Air Quality Planning Purposes; Steamboat Springs

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA approves the State implementation plan (SIP) submitted by the State of Colorado to achieve attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM₁₀), including among other things, control measures, technical analyses, quantitative milestones and contingency measures. The SIP was submitted by the Governor of Colorado with a letter dated September 16, 1997 to satisfy certain Federal requirements for an approvable SIP for the Steamboat Springs, Colorado moderate PM₁₀ nonattainment area, as designated effective January 20, 1994. In addition, EPA approves the Steamboat Springs emergency episode plan. EPA also amends the boundary for the Steamboat Springs nonattainment area to clarify the original description.

DATES: This action is effective on March 2, 1998 unless adverse comments are received by January 30, 1998. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments should be addressed to: Richard R. Long, Director, Air Program, EPA Region VIII at the address listed below. Copies of the State's submittal and other information are available for inspection during normal business hours at the following locations: Air Program, Environmental Protection Agency, Region VIII, 999 18th Street, suite 500, Denver, Colorado 80202-2405; and Colorado Department of Public Health and Environment, Air Pollution Control Division, 4300 Cherry Creek Drive South, Denver, Colorado 80222-1530.

FOR FURTHER INFORMATION CONTACT: Amy Platt, 8P2-A, Environmental Protection Agency, Region VIII, 999 18th Street, suite 500, Denver, Colorado 80202-2466, (303) 312-6449.

SUPPLEMENTARY INFORMATION:

I. Background

The Steamboat Springs, Colorado area was designated nonattainment for PM₁₀ and classified as moderate under section 107(d)(3) of the Clean Air Act, on December 21, 1993.¹ See 57 FR 43846 (September 22, 1992), 58 FR 67334 (December 21, 1993) and 40 CFR 81.306 (Routt County (part)). The Steamboat Springs designation became effective on January 20, 1994. The air quality planning requirements for moderate PM₁₀ nonattainment areas² are set out in Subparts 1 and 4 of Title I of the Act.³ EPA has issued a "General Preamble" describing EPA's preliminary views on how EPA intends to review SIPs and SIP revisions submitted under Title I of the Act, including those State submittals containing moderate PM₁₀ nonattainment area SIP requirements (see generally 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992)). Because EPA is describing its interpretations here only in broad terms, the reader should refer to the General Preamble for a more detailed discussion of the interpretations of title I advanced in this document and the supporting rationale. In this document and supporting rationale, EPA is applying its interpretations considering the specific factual issues presented.

A State containing a moderate PM₁₀ nonattainment area designated after the 1990 Amendments is required to submit, among other things, the following provisions within 18 months of the effective date of the designation (*i.e.*, these provisions were due for the Steamboat Springs area by July 20, 1995):

1. Provisions to assure that reasonably available control measures (RACM) (including such reductions in emissions

¹ The 1990 Amendments to the Clean Air Act made significant changes to the Act. See Pub. L. 101-549, 104 Stat. 2399. References herein are to the Clean Air Act, as amended ("the Act"). The Clean Air Act is codified, as amended, in the U.S. Code at 42 U.S.C. 7401, *et seq.*

² The requirements which are the subject of this document arise under the pre-existing PM NAAQS. EPA promulgated a new PM NAAQS on July 18, 1997, which became effective on September 16, 1997.

³ Subpart 1 contains provisions applicable to nonattainment areas generally and Subpart 4 contains provisions specifically applicable to PM₁₀ nonattainment areas. At times, Subpart 1 and Subpart 4 overlap or conflict. EPA has attempted to clarify the relationship among these provisions in the "General Preamble" and, as appropriate, in today's notice and supporting information.

from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology (RACT) shall be implemented no later than four years after designation (*i.e.*, January 20, 1998 for Steamboat Springs);

2. Either a demonstration (including air quality modelling) that the plan will provide for attainment as expeditiously as practicable but no later than the end of the sixth calendar year after the effective date of designation (*i.e.*, December 31, 1999 for Steamboat Springs), or a demonstration that attainment by that date is impracticable;

3. Quantitative milestones which demonstrate reasonable further progress (RFP) toward the attainment date (*i.e.*, December 31, 1999 for Steamboat Springs). Since the SIP for a new nonattainment area is due 18 months after the area is designated as nonattainment, the first 3-year milestone is to be achieved 4 1/2 years after nonattainment designation (*i.e.*, July 20, 1998 for Steamboat Springs) and the second milestone must be achieved three years after the first milestone or 7 1/2 years after nonattainment designation (*i.e.*, July 20, 2001 for Steamboat Springs);

4. Provisions to assure that the control requirements applicable to major stationary sources of PM₁₀ also apply to major stationary sources of PM₁₀ precursors except where the Administrator determines that such sources do not contribute significantly to PM₁₀ levels which exceed the NAAQS in the area. See sections 172(c), 188, and 189 of the Act; and

5. Contingency measures which consist of other available measures that are not part of the area's control strategy. These measures must take effect without further action by the State or EPA, upon EPA's determination that the area has failed to make RFP or attain the PM₁₀ NAAQS by the applicable deadline. See section 172(c)(9) of the Act.

II. This Action

Section 110(k) of the Act sets out provisions governing EPA's review of SIP submittals (see 57 FR 13565-13566). The Governor of Colorado submitted the Steamboat Springs PM₁₀ SIP with a letter dated September 16, 1997. The Steamboat Springs moderate nonattainment area plan includes, among other things, technical analyses, control measures to satisfy the RACM requirement, a demonstration (including air quality modelling) that attainment and maintenance of the PM₁₀ NAAQS will be achieved by the required dates, and enforceability documentation. In this final rulemaking, EPA announces

its approval of those elements of the Steamboat Springs PM₁₀ SIP which were due on July 20, 1995 and submitted on September 16, 1997.

