and 1175 and other relevant UNSC Resolutions.

* * * * *

Dated: October 20, 1998.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: October 27, 1998.

Elisabeth A. Bresee

Assistant Secretary (Enforcement), Department of the Treasury.

[FR Doc. 98–30125 Filed 11–5–98; 3:43 pm]

BILLING CODE 4810–25–F

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AJ17

Minimum Income Annuity and Gratuitous Annuity

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the Department of Veterans Affairs (VA) adjudication regulations to provide that if the Department of Defense (DOD) or the Department of Transportation determines that an individual who is entitled to a minimum income annuity for certain surviving spouses also is entitled to a certain gratuitous annuity, VA will combine the payment of the gratuitous annuity with the minimum income annuity payment. This amendment reflects statutory provisions contained in the National Defense Authorization Act for Fiscal Year 1998. The responsibility for paying the gratuitous annuity was transferred from DOD to VA.

DATES: *Effective Date:* November 10, 1998.

FOR FURTHER INFORMATION CONTACT: John Bisset, Jr., Consultant, Regulations Staff (211B), Compensation and Pension Service, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, telephone (202) 273–7210.

SUPPLEMENTARY INFORMATION: Section 645 of the National Defense Authorization Act for Fiscal Year 1998, Pub. L. 105–85, § 645, 111 Stat. 1629, 1801–1802 (1997) (10 U.S.C. 1448 note), transferred responsibility for paying the gratuitous annuity authorized by section 653 of the National Defense Authorization Act, Fiscal Year 1989, Pub. L. 100–456, § 653, 102 Stat. 1918, 1991–1992 (1988), from DOD to the Secretary of Veterans Affairs. However, DOD or the Department of Transportation remains responsible for funding this annuity and determining basic eligibility. This gratuitous annuity, initially in the amount of $165 a month, but since adjusted for changes in the Consumer Price Index, is paid to certain surviving spouses of persons who died before November 1, 1953, and were entitled to retired or retainer pay on the date of death. The statute provides that VA will combine the payment of this gratuitous annuity with the payment of the minimum income annuity authorized by Pub. L. 92–425, § 4, 86 Stat. 706, 712 (1972) (10 U.S.C. 1448 note). Section 638 of the National Defense Authorization Act for Fiscal Year 1997, Pub. L. 104–201, § 638, 110 Stat. 2422, 2581 (1996), transferred responsibility for paying a guaranteed minimum annual income (the so-called minimum-income-widow annuity, or minimum income annuity) to the Secretary of Veterans Affairs from DOD. We have amended 38 CFR 3.811 accordingly.

This document merely restates statutory provisions. Accordingly, the provisions of 5 U.S.C. 553 regarding prior notice and public comment and delayed effective date are not applicable.

The Secretary hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This rule restates statutory provisions which only affect individuals. Therefore, pursuant to 5 U.S.C. 605(b), this rule is exempt from the initial and final regulatory flexibility analysis requirements of §§ 603 and 604.

The Catalog of Federal Domestic Assistance program number is 64.105.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Disability benefits, Health care, Pensions, Veterans, Vietnam.

Approved: October 29, 1998.

Togo D. West, Jr.,

Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR part 3 is amended as follows:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

2. In § 3.811, paragraph (d) is redesignated as paragraph (e); and the section heading and the heading for paragraph (a) are revised, a new paragraph (d) is added, and the authority citation at the end of the section is revised, to read as follows:

§ 3.811 Minimum income annuity and gratuitous annuity.

(a) *Eligibility for minimum income annuity.* * * *

* * * * *

(d) If the Department of Defense or the Department of Transportation determines that a minimum income annuitant also is entitled to the gratuitous annuity authorized by Pub. L. 100–456 as amended, which is payable to certain surviving spouses of servicemembers who died before November 1, 1953, and were entitled to retired or retainer pay on the date of death, VA will combine the payment of the gratuitous annuity with the minimum income annuity payment.

* * * * *

(Authority: Sec. 4, Pub. L. 92–425, 86 Stat. 706, 712, as amended (10 U.S.C. 1448 note))

[FR Doc. 98–30055 Filed 11–9–98; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TX–80–1–7353; FRL–6173–8]

Approval and Promulgation of Implementation Plans(SIP); Texas: 1990 Base Year Emissions Inventories, 15% Rate of Progress Plans, Contingency Plans, and Motor Vehicle Emission Budgets

AGENCY: Environmental Protection Agency (EPA).

