a full Regulatory Evaluation, under paragraph 10e of the regulatory policies and procedures of DOT, is unnecessary. This conclusion is based on the fact that information from the bridge owner indicates that there have been no requests for openings since 1992. This rule will not prevent mariners from passing through the Bruckner Boulevard Bridge so long as they provide advance notice.

Small Entities

The Coast Guard has considered the economic impact of this rule on small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). For the reasons discussed in the Regulatory Evaluation above, the Coast Guard has determined that this rule will not affect a substantial number of small entities.

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under section 2.B.2.e.(32)(e) of Commandant Instruction M16475.1B, (as revised by 60 FR 32197, June 20, 1995), this rule promulgates operating regulations for drawbridges and is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR part 117

Bridges.

Proposed Regulation

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—[AMENDED]

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Section 117.771 is revised to read as follows:

§ 117.771 Bronx River.

(a) The draw of the Bruckner Boulevard Bridge, mile 1.1, at the Bronx, New York, shall open on signal if at least 4 hours notice is given to the New York City Department of Transportation (NYCDOT) Radio Hotline, or NYCDOT Bridge Operations office, except that between 7 a.m. and 9 a.m., and 4 p.m. and 6 p.m. Monday through Friday, the bridge need not be opened for the passage of vessels.

(b) The draw of the Conrail Bridge, mile 1.6 at the Bronx, New York, need not be opened for the passage of vessels.

(c) The owners of the Bruckner Boulevard Bridge, mile 1.1, and the Conrail Bridge, mile 1.6, both at the Bronx, New York, shall provide and keep in good legible condition two clearance gauges designed, installed and maintained in accordance with the provisions of § 118.160 of this chapter.

Dated: April 16, 1997.

J.L. Linnon,

Rear Admiral, U.S. Coast Guard Commander, First Coast Guard District.

[FR Doc. 97–11211 Filed 4–29–97; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region II Docket No. NJ28–1–168, FRL–5816–8]

Approval and Promulgation of Implementation Plans; New Jersey 15 Percent Rate of Progress Plan and Phase I and II Ozone Implementation Plans

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing action on a State Implementation Plan (SIP) revision submitted by New Jersey which is intended to meet several Clean Air Act requirements. EPA is proposing approval of revisions to the 1990 base year ozone emission inventory; the 1996 and 1999 ozone projection emission inventories; photochemical assessment monitoring stations network; demonstration that emissions from growth in vehicle miles traveled will not increase motor vehicle emissions and, therefore, offsetting measures are not necessary; modeling efforts completed to date; transportation conformity budgets; and enforceable commitments. EPA is also proposing conditional interim approval of New Jersey's 15 Percent Rate of Progress Plan and the 9 Percent Reasonable Further Progress Plan. The intended effect of this action is to approve programs required by the Clean Air Act which will result in emission reductions that will help achieve attainment of the national ambient air quality standard (NAAQS) for ozone.

DATES: Comments must be received on or before May 30, 1997.

ADDRESSES: All comments should be addressed to: Ronald Borsellino, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 290 Broadway, 25th Floor, New York, New York 10007–1866.

Copies of the New Jersey submittals and EPA's Technical Support Document are available at the following addresses for inspection during normal business hours:

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

and

New Jersey Department of Environmental Protection, Office of Air Quality Management, Bureau of Air Quality Planning, 401 East State Street, CN418, Trenton, New Jersey 08625

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

SUPPLEMENTARY INFORMATION:

I. Introduction/Background

Section 182 of the Clean Air Act (Act) specifies the required State Implementation Plan (SIP) submissions and requirements for areas classified as nonattainment for ozone and when these submissions and requirements are to be submitted to EPA by the states. EPA has issued the ''General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990'' (General Preamble) describing EPA's preliminary views on how EPA intends to review SIPs and SIP revisions submitted under Title I of the Act, [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 today's proposal and the supporting rationale.