In addition, EPA has determined that major sources of precursors of PM₁₀ do not contribute significantly to PM₁₀ levels in excess of the NAAQS in Steamboat Springs.⁴

Finally, EPA is amending the nonattainment area boundary description for Steamboat Springs in order to clarify the original description.

A. Analysis of State Submission

1. Procedural Background

The Act requires States to observe certain procedural requirements in developing implementation plans and plan revisions for submission to EPA. Section 110(a)(2) of the Act provides that each implementation plan submitted by a State must be adopted after reasonable notice and public hearing.⁵ Section 110(l) of the Act similarly 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.

EPA also must determine whether a submittal is complete and therefore warrants further EPA review and action (see section 110(k)(1) and 57 FR 13565). EPA's completeness criteria for SIP submittals are set out at 40 CFR part 51, appendix V. EPA attempts to make completeness determinations within 60 days of receiving a submission. However, a submittal is deemed complete by operation of law if a completeness determination is not made by EPA six months after receipt of the submission.

To entertain public comment on the PM₁₀ implementation plan for Steamboat Springs, the Steamboat Springs City Council and the Routt County Commission held public hearings on June 6, 1995 and June 12, 1995, respectively. The State of Colorado, after providing adequate public notice, held a public hearing on September 21, 1995. After considering all public comments and following the public hearing, the Steamboat Springs PM₁₀ SIP was adopted by the Colorado Air Quality Control Commission (AQCC). The Steamboat Springs PM₁₀

⁴The consequences of this finding are to exclude these sources from the applicability of PM₁₀ nonattainment area control requirements. Note that EPA's finding is based on the current character of the area including, for example, the existing mix of sources in the area. It is possible, therefore, that future growth could change the significance of precursors in the area.

⁵Also Section 172(c)(7) of the Act requires that plan provisions for nonattainment areas meet the applicable provisions of Section 110(a)(2).

SIP was submitted by the Governor in a letter dated August 7, 1996. The Steamboat Springs PM₁₀ SIP was reviewed by EPA to determine completeness in accordance with the completeness criteria set out at 40 CFR part 51, appendix V. The submittal was found to be complete and a letter dated August 29, 1996 was forwarded to the Governor indicating the completeness of the submittal and the next steps in the review process.

Subsequently, the Steamboat Springs City Council and the Routt County Commission held public hearings on extensive revisions to the Steamboat Springs PM₁₀ SIP on September 17, 1996 and approved the revisions. The Colorado AQCC conducted a public hearing on the revised SIP on October 17, 1996 and adopted the revisions. In a January 31, 1997 letter from Margie Perkins, Air Pollution Control Division (APCD), to Richard Long, EPA, the State requested that EPA Region VIII delay processing of the original Steamboat Springs SIP submitted with the August 7, 1996 Governor's letter. The reason provided for the request was that the substantial revisions adopted on October 17, 1996 made the original SIP and regulations obsolete. These revisions were submitted by the Governor with a letter dated September 16, 1997, and the State requested that this documentation completely replace the August 7, 1996 submittal.

The September 16, 1997 Steamboat Springs PM₁₀ SIP submittal was reviewed by EPA to determine completeness in accordance with the completeness criteria set out at 40 CFR part 51, appendix V. The submittal was found to be complete and an October 20, 1997 letter was forwarded to the Governor indicating the completeness of the submittal and the next steps in the review process.

As requested by the State, this rulemaking action is specific to the September 16, 1997 submittal.

2. Accurate Emission Inventory

Section 172(c)(3) of the Act requires that nonattainment plan provisions include a comprehensive, accurate, current inventory of actual emissions from all sources of relevant pollutants in the nonattainment area. The emission inventory also should include a comprehensive, accurate, and current inventory of allowable emissions in the area. See, for example, section 110(a)(2)(K). Because the submission of such inventories is a necessary adjunct to an area's attainment demonstration (or demonstration that the area cannot practicably attain), the emission

inventories must be received with the submission (see 57 FR 13539).

The Colorado APCD chose 1991 as the Steamboat Springs base year emissions inventory of PM₁₀ emissions. The results indicate that area sources contribute approximately 99% of the total emissions for the area, of which re-entrained road dust (including paved and unpaved roads) contributes approximately 94% and woodburning contributes approximately 5%. Stationary sources accounted for less than 1% of the emission inventory.⁶

EPA is approving the emission inventory because it is accurate and comprehensive, and provides a sufficient basis for determining the adequacy of the attainment demonstration for this area consistent with the requirements of sections 172(c)(3) and 110(a)(2)(K) of the Act.⁷ For further details see the Steamboat Springs PM₁₀ SIP Technical Support Document (TSD) for this action.

The September 16, 1997 submittal also establishes an emission budget for the Steamboat Springs nonattainment area, which is to be used for Federal

conformity purposes. The PM₁₀ mobile source emission budget for 1999 is 16,661 pounds/day and for 2002 is 20,682 pounds/day for the modelling domain. These budgets are the 1999 and 2002 mobile source PM₁₀ emissions presented in Section G. of the SIP, which include emissions from vehicle exhaust, brake, and tire wear, controlled emissions from paved roads, and unpaved road emissions. These budgets are calculated for the emission inventory/modelling domain, which is somewhat larger than the nonattainment area.