ACTION: Conditional interim final rule.

SUMMARY: In this action, the EPA is granting conditional interim approval of the 15% Rate-of-Progress (ROP) Plans and associated Motor Vehicle Emissions Budgets (MVEB) for the Dallas/Fort Worth, El Paso and Houston/Galveston ozone nonattainment areas. In addition, EPA is fully approving revisions to the 1990 base year emissions inventories and the contingency plans for the three areas. The 15% ROP Plans and MVEB's are receiving conditional interim approval, instead of full approval, because they rely on emission reductions from the Texas Inspection and Maintenance (I/M) Program which received final conditional interim approval on July 11, 1997 (62 FR

37138). This action will aid in ensuring the attainment of the National Ambient Air Quality Standard (NAAQS) for ozone as required by the Clean Air Act (Act), as amended in 1990.

DATES: This conditional interim final rule is effective on December 10, 1998.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations. Persons interested in examining these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Environmental Protection Agency, Region 6, Air Planning Section (6PD–L), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

Texas Natural Resource Conservation Commission, 12100 Park 35 Circle, Austin, Texas 78711–3087.

FOR FURTHER INFORMATION CONTACT: Mr. Guy R. Donaldson, Air Planning Section (6PD–L), EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 665–7242.

SUPPLEMENTARY INFORMATION:

I. Background

Section 182(b)(1) of the Act requires ozone nonattainment areas with classifications of moderate and above to develop plans to reduce area-wide Volatile Organic Compound (VOC) emissions by 15% from a 1990 baseline during the first six years after enactment (November 15, 1996). In addition, section 172(c)(9) of the Act requires that contingency measures be included in the plan revision to be implemented if reasonable further progress is not achieved or if the standard is not attained.

In Texas, four moderate and above ozone nonattainment areas are subject to the 15% Rate of Progress (ROP) requirements. These are the Beaumont/Port Arthur (moderate [1]), Dallas/Fort Worth (serious [2]), El Paso (serious), and Houston/Galveston (severe) areas.

The Governor of Texas submitted revisions to the State Implementation Plan(SIP) in a letter dated August 9, 1996, including revisions to the 15% ROP Plans for the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso and Houston/Galveston areas. The revisions also included changes to the 1990 Base Year Inventory, the El Paso Section 179B International Border analysis, the Post-96 ROP Plan for Houston and the Houston/Galveston Employee Commute Options SIP.

The EPA proposed conditional interim approval of the 15% ROP plans for the Dallas/Fort Worth, El Paso and Houston areas on July 11, 1997 (62 FR 37175). For further information, including specification of the measures included in the 15% ROP Plans, please see that **Federal Register** notice.

In this **Federal Register** action, EPA is approving only the Emissions Inventories, 15% ROP Plans, MVEB and Contingency measures for the Dallas/Fort Worth, El Paso and Houston/Galveston areas. The EPA is taking no action on the other portions of the August 9, 1996, submittal, including the Beaumont/Port Arthur 15% ROP Plan. Final action approving the Beaumont/Port Arthur 15% ROP Plan and associated Contingency Plan, revisions to the 1990 Emissions Inventory for Beaumont/Port Arthur, and MVEB for Beaumont/Port Arthur was published in the **Federal Register** on February 10, 1998 (63 FR 6659). The other portions of the submittal will be processed in separate **Federal Register** actions.

II. Public Comments and EPA Responses

The EPA received comment letters from the Houston Airport System, the Air Transport Association, American Airlines, and the Dallas/Fort Worth International Airport Board. All of the comments address related issues. The commentors' concerns are summarized below.

1. The City of Houston, Department of Aviation requested a 180-day extension to the comment period so a revised emissions inventory for the Houston/Galveston area could be prepared to reflect the area's actual and projected aircraft emissions. The City of Houston's comment is based on the belief that the SIP inventory of 1.82 tons/day understates the actual emissions attributable to commercial aviation in the City of Houston.

2. The Air Transport Association of America (ATA) requested a 90-day extension to the comment period. The ATA believes that current emissions and emission calculations associated with growth of the DFW International Airport have not been properly taken into account. The ATA also refers to a document entitled ''DOT/FAA Final Environmental Impact Statement: Dallas/Fort Worth International Airport Runway 16/34 East—Runway 16/34 West'' (1991). The ATA believes that information from this document was not incorporated in the Dallas/Fort Worth 15% ROP plan.