New Jersey is divided into four ozone nonattainment areas: one classified as marginal—the Allentown Bethlehem

Easton Area; one classified as moderate—the Atlantic City Area; and two classified as severe—the New York, Northern New Jersey, Long Island Area, and the Philadelphia, Wilmington, Trenton Area. New Jersey has met the requirements of the Act for the marginal area and EPA has determined that this area has attained the ozone standard (October 6, 1994, 59 FR 50848). For the moderate Atlantic City Area, EPA has found that air quality data indicates that this area has attained the standard and that a 15 Percent Rate of Progress (ROP) Plan and an attainment demonstration are not needed. EPA will be publishing a separate **Federal Register** document for the Atlantic City Area which will discuss the ozone air quality data and implications and waive the 15 Percent ROP Plan requirement. This finding is contingent on New Jersey continuing to conduct air quality monitoring and that this data continues to demonstrate attainment. It should be noted that should the Atlantic City area monitor a violation of the standard prior to being redesignated to attainment, the area would have to address all pertinent Act requirements including a new 15 Percent ROP Plan and the State would have to submit them as a SIP revision.

The two severe nonattainment areas are the primary subject of this **Federal Register** action.

II. State Submittal

On December 31, 1996, Commissioner Shinn of the New Jersey Department of Environmental Protection (NJDEP) submitted to EPA a major revision to the SIP to meet requirements related to attainment of the national ambient air quality standards (NAAQS) for ozone. This was supplemented on February 25, 1997. These submittals address the requirements for the two severe ozone nonattainment areas—the New York, Northern New Jersey, Long Island Area, and the Philadelphia, Wilmington, Trenton Area. For the purposes of this action these areas will be referred to as, respectively, the Northern New Jersey ozone nonattainment area (NAA) and the Trenton NAA. New Jersey's two submittals revised the previously submitted 15 Percent ROP Plan dated November 15, 1993. In addition, these revisions are intended to fulfill EPA's Phase I requirement (''Ozone Attainment Demonstrations,'' March 2, 1995 memo from Mary Nichols) and includes the following: revisions of the 1990 base year ozone emission inventory; the 1996 and 1999 ozone projection emission inventories; 9 Percent Reasonable Further Progress (RFP) Plan; contingency measures; photochemical assessment monitoring stations network; demonstration that emissions from growth in vehicle miles traveled will not increase motor vehicle emissions and, therefore, offsetting measures are not necessary; modeling efforts completed to date; enforceable commitments for Phase II; and transportation conformity budgets. EPA will be acting on the contingency measures in a separate **Federal Register** document.

III. Clean Air Act Requirements

A. Phase I Elements

1. Revisions to the 1990 Base Year Emissions Inventory

Sections 172(c)(3) and 182(b)(1) of the Act require that SIP revisions for 15 Percent ROP and 9 Percent RFP Plans include comprehensive, accurate, current inventories of actual emissions from all sources of relevant pollutants in the nonattainment area. Because the approval of such inventories is necessary for an area's 15 Percent ROP Plan and the Attainment Demonstration, the emissions inventory must be approved prior to or with the 15 Percent ROP Plan submission.

EPA previously approved New Jersey's 1990 base year inventory on October 2, 1995 (60 FR 51351). In the Phase I SIP submittal, which includes the 15 and 9 Percent plans, New Jersey has made minor revisions to the approved 1990 base year emission inventory. These revisions are summarized below. The reader is referred to the Technical Support Document for additional details.

The major point source inventory was revised to reflect changes due to more accurate information collected from major oxides of nitrogen (NO_X) emitters in New Jersey as part of the Ozone Transport Commission NO_X Baseline Project and further quality assurance of New Jersey's emissions data. The highway mobile source inventory was revised to reflect different methodology used to calculate highway mobile source emissions. New Jersey originally used the Highway Performance Monitoring System (HPMS) to estimate vehicle miles traveled (VMT), but now uses the more comprehensive, Transportation Demand Model. There were no changes to the minor point sources, area sources, off-highway mobile sources, and biogenic sources portion of the emission inventory.