3. RACM (Including RACT)

As noted, the moderate PM₁₀ nonattainment areas, designated after the 1990 Amendments, must submit provisions to assure that RACM (including RACT) are implemented no later than January 20, 1998 (see sections 172(c)(1) and 189(a)(1)(C)). The General Preamble contains a detailed discussion of EPA's interpretation of the RACM (including RACT) requirement (see 57 FR 13539-13545 and 13560-13561).

In broad terms, the State should identify available control measures and evaluate them for their reasonableness in light of the feasibility of the controls and the attainment needs of the area. See 57 FR 13540-13544. A State may reject an available control measure if the measure is technologically infeasible or the cost of the control is unreasonable. In addition, RACM does not require controls on emissions from sources that are insignificant (*i.e.*, *de minimis*) and does not require the implementation of all available control measures where an area demonstrates timely attainment and the implementation of additional controls would not expedite attainment.

Colorado's SIP revision for Steamboat Springs contains control measures for sources of re-entrained fugitive dust (including paved and unpaved roads) and woodburning (including fireplaces and woodstoves). In the following table, an outline is presented on these sources, their control measures, associated emissions reduction credit, and effective dates.

Source category	Control measure	PM ₁₀ emissions reduction	Effective date
Re-entrained fugitive dust.	Colorado Air Quality Control Commission State Implementation Plan-Specific Regulations for Nonattainment Areas, Steamboat Springs PM ₁₀ Nonattainment Area. Sections VIII.B, C. & D. Require compliance with specifications for street sanding materials, reduction in the amount of street sand applied, and street sweeping.	720 kg/day or approximately 1588 lbs/day fewer PM ₁₀ emissions than base year.	12/30/96
Woodburning	Section VIII.E.—Requires continued implementation of local programs to restrict the number and type of new solid fuel burning devices in the nonattainment area.	Existing local programs were given emission reduction credits in the base and attainment year emissions inventories.	

RACM does not require additional controls on other area sources since the plan demonstrates attainment of the NAAQS and implementation of additional controls would not further expedite attainment. Further, RACT does not require additional controls for the stationary sources in the Steamboat Springs nonattainment area because point source emissions in the area are *de minimis* and control of such sources would not expedite attainment of the PM₁₀ NAAQS.

There are also other Statewide control measures that already apply in the Steamboat Springs area, which will help curb PM₁₀ emissions in the Steamboat Springs nonattainment area. Specifically, Colorado Regulation No. 4 requires new wood stoves to meet the

emission requirements of EPA's Standards of Performance for New Residential Wood Heaters in 40 CFR 60.532(b), and Colorado Regulation No. 3 regulates the construction and modification of stationary sources of PM₁₀. These measures will help to

⁶Although emissions from the Craig and Hayden power stations were not included in the inventory because these sources are outside the inventory domain, the emissions were included in the

modelling analyses for the SIP to determine impacts on the nonattainment area.

⁷EPA issued guidance on PM-10 emissions inventories prior to the enactment of the Clean Air

Act Amendments in the form of the 1987 PM-10 SIP Development Guideline. The guidance provided in this document appears to be consistent with the revised Act.

reduce emissions from new stationary source growth and residential wood combustion. However, EPA is not acting on Regulation Nos. 3 and 4 at this time because EPA has previously approved these regulations. For further information, see the TSD accompanying this document.

A more detailed discussion of the source category contributions, associated control measures (including available control technology), and an explanation of why certain available control measures were not implemented can be found in the TSD. EPA has reviewed the State's documentation and concluded that it adequately justifies the control measures to be implemented. The implementation of Colorado's PM₁₀ nonattainment plan for Steamboat Springs will result in the attainment of the PM₁₀ NAAQS by December 31, 1999, and maintenance of the PM₁₀ NAAQS through 2002. EPA is approving the Steamboat Springs PM₁₀ plan's control strategy as satisfying the RACM (including RACT) requirement.

4. Demonstration

As noted, moderate PM₁₀ nonattainment areas designated subsequent to enactment of the 1990 Amendments must submit a demonstration (including air quality modelling) showing that the plan will provide for attainment as expeditiously as practicable, but no later than the end of the sixth calendar year after an area's designation to attainment (see section 188(c)(1) of the Act). In the case of Steamboat Springs, this attainment deadline is December 31, 1999, or the State must show that attainment by December 31, 1999, is impracticable.

The attainment demonstration presented in the September 16, 1997 submittal indicated that the PM₁₀ NAAQS will be attained by 1999 in the Steamboat Springs area. The 24-hour PM₁₀ NAAQS is 150 micrograms/cubic meter ($\mu\text{g}/\text{m}^3$), and the standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 $\mu\text{g}/\text{m}^3$ is equal to or less than one (see 40 CFR 50.6). The annual PM₁₀ NAAQS is 50 $\mu\text{g}/\text{m}^3$, and the standard is attained when the expected annual arithmetic mean concentration is less than or equal to 50 $\mu\text{g}/\text{m}^3$ (id.).

EPA regulations provide that attainment be demonstrated by means of a proportional model or dispersion model or other procedure shown to be adequate and appropriate for such purposes. See 40 CFR 51.112(a). In general, EPA policy provides that the preferred approach for estimating the air quality impacts of emissions of PM₁₀ is

to use receptor modelling in combination with dispersion modelling.