3. American Airlines also asked for a 90-day extension to the comment period to allow for revision of the 1990 emissions inventory and the 15% ROP Plan. American Airlines refers to the 1991 Environmental Impact Statement as providing documentation that the 1990 base year inventory for Dallas/Fort Worth area is incorrect and the projected emissions do not accurately project anticipated emissions growth at DFW Airport. Their analysis indicated that: turboprop aircraft were not included in the emission estimate for the DFW Airport; the inventory is based on default times for the various stages of aircraft operations (i.e. take-off, climb-out, approach and idle/taxi) in the landing/take-off (LTO) cycle, which are not specific to the DFW airport; and the EIS was based on LTO cycle times appropriate to the DFW airport and included turboprop aircraft.

4. The DFW International Airport Board requested a 180-day extension to the comment period. They also commented that the estimate of emissions from commercial aircraft is significantly understated and conflicts with the 1991 Environmental Impact Statement. In addition, the ROP Plan does not consider projections for anticipated growth in aircraft activity in the Dallas/Fort Worth Area. The DFW Airport Board expressed the same concerns that were identified by American Airlines regarding the emission calculations.

All of the commentors expressed concern that if emissions growth is underestimated, future planned expansions at the airports in the nonattainment areas will not be able to conform to the applicable SIP.

Response to Comments

Comment: All of the commentors asked for an extension of the comment period. During that time they would develop documentation for a revised emission inventory and projected emissions.

Response: The EPA does not believe that additional time for comment is appropriate. The EPA approved the State's estimate of 1990 commercial aircraft emissions in the **Federal Register** action on the 1990 emissions inventories for the Houston/Galveston and Dallas/Fort Worth areas on November 8, 1994 (59 FR 55586). No comments were received on the 1994 action that referred to the commercial aircraft inventory. In the July 11, 1997, **Federal Register**, EPA did not propose to revise the approved estimates of the 1990 commercial aircraft emissions, nor did Texas submit a revision to this portion of the inventories. Thus, the

[1] Previously classified serious. On April 2, 1996, EPA corrected the classification of Beaumont/Port Arthur to moderate (61 FR 14496).

[2] Reclassified to serious (63 FR 8128, February 18, 1998).

July 11, 1997, **Federal Register** proposal did not reopen the 1990 base year emissions inventory for commercial aircraft. In addition, the amount of emissions growth allocated for commercial aviation is at the discretion of the State. Therefore, the commentors' appropriate course of action for revising the base year inventories and projected future emissions estimates for commercial aircraft, is to work with Texas with the goal of the State submitting to EPA revisions to the inventories and the SIP. If revisions are submitted to EPA, they would be acted upon in a separate action published in the **Federal Register**.

Comment: The Emissions Inventories should be disapproved because the level of commercial aircraft emissions are understated.

Response: The EPA approved the 1990 emission inventory for commercial aircraft in a previous **Federal Register** action and did not propose to revise it in the July 11, 1997 **Federal Register** proposal. Since EPA did not propose to revise the commercial aircraft emissions in the approved inventory, we cannot address this comment in this rulemaking.

However, EPA believes that the major potential source of discrepancy is that the approved 1990 emission inventory is calculated using default values for the idle/taxi times at the airports. The approach of using default times for estimating airport emissions is reasonable and follows EPA guidance and, therefore, can be approved. The EPA encourages States to use site specific measured values in place of default values whenever possible. However, since Texas did not do so in this case, the appropriate course of action is for the commenters to work with the State on this issue.

Comment: The 15% ROP SIPs should be disapproved because they do not accurately project the growth in commercial aircraft emissions.

Response: The issue of whether the State has projected adequate growth in emissions for commercial aircraft emissions is of particular concern because the section 176 General Conformity requirements of the Act could impede future planned expansions if the SIP does not allow for sufficient projected emissions. The EPA believes that States must account for growth in emissions so that the air quality planning efforts have a reasonable chance of success. In the case of commercial aircraft emissions, the State followed EPA guidance and projected that aircraft emissions would grow based on the Economic Growth Analysis System (EGAS). The EGAS projects growth in emissions based on economic projections for particular industries. The State followed EPA's guidance in projecting growth. The EPA believes the State's estimate is reasonable and can be accepted. If growth in emissions in excess of the State's estimate is desired by the airports, they should work with the State to ensure that the desired growth is accounted for in the SIP. The State has the discretion to provide for future emissions growth in the SIP and EPA can accept projections that are reasonable and based on EPA guidance.