Tables 1A and 1B contain the revised 1990 base year volatile organic compounds (VOC), NO_X, and carbon monoxide (CO) emission inventories for the Northern New Jersey and Trenton NAAs:

TABLE 1A.—Northern New Jersey NAA, 1990 Base Year, 1996 and 1999 Projection Year Inventories; Ozone Seasonal VOC, NO_X, AND CO EMISSIONS (TONS/DAY)

Pollutant	Major point sources	Minor point sources	Area sources	Highway mobile sources	Off-highway mobile sources	Biogenic sources	Total
Revised 1990 Base Year Ozone Season VOC, NO_X, and CO Emissions (tons/day)							
VOC	238	164	123	297	137	210	[b] 959
NO_X	486	44	9	332	141	N/A	1012
CO	73	8	33	2371	974	N/A	3459
1996 Projection Year Ozone Season VOC, NO_X, and CO Emissions (tons/day)							
VOC	[a]212	163	125	247	140	N/A	887
NO_X	459	42	9	305	143	N/A	958
CO	69	7	33	1812	993	N/A	2914
1999 Projection Year Ozone Season VOC, NO_X, and CO Emissions (tons/day)							
VOC	[a]216	167	126	241	141	N/A	891
NO_X	482	43	9	301	144	N/A	979

TABLE 1A.—Northern New Jersey NAA, 1990 Base Year, 1996 and 1999 Projection Year Inventories; Ozone Seasonal VOC, NO_X, AND CO EMISSIONS (TONS/DAY)—Continued

Pollutant	Major point sources	Minor point sources	Area sources	Highway mobile sources	Off-highway mobile sources	Biogenic sources	Total
CO	72	8	34	1662	1002	N/A	2778

N/A = not applicable
[a] With 1993 rule effectiveness factors applied.
[b] Rate of Progress base year emission inventory (without biogenic source emissions).
Note: Numbers in a table are rounded to nearest whole number.

TABLE 1B.—TRENTON NAA, 1990 BASE YEAR, 1996 AND 1999 PROJECTION YEAR INVENTORIES OZONE SEASONAL VOC, NO_X, AND CO EMISSIONS (TONS/DAY)

Pollutant	Major point sources	Minor point sources	Area sources	Highway mobile sources	Off-highway mobile sources	Biogenic sources	Total
Revised 1990 Base Year Ozone Season VOC, NO_X, and CO Emissions (tons/day)							
VOC	112	61	37	103	46	203	[b] 359
NO_X	278	9	3	115	41	N/A	446
CO	55	1	14	686	314	N/A	1070
1996 Projection Year Ozone Season VOC, NO_X, and CO Emissions (tons/day)							
VOC	[a] 86	61	39	89	48	N/A	323
NO_X	264	8	3	105	43	N/A	423
CO	53	1	14	575	330	N/A	973
1999 Projection Year Ozone Season VOC, NO_X, and CO Emissions (tons/day)							
VOC	[a] 88	63	40	89	49	N/A	329
NO_X	276	9	3	104	44	N/A	436
CO	54	1	15	543	338	N/A	951

[a] With 1993 rule effectiveness factors applied.
[b] Rate of Progress base year emission inventory (without biogenic source emissions).
Note: Numbers in a table are rounded to nearest whole number.

The revisions have been made in accordance with EPA guidance. Therefore, EPA is proposing to approve the revisions to the 1990 base year VOC, NO_X, and CO emission inventories for the Northern New Jersey and Trenton ozone NAAs.

2. 1996 Projection Year Inventory

A projection of 1996 man-made emissions is required to determine the reductions needed for the 15 Percent ROP Plan. The 1996 projection year emission inventory is calculated by multiplying the 1990 ROP base year inventory by factors which estimate growth from 1990 to 1996. A specific growth factor for each source type in the inventory is required since sources typically grow at different rates.

The difference between the 1990 ROP base year inventory estimates and the 1996 emissions projection is the emissions growth estimate. Total 1996 growth for the four source categories including the emissions offsets is estimated to be a reduction of 72 tons per day (tpd) in the Northern New Jersey NAA and a reduction of 36 tpd in the Trenton NAA. In addition, the 1996 projection year inventory reflects 1993 rule effectiveness factors. The reader is referred to the technical support document for further details.