The State utilized the monitoring and emissions data and control measure efficiencies presented in the Steamboat Springs PM₁₀ SIP as inputs in a dispersion modelling-based attainment demonstration. The dispersion model was used to predict concentrations of PM₁₀ for the Steamboat Springs nonattainment area. The model was first calibrated to accurately predict worst-case PM₁₀ levels for 1991, for which monitoring data is available. Based upon these accurate predictions for 1991, the State is confident that the model's predictive capabilities are very good, and also confident that the modelling results generated for the attainment year of 1999 are reliable.

The dispersion modelling for Steamboat Springs, submitted with the SIP on September 16, 1997, demonstrates attainment of the 24-hour PM₁₀ NAAQS by December 31, 1999 since the highest modelled concentration for that year is 115 $\mu\text{g}/\text{m}^3$ at the downtown Steamboat Springs receptor. Because no exceedances of the PM₁₀ annual NAAQS have been recorded in the Steamboat Springs area and because the attainment demonstration submitted with the Steamboat Springs SIP shows attainment of the 24-hour PM₁₀ NAAQS, EPA believes it is reasonable and adequate to assume that protection of the 24-hour standard will be sufficient to protect the annual standard as well. The dispersion modelling also demonstrates maintenance of the 24-hour PM₁₀ NAAQS by December 31, 2002, since the highest modelled concentration for that year is 123 $\mu\text{g}/\text{m}^3$. The control strategies relied on to demonstrate timely attainment and maintenance are summarized in the section above entitled "RACM (including RACT)." For a more detailed description of the attainment and maintenance demonstrations and the control strategies used, see the TSD accompanying this document.

5. PM₁₀ Precursors

The control requirements that are applicable to major stationary sources of PM₁₀ also apply to major stationary sources of PM₁₀ precursors, unless EPA determines such sources do not contribute significantly to PM₁₀ levels which exceed the NAAQS in that area (see section 189(e) of the Act). The General Preamble contains guidance addressing how EPA intends to implement section 189(e) (57 FR 13539-13542). An analysis of air quality and emissions data for the Steamboat Springs nonattainment area indicates

that exceedances of the NAAQS are attributable chiefly to direct particulate emissions from re-entrained road dust and residential wood burning (i.e., area sources). The emissions inventory for Steamboat Springs did not reveal any major stationary sources of PM₁₀ precursors within the inventory domain. The chemical mass balance analysis of filters from high concentration days revealed insignificant source apportionments to secondaries (approximately 1% to ammonium nitrates and approximately 2% to ammonium sulfates). The dispersion modelling for the SIP included a screening of major PM₁₀ stationary sources outside of the nonattainment area, including the Hayden and Craig power plants, to determine impacts to the nonattainment area. These analyses revealed insignificant source apportionments in the nonattainment area to the Hayden and Craig power plants, which is logical given the distances that these plants are from the nonattainment area. Craig is approximately 37 miles from downtown Steamboat Springs and Hayden is approximately 18.5 miles from downtown Steamboat Springs.

Based upon the emissions inventory, chemical mass balance analyses, and dispersion modelling, EPA believes that the overall contribution of PM₁₀ precursors is insignificant. Therefore, EPA is making the determination that major sources of PM₁₀ precursors do not contribute significantly to PM₁₀ levels in excess of the NAAQS in Steamboat Springs. The consequence of this finding is to exclude any such sources from the applicability of PM₁₀ nonattainment area control requirements. Note that EPA's finding is based on the current character of the area including, for example, the existing mix of sources in the area. It is possible, therefore, that future growth could change the significance of precursors in the area. Further discussion of the analyses and supporting rationale for EPA's finding are contained in the TSD accompanying this document.

6. New Source Review

On August 18, 1994 (59 FR 42500-42506), EPA approved the State's nonattainment new source review (NSR) permitting regulations for sources of PM₁₀ in the State's PM₁₀ nonattainment areas. In that notice, EPA stated that, because the Steamboat Springs PM₁₀ nonattainment area SIP was not due to be submitted until July 20, 1995, EPA would determine the approvability of the State's NSR provisions for that nonattainment area when EPA took action on the State's SIP submittal for

Steamboat Springs. Since the State's NSR regulations meet all of the Federal requirements for new and modified major stationary sources of PM₁₀ locating in moderate PM₁₀ nonattainment areas (as discussed in the August 18, 1994 **Federal Register**), EPA finds that the State has met the nonattainment NSR permitting requirements for sources of PM₁₀ locating in the Steamboat moderate PM₁₀ nonattainment area. In addition, as discussed in Section 5. above, EPA finds that major stationary sources of PM₁₀ precursors do not contribute significantly to PM₁₀ levels in excess of the NAAQS in Steamboat Springs. The consequence of this finding is to exclude major stationary sources of PM₁₀ precursors in Steamboat Springs from the applicability of PM₁₀ nonattainment area control requirements, including nonattainment NSR permitting requirements. Thus, the State's nonattainment NSR regulations for Steamboat Springs are considered fully approvable.

7. Quantitative Milestones and Reasonable Further Progress

The PM₁₀ nonattainment area plans demonstrating attainment must contain quantitative emission reduction milestones which are to be achieved every three years until the area is redesignated attainment and which demonstrate reasonable further progress (RFP), as defined in section 171(1), toward timely attainment. While section 189(c) plainly provides that quantitative milestones are to be achieved until an area is redesignated attainment, it is silent in indicating the starting point for counting the first three-year period or how many milestones must be initially addressed. In the General Preamble, EPA addressed the statutory gap in the starting point for counting the three-year milestones, indicating that it would begin from the due date for the applicable implementation plan revision containing the control measures for the area (*i.e.*, November 15, 1991 for initial moderate PM₁₀ nonattainment areas). See 57 FR 13539. As to the number of milestones, EPA believes that at least two milestones must be initially addressed.