III. Rulemaking Action

Pursuant to sections 110 and Part D of the Act, EPA is approving the revised emissions inventories for the Dallas/Fort Worth, El Paso and Houston/Galveston areas and Contingency Plans. The EPA is giving conditional interim approval to the 15% ROP Plans and associated MVEB for the Dallas/Fort Worth, El Paso and Houston/Galveston areas.

The 15% ROP Plans for the three areas can only receive a conditional interim approval because the plans all rely, in part, on emission reductions from the revised I/M program. The EPA published conditional interim approval of the I/M program for the three areas on July 11, 1997 (62 FR 37138). Therefore, the 15% ROP Plans can only receive conditional interim approval.

Interim Approval

Section 348 of the National Highway Systems Designation Act (NHSDA) allows States to make a ''good faith'' estimate of the reductions that will be achieved by the I/M program. The I/M program can be given interim approval during a 18-month period during which the program is evaluated to validate the ''good faith'' estimate. At the end of the 18-month interim period (February 11, 1999), the interim approval for the I/M program will automatically lapse pursuant to the NHSDA. It is expected that, by that time, the State will be able to make a demonstration of the program's effectiveness using appropriate evaluation criteria. If the State fails to provide such a demonstration of the program's effectiveness to EPA by February 11, 1999, the interim approval will lapse. A lapse of the I/M approval resulting from the State failing to provide a program demonstration could result in EPA disapproval of the I/M SIP. Lapse of the I/M interim approval will result in a 15% ROP Plan approval lapse unless emission reductions are submitted and approved which can replace the projected emission reductions from I/M. Information from the I/M program evaluation showing the program achieves a lesser amount of emissions reductions than originally projected will be considered in any future actions on the 15% ROP Plans. Further discussion of the requirements for final approval of the I/M program is contained in the October 3, 1996, **Federal Register** (61 FR 51651).

Conditional Approval

The EPA is granting conditional approval of the 15% Plans contingent upon the State meeting the conditions outlined in the I/M conditional approval. These include the State obtaining the appropriate legislative authority as needed to implement the program outlined in the Governor's Executive Order. If the State fails to meet the conditions within 12 months of the effective date of the conditional interim final approval, this action on the 15% Plans will convert to a disapproval. However, the State submitted in a letter, dated May 29, 1997, a revision to the SIP including the items identified in the conditions. A completeness letter was sent on August 18, 1997. Therefore, there will be no automatic conversion of the I/M or 15% Rate of Progress plans to disapproval. The EPA is evaluating whether the SIP revision meets the requirements of the conditional approval and will take action in a separate **Federal Register** document.

Motor Vehicle Emissions Budgets

The Clean Air Act, section 176(c), and the transportation conformity rule require States to establish MVEB in any control strategy SIP that is submitted for attainment and maintenance of the National Ambient Air Quality Standards. The EPA is granting conditional interim approval to the MVEB listed below, for the Dallas/Fort Worth, El Paso, and Houston/Galveston areas.

1996 VOC MOTOR VEHICLE EMISSION BUDGET

Area	VOC (tons/day)
Dallas/Fort Worth	165.49
El Paso	21.63
Houston/Galveston	152.12

IV. Administrative Requirements

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.

A. Regulatory Flexibility Analysis

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies 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 small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because conditional approvals of SIP submittals 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, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of 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).

If the conditional approval is converted to a disapproval under section 110(k), based on the state's failure to meet the commitment, it will not affect any existing state requirements applicable to small entities. Federal disapproval of the state submittal does not affect its state-enforceability. Moreover, EPA's disapproval of the submittal does not impose a new Federal requirement. Therefore, I certify that this disapproval action will not have a significant economic impact on a substantial number of small entities because it does not remove existing requirements nor does it substitute a new federal requirement.

B. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995, 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 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.

The 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 preexisting 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. Since this action does not impose any mandate, it is also not subject to Executive Order 12875 concerning Federal mandates.

C. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit 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 United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

D. Executive Orders 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from review under Executive Order 12866 entitled, ''Regulatory Planning and Review.''

E. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.'' Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

F. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, representatives of Indian tribal governments are ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.'' Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

G. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective

and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it is does not involve decisions intended to mitigate environmental health or safety risks.

H. Petitions for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 11, 1999. Filing a petition for reconsideration by the Administrator of this conditional interim 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 in 40 CFR Part 52

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

Dated: September 23, 1998.