Projection Methodology. Major Point Sources. For the major point source category, New Jersey projected emissions to 1996 using value added data available at the two-digit Standard Industrial Classification (SIC) Code level from 1984 to 1991. For the years 1987 to 1991, value added data showed a sharp decline. In extrapolating to determine the 1996 value added, New Jersey constrained these growth rates at a 1.0 percent decline each year rather than the larger predicted decline to prevent any significant under-prediction of the 1996 emissions. For cases where value added data were not available, New Jersey used a State average to project emissions for those remaining SIC codes.

Since value added is one of the preferred growth indicators to use, as outlined in EPA's ''Procedures for Preparing Emissions Projections,'' July 1991, EPA finds New Jersey's 1996 major point source projection methodology to be acceptable.

Minor Point Sources. For the minor point source category, New Jersey projected emissions to 1996 using value added data available at the two-digit SIC Code level for all categories with the following exceptions. For traffic paints, New Jersey used 1996 lane mile growth rates. For gasoline handling categories (such as gasoline unloading, gasoline tank breathing, gasoline refueling, gasoline transit by rail car, and gasoline transit by truck), New Jersey used daily VMT growth rates to project emissions to 1996.

Since value added is one of the preferred growth indicators, EPA finds New Jersey's 1996 minor point source projection methodology to be acceptable. The methods used for the exceptions above are also acceptable.

Area Sources. For the area source category, New Jersey projected emissions to 1996 using population growth rates. This is in accordance with EPA's recommended growth indicators for projecting emissions for area source categories outlined in ''Procedures for

Preparing Emissions Projections,'' July 1991. EPA finds New Jersey's area source projection methodology to be acceptable.

Highway Mobile Sources. For the highway mobile source category, New Jersey projected emissions to 1996 using VMT growth rates. New Jersey used zonal transportation demand models to model VMT. EPA finds New Jersey's methodology for projecting highway mobile sources to be acceptable.

Off-highway Mobile Sources. For the off-highway mobile source category, New Jersey projected emissions using population growth rates for all subcategories with one exception, the aircraft category. For the aircraft category, emissions were projected to 1996 using landing and takeoff operations. EPA finds New Jersey's methodology for projecting off-highway mobile sources to be acceptable.

Tables 1A and 1B show the 1996 and 1999 projected emissions using the above-mentioned growth indicators/methodologies. States are required to account for banked emission offsets which will be used during the period covered by the 15 Percent ROP Plan. New Jersey did this and accounted for 5 tpd of pre-1990 emissions offsets in the Northern New Jersey NAA and 3 tpd of pre-1990 emissions offsets in the Trenton NAA.

The 1996 projection year emission inventories were calculated in accordance with EPA guidance. Therefore, EPA is proposing to approve the 1996 projection year VOC, NOx, and CO emission inventories for the Northern New Jersey and Trenton ozone NAAs.

3. 1999 Projection Year Inventory

A projection of 1999 man-made emissions is required for the 9 Percent RFP calculation. The calculation is made by multiplying the 1996 projection year inventory by factors which estimate growth from 1996 to 1999. A specific growth factor for each source type in the inventory is required since sources typically grow at different rates.

The difference between the 1996 projection year inventory and the 1999 emissions projection is the emissions growth estimate. Total growth for the four source categories is estimated at 5 tpd in the Northern New Jersey NAA and 5 tpd in the Trenton NAA. In addition, the 1999 projection year inventory reflects 1993 rule effectiveness factors. The reader is referred to the technical support document for further details.

Projection Methodology. Major Point Sources. For the major point source category, New Jersey projected emissions from 1996 to 1999 using historical and projected data for the years 1973, 1979, 1983, 1988, and every fifth year from 1995 to 2040. These data were obtained from the United States Department of Commerce, Bureau of Economic Analysis (earnings data). The data for the relevant years, i.e., 1996 and 1999, were obtained by interpolating between the two closest years.

Since the use of earnings data is one of the preferred growth indicators, as outlined in EPA's ''Procedures for Preparing Emissions Projections,'' July 1991, EPA finds New Jersey's 1999 major point source projection methodology to be acceptable.