States containing moderate nonattainment areas designated subsequent to enactment of the 1990 Amendments are expected to initially submit two milestones. States are required to submit SIP's for these areas 18 months after their redesignation as nonattainment. The attainment date for new PM₁₀ nonattainment areas is "as expeditiously as practicable" but no later than the end of the sixth calendar

year after an area's designation as nonattainment. Therefore, the attainment date for Steamboat Springs is December 31, 1999.

Because the SIP revision, including the quantitative milestones element, for a new nonattainment area is due 18 months after the area is designated as nonattainment, the first 3-year milestone is to be achieved 4½ years after the nonattainment redesignation. Since Steamboat Springs redesignation became effective on January 20, 1994, the first 3-year milestone must be achieved by July 20, 1998 (*i.e.*, 1½ years prior to the attainment deadline). The second quantitative milestone must be achieved three years after the first milestone or 7½ years after the nonattainment designation. In Steamboat Springs, the second quantitative milestone must be achieved by July 20, 2001 (*i.e.*, 1½ years after the attainment deadline if the maximum of six years is needed to attain the PM₁₀ NAAQS). The second quantitative milestone should provide for continued emission reduction progress toward attainment and should provide for continued maintenance of the NAAQS after the attainment date for the area.⁸

Because all of the Steamboat Springs emission control measures will go into effect in 1996, and because measures have been developed to keep the area in attainment through 2002, the State believes, and EPA agrees, that the quantitative milestone requirements for emission reductions will be achieved.

8. Enforceability Issues

All measures and other elements in the SIP must be enforceable by the State and EPA (see sections 172(c)(6), 110(a)(2)(A) and 57 FR 13556). The EPA criteria addressing the enforceability of SIPs and SIP revisions were stated in a September 23, 1987 memorandum (with attachments) from J. Craig Potter, Assistant Administrator for Air and Radiation, *et al.* (see 57 FR 13541). Nonattainment area plan provisions also must contain a program to provide for

⁸Section 189(c) provides that quantitative milestones are to be achieved "until the area is redesignated attainment." However, this endpoint for quantitative milestones is speculative because redesignation of an area as attainment is contingent upon several factors and future events. Therefore, EPA believes it is reasonable for States to initially address the first two milestones. Addressing two milestones will ensure that the State continues to maintain the NAAQS beyond the attainment date for at least some period during which an area could be redesignated attainment. Requiring that additional milestones be addressed, at least initially, would place a potentially unnecessary planning burden on States containing areas that are redesignated attainment. However, in all instances, additional milestones must be addressed if an area is not redesignated attainment.

enforcement of control measures and other elements in the SIP (see section 110(a)(2)(C)).

The specific control measures contained in the SIP are addressed above in Section II.A.3., "RACM (including RACT)." The Colorado Air Quality Control Commission State Implementation Plan-Specific Regulation for Nonattainment Areas, Section VIII. Steamboat Springs PM₁₀ Nonattainment Area, became effective on December 30, 1996. This regulation requires the City of Steamboat Springs to continue implementation and enforcement of Ordinance No. 1191 (1991), Ordinance No. 1148 (1990), Ordinance No. 1045 (1988), and Ordinance No. 977 (1987). The State regulation also requires Routt County to continue implementation and enforcement of Resolution No. 91-032 (1991). The ordinance and resolutions will limit future growth in emissions from solid fuel burning devices. The State regulation also includes record keeping requirements. The City of Steamboat Springs and Routt County must each submit to the APCD by May 31st of each year a report that describes the tracking and enforcement of these local control strategies. The report must include information on compliance and enforcement activities that have occurred during the previous year so that the APCD can verify that the ordinances and resolution have been properly implemented.

The Colorado Air Quality Control Commission State Implementation Plan-Specific Regulation for Nonattainment Areas, Section VIII., Steamboat Springs PM₁₀ Nonattainment Area, also details specifications for street sanding materials, requirements for the reduction in the amount of street sand applied, and street sweeping requirements for Lincoln Avenue. These requirements will limit re-entrained road dust emissions in the area. To limit woodburning emissions in the area, the State regulation also requires continued implementation of local programs to restrict the number and type of new solid fuel burning devices in the nonattainment area. Annual recordkeeping and reporting requirements are detailed for each control strategy, as follows.

Beginning November 1, 1996, each user of street sanding materials must submit a report to the APCD which provides a copy of all independent tests performed on sanding materials. The report must also include the name and address of all suppliers of street sanding material along with a description of the location of the supplier's aggregate pit

from which all material was supplied. Files must be maintained for two years.

No later than May 31 of each year, beginning in 1997, the Colorado Department of Transportation must submit a report to the APCD which demonstrates compliance with the provisions for the reduction of street sand applied for the previous sanding season. Files must be maintained for two years.

No later than February 28 and May 31 of each year, beginning in 1997, the City of Steamboat Springs must submit a report to the APCD which demonstrates compliance with the street sweeping requirements for Lincoln Avenue. The reports must contain information for the period December 1—January 31 and February 1—March 31, respectively, as follows: (1) Date of sweeping operation; (2) specific segments of Lincoln Avenue swept; (3) type of equipment used; (4) equipment malfunctions and downtime, if any; (5) conditions of traffic lanes (dry, wet, snow packed, patchy ice, etc.); and (6) general weather conditions at time of sweeping operations. Files must be maintained for two years.