Gregg A. Cooke,

Regional Administrator, Region 6.

Part 52, *Chapter I, Title 40 of the Code of Federal Regulations* 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 *et seq.*

Subpart SS—Texas

2. Section 52.2270 is amended by adding paragraph (c)(113) to read as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

(113) The Texas Natural Resource Conservation Commission submitted a revision to the State Implementation Plan (SIP) on August 9, 1996. This revision contained, among other things, 15% Rate-of-Progress plans for the Dallas/Fort Worth, El Paso and Houston/Galveston ozone nonattainment areas which will aid in ensuring the attainment of the National Ambient Air Quality Standards for ozone. This submittal also contained revisions to the 1990 base year emissions inventories, the associated Motor Vehicle Emission Budgets and contingency plans.

(i) Incorporation by reference. Texas Natural Resource Conservation Commission (TNRCC) order adopting amendments to the SIP; Docket Number 96–0465–SIP, issued July 31, 1996.

(ii) Additional material.

(A) TNRCC certification letter dated July 24, 1996, and signed by Gloria Vasquez, Chief Clerk, TNRCC.

(B) The SIP narrative plan and tables dated July 24, 1996 entitled, ''Revisions to the State Implementation Plan (SIP) for the Control of Ozone Air Pollution,'' as it applies to the Dallas/Fort Worth, El Paso and Houston areas' 15% Rate-of-Progress plans, emissions inventories, motor vehicle emissions budgets and contingency plans.

* * * * *

3. Section 52.2309 is amended by adding paragraph (e) to read as follows:

§ 52.2309 Emissions inventories.

* * * * *

(e) The Texas Natural Resource Conservation Commission submitted a revision to the State Implementation Plan (SIP) on August 9, 1996. This revision was submitted for the purpose of satisfying the 15% Rate-of-Progress requirements of the Clean Air Act, which will aid in ensuring the attainment of the National Ambient Air Quality Standards for ozone. This submittal also contained revisions to the 1990 base year emissions inventories for the Dallas/Fort Worth, El Paso and Houston/Galveston areas.

[FR Doc. 98–29812 Filed 11–9–98; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region 2 Docket No. NJ29–2–185 FRL–6174–4]

Approval and Promulgation of Implementation Plans; State of New Jersey; Clean Fuel Fleet Opt Out

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the State Implementation Plan revision submitted by the State of New Jersey for the purpose of meeting the requirement to submit the federal Clean Fuel Fleet program (CFFP) or a substitute program that meets the requirements of the Clean Air Act (Act or CAA). EPA is approving the State's plan for implementing a substitute program to opt out of the federal CFFP.

EFFECTIVE DATE: This rule will be effective December 10, 1998.

ADDRESSES: Copies of the State submittals are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Region 2 Office, Air Programs Branch, 290 Broadway, 25th Floor, New York, New York 10007–1866

New Jersey Department of Environmental Protection, Bureau of Air Quality Planning, 401 East State Street, CN027, Trenton, New Jersey 08625

FOR FURTHER INFORMATION CONTACT: Michael P. Moltzen, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007–1866, (212) 637–4249.

SUPPLEMENTARY INFORMATION:

I. Background

Section 182(c)(4)(A) of the Clean Air Act requires states containing areas designated as severe ozone nonattainment areas, including New Jersey, to submit for EPA approval a state implementation plan (SIP) revision that includes measures to implement the federal Clean Fuel Fleet program (CFFP). Under this program, a specified percentage of vehicles purchased by covered fleet operators must meet emission standards that are more stringent than those that apply to conventional vehicles. Covered fleets are defined as having 10 or more vehicles that are centrally fueled or capable of being centrally fueled. A CFFP meeting federal requirements would be a state-enforced program which requires covered fleets to assure that an annually increasing percentage of new vehicle purchases are certified clean vehicles. In New Jersey, the program would apply in the State's portion of the New York-Northern New Jersey-Long Island ozone nonattainment area and in New Jersey's portion of the Philadelphia-Wilmington-Trenton ozone nonattainment area; thus all counties in New Jersey except for Warren, Atlantic and Cape May Counties would be covered under the federal CFFP.

The federal CFFP is divided into two components. The first component is a light duty federal CFFP which applies to covered fleets of passenger cars and trucks of gross vehicle weight rating (GVWR) of 6,000 pounds and less, and trucks between 6,000 and 8,500 pounds GVWR. Covered fleets which fall under the light duty federal CFFP are required