Minor Point Sources. For the minor point source category, New Jersey projected emissions to 1999 using earnings data available at the two-digit SIC code level for all categories with two exceptions, traffic paint and gasoline handling. Since the use of earnings data is one of the preferred growth indicators, EPA finds New Jersey's 1999 minor point source projection methodology to be acceptable.

Unlike 1996, for which New Jersey used lane miles as a growth indicator for traffic paints, New Jersey did not project any growth in traffic paint emissions to 1999 since there were no projected lane mile data available for 1999. For gasoline handling categories (such as gasoline unloading, gasoline tank breathing, gasoline refueling, gasoline transit by rail car, and gasoline transit by truck), as done for 1996, New Jersey used daily VMT growth rates to project emissions to 1999. These approaches are also acceptable.

Area Sources. The 1996 area source projection methodology was also used for 1999 projections and is therefore, acceptable.

Highway Mobile Sources. The 1996 highway mobile source projection methodology was also used for 1999 projections and is therefore, acceptable.

Off-highway Mobile Sources. The 1996 off-highway projection methodology was also used for 1999 projections and is therefore, acceptable.

The 1999 projection year emission inventories have been calculated in accordance with EPA guidance. Therefore, EPA is proposing to approve the 1999 projection year VOC, NO_X, and CO emission inventories for the Northern New Jersey and Trenton ozone NAAs.

4. 15 Percent Rate of Progress Plan

Section 182(b)(1) of the Act as amended in 1990 requires ozone nonattainment areas with classifications of moderate and above to develop plans to reduce area-wide VOC emissions by 15 percent from a 1990 adjusted baseline. The plans were to be submitted by November 15, 1993 and the reductions were required to be achieved within six years of enactment or by November 15, 1996. The Act also sets limitations on the creditability of certain types of reductions. Specifically, states cannot take credit for reductions achieved by Federal Motor Vehicle Control Program (FMVCP) measures (new car emissions standards) promulgated prior to 1990 and Reid Vapor Pressure (RVP) programs promulgated prior to 1990. Furthermore, the Act does not allow credit for corrections to vehicle Inspection and Maintenance Programs (I/M) or corrections to reasonably available control technology (RACT) rules (RACT fix-ups) that were required to have been made to meet requirements in effect prior to 1990.

The target emission reductions were calculated in accordance with EPA guidance. The reader is referred to ''Guidance On The Adjusted Base Year Emissions Inventory and The 1996 Target For The 15 Percent Rate of Progress Plans,'' (EPA–452/R–92–005). New Jersey's 15 Percent ROP Plan is summarized in Table 2.

The reader should note that the differences in VOC emissions between 1990 and 1996 as depicted in Tables 1A and 1B are not the same as the emission reductions for the same time period depicted in Table 2, Summary of 15 Percent ROP Plan. This is because the emissions changes between 1990 and 1996 have been adjusted for purposes of the 15 Percent ROP Plan to eliminate emission changes not creditable according to the Act. These adjustments are explained in detail in the previously referenced guidance.

TABLE 2.—SUMMARY OF 15 PERCENT ROP PLAN

	Northern New Jersey NAA VOC (tons/day)	Trenton NAA VOC (tons/day)
Required VOC reductions to meet 15 Percent Plan	129.82	37.18
Creditable reductions		
Mobile source control measures:		
Tier I vehicles	1.96	0.73
Reformulated gasoline—on highway	47.99	17.51
Reformulated gasoline—off highway	4.32	1.33
Enhanced inspection & maintenance	33.08	11.91
Stationary source control measures:		
Barge loading	21.08	1.21
Subchapter 16—VOC RACT	16.34	3.75
Consumer products rule—Subchapter 23	5.93	1.79
Federal HON rule	0.12	0.06
Total VOC reductions	130.82	38.28
Surplus	1.00	1.10
Reductions not credited in today's action		
Employer trip reduction and transportation control measures	2.36	0.64

Measures Achieving the Projected Reductions. New Jersey has provided a plan to achieve the reductions required for the two nonattainment areas. The following is a concise description of each control measure New Jersey used to achieve emission reduction credit within its 15 Percent ROP Plan. All the State measures have been adopted and submitted as SIP revisions. EPA has previously approved some of the control measures, others EPA has proposed action upon, including the enhanced vehicle I/M program. EPA agrees with the emission reductions projected in the State submittal except where noted in Table 2 under the heading ''Reductions not credited in today's action.''