No later than May 31 of each year, beginning in 1997, the City of Steamboat Springs and Routt County must submit to the APCD a report containing information that describes the tracking and enforcement of the local woodburning ordinances and resolution. The annual report must include information on compliance and enforcement activities that have occurred during the previous year.

EPA has reviewed the Colorado Air Quality Control Commission State Implementation Plan-Specific Regulations for Nonattainment Areas, Section VIII., Steamboat Springs PM₁₀ Nonattainment Area, for enforceability and has determined that it meets all of the criteria included in the September 23, 1987 Potter Memorandum.

As discussed in Section II.A.3. above, there are also State-wide regulations that will impact the emissions of PM₁₀ in the Steamboat Springs nonattainment area. These regulations include Colorado Regulation No. 4, which requires all wood stoves sold after July 1, 1991 to meet the emission requirements of EPA's Standards of Performance for New Residential Wood Heaters in 40 CFR 60.532(b), and Colorado Regulation No. 3, which requires construction permits for new or modified stationary sources. EPA previously reviewed these regulations, and determined that they met the enforceability criteria of the September 23, 1987 Potter Memorandum and approved them as part of the SIP (see

the TSD for information on EPA approvals of these regulations).

The State of Colorado has a program that will ensure that the measures contained in the SIP are adequately enforced. The Colorado APCD has the authority to implement and enforce all emission limitations and control measures adopted by the AQCC. In addition, Colorado statute provides that the APCD shall enforce against any "person" who violates the emission control regulations of the AQCC, the requirements of the SIP, or the requirements of any permit. The definition of "person" includes any "municipal corporation, county, city and county or other political subdivision of the State," such as the City of Steamboat Springs and Routt County. Civil penalties of up to \$15,000 per day per violation are provided for in the State statute for any person in violation of these requirements, and criminal penalties are also provided for in the State statute.

Thus, EPA has determined that the control measures contained in the SIP revision for Steamboat Springs are enforceable and that the APCD has adequate enforcement capabilities to ensure compliance with those control measures and the State regulations. The TSD contains further information on the State-wide regulations, enforceability requirements, and a discussion of the personnel and funding intended to support effective implementation of the control measures.

9. Contingency Measures

As provided in section 172(c)(9) of the Act, all moderate nonattainment area SIPs that demonstrate attainment must include contingency measures. See generally 57 FR 13510–13512 and 13543–13544. Contingency measures should consist of other available measures that are not part of the area's control strategy. These measures must take effect without further action by the State or EPA, upon EPA's determination that the area has failed to make RFP or attain the PM₁₀ NAAQS by the applicable statutory deadline.

The Governor of Colorado submitted PM₁₀ contingency measures for the Steamboat Springs area with a September 16, 1997 letter. These measures, as discussed below, require additional street sweeping for Lincoln Avenue and the downtown core area within two months following EPA's determination that the Steamboat Springs moderate PM₁₀ nonattainment area failed to attain the PM₁₀ NAAQS or make reasonable further progress (RFP) in reducing emissions.

The City of Steamboat Springs will expand the sweeping program to include the traffic lanes of Lincoln Avenue from 13th Street west for one mile, and Lincoln Avenue from Old Fish Creek Falls Road to Pine Grove Road. These roadways must be swept within four days of the roadways becoming free and clear of snow and ice following each sanding deployment, as weather and street conditions permit. In addition, the traffic lanes of all streets within the downtown core area of Steamboat Springs, as bounded by 3rd Street, 12th Street, Yampa, and Oak. These roadways must be swept within four days of the roadways becoming free and clear of snow and ice following each sanding deployment, as weather and street conditions permit.

The State believes, and EPA agrees, that these contingency measures are adequate since the control measures implemented in the PM₁₀ SIP provide a safety margin by achieving more emissions reductions than needed to demonstrate attainment of the PM₁₀ NAAQS, as indicated by the State's predicted 24-hour attainment concentration of 115 µg/m³. For a detailed discussion of these contingency measures, see the TSD accompanying this document.

10. Emergency Episode Plan

EPA believes the Steamboat Springs emergency episode plan, as included in the September 16, 1997 submittal, is adequate. The plan describes the actions to be taken when conditions exist that have historically resulted in exceedances of the 24-hour PM₁₀ standard. Voluntary and mandatory activities include suspension of open burning, curtailment of wood/coal burning, and reduction of non-essential motor vehicle operations. For details on the emergency episode plan, please see the TSD.

11. Revisions to the Nonattainment Area Boundary

The Steamboat Springs nonattainment area boundary as codified in the **Federal Register** notice published on December 21, 1993 (see 58 FR 67334) is currently defined as the Steamboat Springs area airshed. See 40 CFR 81.306. This boundary description was intended to be responsive to comments received from the State of Colorado on EPA's September 22, 1992 proposed rulemaking to redesignate the area to nonattainment (see 57 FR 43846). In those comments, the State indicated that on June 20, 1991 the AQCC adopted a map which outlined the Steamboat Springs PM₁₀ nonattainment area. The map identified the nonattainment area

as a portion of Routt County which included the City of Steamboat Springs, as well as certain surrounding areas in Routt County. With its PM₁₀ SIP submittal dated August 12, 1996, the State provided a clearer description of the boundary by providing a legal description of the map outline. The following legal description of the nonattainment area represents the map outline adopted by the AQCC and used by APCD for SIP purposes:

On the East—The Routt National Forest.

On the South—The southern border of sections 19, 10, 21, T4N, R84W of the 6th P.M. and the southern border of sections 23, 24, T4N, R85W of the 6th P.M.

On the West—Beginning at the south western corner of section 23, T4N, R85W of the 6th P.M. North along the western border of sections 23, 14, 11, T4N, R85W. Thence, along the ridge which bisects sections 35, 36, 25, 24, 13, 14, 11, 12, 1, T5N, R85W, and sections 36, 25, 24, T6N, R85W. Thence heading northwest along the ridge which bisects sections 23, 15, 10, 9, 4, T6N, R85W of 6th P.M. Thence, heading northeast along the ridge which bisects sections 33, 34, 35, 36, 25, T7N, R85W and sections 30 and 10 of T7N, R84W. Thence, north along the N 1/2 of the western edge of section 19, to the NW corner of section 18, T7N, R84W.

On the North—The northern boundary of sections 16, 17, 18, T7N, R84W of 6th P.M.

The boundary was determined to be the reasonable Steamboat Springs air shed by considering factors such as local topography, meteorology, emissions sources, land use practices, and tourism. EPA is replacing the boundary description currently in 40 CFR 81.306 with this revised description to more clearly define the nonattainment area.

B. Update to Code of Federal Regulations

EPA is also updating 40 CFR 52.332, Moderate PM₁₀ nonattainment area plans, to reflect the approved status of the Telluride moderate PM₁₀ nonattainment area plan. EPA approved that SIP on October 4, 1996 (61 FR 51784), but neglected to update 40 CFR 52.332 at that time.

III. Final Action

EPA is approving the elements of the PM₁₀ SIP for the Steamboat Springs, Colorado nonattainment area that were due on July 20, 1995 and submitted to EPA by the Colorado Governor with a letter dated September 16, 1997, including among other things, control

measures, technical analyses, quantitative milestones and contingency measures. Additionally, EPA is approving the Steamboat Springs emergency episode plan. EPA is also amending the boundary description for the Steamboat Springs nonattainment area to clarify the original description.

Note that per an October 29, 1997 letter from the State, EPA is not acting on revisions to the Ambient Air Quality Standards for the State of Colorado which were included in the September 16, 1997 SIP submittal for informational purposes only.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective March 2, 1998 unless, by January 30, 1998 adverse or critical comments are received.

If EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will be addressed in a subsequent final rule based on this action serving as a proposed rule. 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 on March 2, 1998.

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 a 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

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 economic 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 regulatory 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. E.P.A.*, 427 U.S. 246, 256-66 (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 proposes to approve pre-existing requirements under State or local law, and imposes no new Federal 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 this 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 March 2, 1998. 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, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, and Volatile organic compounds.

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: November 4, 1997.

Jack W. McGraw

Acting Regional Administrator.

40 CFR Parts 52 and 81 are amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401 *et seq.*

2. Section 52.320 is amended by adding paragraph (c)(76) to read as follows:

§ 52.320 Identification of plan.

* * * * *

(c) * * *
 (76) The Governor of Colorado submitted the moderate nonattainment area PM₁₀ State Implementation Plan (SIP) for Steamboat Springs, Colorado with a letter dated September 16, 1997. The submittal was made to satisfy those moderate PM₁₀ nonattainment area SIP requirements due for Steamboat Springs on July 20, 1995, including among other things, control measures, technical analyses, quantitative milestones, and contingency measures. The September 16, 1997 submittal also included the Steamboat Springs emergency episode plan.

(i) Incorporation by reference.
 (A) Colorado Air Quality Control Commission Nonattainment Areas, 5 CCR 1001–20, Section VIII., Steamboat Springs PM₁₀ Nonattainment Area, adopted October 17, 1996 and effective on December 30, 1996.

(ii) Additional material.
 (A) An October 29, 1997 letter from Margie M. Perkins, APCD, to Richard R. Long, EPA, clarifying that the regulation entitled "Ambient Air Quality Standards for the State of Colorado" was included in the September 16, 1997 Steamboat Springs SIP submittal for informational purposes only.

* * * * *

3. Section 52.329 is amended by revising paragraph (a) to read as follows:

§ 52.329 Rules and regulations.

(a) On January 14, 1993, the Governor of Colorado submitted revisions to the State's nonattainment new source review permitting regulations to bring the State's regulations up to date with the 1990 Amendments to the Clean Air Act. With these revisions, the State's regulations satisfy the part D new source review permitting requirements for the following nonattainment areas: the Canon City, Lamar, Pagosa Springs,

Aspen, Telluride, and Steamboat Springs moderate PM₁₀ nonattainment areas, the Denver/Metro Boulder, Longmont, Colorado Springs, and Fort Collins moderate carbon monoxide nonattainment areas, the Greeley not classified carbon monoxide nonattainment area, and the Denver transitional ozone nonattainment area.

* * * * *

4. Section 52.332 is amended by adding paragraphs (g) and (h) to read as follows:

§ 52.332 Moderate PM₁₀ nonattainment area plans.

* * * * *

(g) On March 17, 1993, December 9, 1993, and April 22, 1996, the Governor of Colorado submitted the moderate PM₁₀ nonattainment area plan for Telluride. The submittals were made to satisfy those moderate PM₁₀ nonattainment area SIP requirements which were due for Telluride on November 15, 1991. The December 9, 1993 submittal was also made to satisfy the PM₁₀ contingency measure requirements which were due for Telluride on November 15, 1993.

(h) On September 16, 1997 the Governor of Colorado submitted the moderate PM₁₀ nonattainment area plan for Steamboat Springs. The submittal was made to satisfy those moderate PM₁₀ nonattainment area SIP requirements which were due for Steamboat Springs on July 20, 1995.

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

2. In § 81.306, the table for Colorado-PM₁₀ Nonattainment Areas is amended under Routt County (part) by revising the entry for "The Steamboat Springs Area Airshed" to read as follows:

§ 81.306 Colorado.

* * * * *

COLORADO—PM-10 NONATTAINMENT AREAS

Designated area	Designation		Classification	
	Date	Type	Date	Type
* * *	* * *	* * *	* * *	* * *
Routt County (part)—Steamboat Springs <i>On the East</i> —The Routt National Forest. <i>On the South</i> —The southern border of sections 19, 10, 21, T4N, R84W of the 6th P.M. and the southern border of sections 23, 24, T4N, R85W of the 6th P.M.	1/20/94	Nonattainment	1/20/94	Moderate.

COLORADO—PM-10 NONATTAINMENT AREAS—Continued

Designated area	Designation		Classification	
	Date	Type	Date	Type
<p><i>On the West</i>—Beginning at the southwestern corner of section 23, T4N, R85W of the 6th P.M. North along the western border of sections 23, 14, 11, T4N, R85W. Thence, along the ridge which bisects sections 35, 36, 25, 24, 13, 14, 11, 12, 1, T5N, R85W, and sections 36, 25, 24, T6N, R85W. Thence heading northwest along the ridge which bisects sections 23, 15, 10, 9, 4, T6N, R85W of 6th P.M. Thence, heading northeast along the ridge which bisects sections 33, 34, 35, 36, 25, T7N, R85W and sections 30 and 10 of T7N, R84W. Thence, north along the N 1/2 of the western edge of section 19, to the NW corner of section 18, T7N, R84W.</p> <p><i>On the North</i>—The northern boundary of sections 16, 17, 18, T7N, R84W of 6th P.M.</p>				
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 [FR Doc. 97-33958 Filed 12-30-97; 8:45 am]
 BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80
 [FRL-5942-6]
 RIN 2060-AG76

Regulation of Fuels and Fuel Additives: Modifications to Standards and Requirements for Reformulated and Conventional Gasoline

AGENCY: Environmental Protection Agency (EPA).
ACTION: Final rule.

SUMMARY: Through the 1990 amendments to the Clean Air Act (CAA), Congress mandated that EPA promulgate regulations requiring that gasoline sold in certain areas be reformulated to reduce vehicle emissions of toxic and ozone-forming compounds. The EPA published rules for the certification and enforcement of reformulated gasoline (RFG) and provisions for non-reformulated or conventional gasoline on February 16, 1994.

Based on experience gained since the promulgation of these regulations, on July 11, 1997, EPA proposed a variety of changes to the regulations relating to emissions standards, emissions models, compliance related requirements and enforcement provisions. Today's rule finalizes certain of the changes proposed on July 11, 1997. This final rule adopts several revisions relating to use of the Complex Model, which is required for demonstrating compliance with the RFG standards and the anti-dumping standards for conventional gasoline beginning on January 1, 1998.

In addition, today's rule finalizes provisions that modify the affirmative defenses for truck carriers of motor vehicle fuel. Finally, this rule deletes the NO_x per-gallon minimum standards for RFG and increases the number of gasoline quality surveys, as a more cost-effective way to ensure that each area covered by the RFG program receives the full environmental benefits of the NO_x average standards in Phase I and II of the program. EPA will take final action on the remainder of the provisions proposed on July 11, 1997, at a later date.

The emissions benefits achieved from the RFG and conventional gasoline programs will not be reduced as a result of this final rule.

DATES: The effective date of this rule is January 1, 1998.

ADDRESSES: Materials relevant to this FRM are contained in Public Docket No. A-97-03, Waterside Mall (Room M-1500), Environmental Protection Agency, Air Docket Section, 401 M Street, S.W., Washington, D.C. 20460. Materials relevant to the final rule establishing standards for reformulated gasoline and anti-dumping standards for conventional gasoline are contained in Public Dockets—A-92-01 and A-92-12, and are incorporated by reference.

FOR FURTHER INFORMATION CONTACT: Marilyn Bennett, Fuels and Energy Division, U.S. EPA, 401 M Street, S.W. (6406J), Washington, D.C. 20460. Telephone: (202) 564-8989.

SUPPLEMENTARY INFORMATION:
Regulated Entities

Regulated categories and entities affected by this action include:

Category	Examples of regulated entities
Industry	Refiners and importers of motor vehicle fuel. Motor vehicle fuel tank truck carriers.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could be potentially regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your entity is regulated by this action, you should carefully examine the applicability criteria of Part 80, Subparts A, B, D, and E, of title 40 of the Code of Federal Regulations. If you have questions regarding applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

The preamble and regulatory language are also available electronically from the EPA Internet Web site. The official **Federal Register** version is made available on the day of publication on the primary Internet site listed below. The EPA Office of Mobile Sources also publishes these notices on the secondary Web site listed below.

Internet (Web)
<http://www.epa.gov/docs/fedrgstr/EPA-AIR/>
 (either select desired date or use Search feature)
<http://www.epa.gov/OMSWWW/>
 (look in What's New or under the specific rulemaking topic)

EPA believes this is sufficient lead time for regulated parties to implement the changes adopted here, as these noncontroversial changes are designed to increase the flexibility provided to parties under the regulations and to provide provisions necessary for demonstrating compliance with the