Mobile source control measures. Tier I Federal Motor Vehicle Control Program (FMVCP). EPA promulgated standards for 1994 and later model year light-duty vehicles and light-duty trucks (56 FR 25724, June 5, 1991). Since the standards were adopted after the Clean Air Act Amendments of 1990, the resulting emission reductions are creditable toward the 15 percent reduction goal. EPA agrees with the emission reductions calculated by the State due to the FMVCP.

Reformulated Gasoline. Section 211(k) of the Act requires that after January 1, 1995 in severe and above ozone nonattainment areas, only reformulated gasoline be sold or dispensed. This gasoline is reformulated to burn cleaner and produce fewer evaporative emissions. On December 6, 1991 the State requested that the entire State of New Jersey participate in the reformulated gasoline program. EPA's approval of this request was published in the **Federal Register** on March 26, 1991, 57 FR 11077. EPA agrees with the emission reductions calculated by the State due to the sale of reformulated gasoline for both on-road and off-road use.

Enhanced I/M. On October 31, 1996 (61 FR 56172), EPA proposed a conditional interim approval of New Jersey's enhanced I/M program submittal.

The reader is referred to that proposal for the details on the enhanced I/M program and EPA's findings. That notice called for the State to commit within 30 days to correct the major deficiencies in the submittal by specific dates. EPA identified two major deficiencies and dates by which the State was to address them: (1) Test procedures, standards, and equipment specifications which were to be submitted by January 31, 1997, and (2) program performance modeling which is to be submitted within one year after conditional interim approval. On November 27, 1996, New Jersey committed to submit test procedures and equipment specifications by the date specified and program modeling by October 30, 1997. The equipment information was received as scheduled and is currently under review. In a separate action, EPA will be publishing conditional interim approval of the enhanced I/M program.

New Jersey's 15 Percent ROP Plan includes I/M modeling to provide estimates for the level of reduction expected from the program (see Table 2). However, New Jersey's modeling was completed prior to and is not consistent with, EPA's final guidance on the methodology to be used for making these calculations (December 23, 1996 memo entitled ''Modeling 15% VOC Reductions from I/M in 1999—Supplemental Guidance). Therefore, the State must commit within 30 days of the publication of this document to submit, within 12 months of the final conditional interim approval of the 15 Percent ROP and the 9 Percent RFP Plans, recalculated emission reduction benefits attributable to the I/M program for both the 15 Percent ROP Plan and the 9 Percent RFP Plan. This recalculation must take into account actual I/M program conditions as they are scheduled to occur, including, but not limited to, program start date, cut points, and test type. Also, New Jersey must still fulfill the condition in the October 31, 1996 **Federal Register** document to perform modeling in order to determine if the I/M program meets the enhanced performance standard. The State has committed to submit the performance standard modeling by October 30, 1997.

By today's action, EPA proposes to approve emission credits for the 15 Percent ROP and 9 Percent RFP Plans on an interim basis, pending verification of the I/M Program's performance, pursuant to section 348 of the NHSDA. This interim approval of the 15 Percent ROP and the 9 Percent RFP Plans will expire at the end of the 18 month period, and will be replaced by appropriate EPA action based on the evaluation EPA receives concerning the Program's performance. If the evaluation indicates a shortfall in emission reductions compared to the remodeling that the 15 Percent ROP and 9 Percent RFP Plans is conditioned on, the State would need to find additional emission credits. Failure of the State to make up for an emission shortfall from the enhanced I/M program may subject the

State to sanctions and imposition of a Federal Implementation Plan.

In addition, in a separate document, EPA is taking both a limited conditional approval of the New Jersey enhanced I/M program under section 110 which strengthens the SIP, as well as an interim conditional approval under section 348 of the NHDSA. The limited approval of the enhanced I/M program will not expire at the time the interim approval of the 15 Percent ROP and 9 Percent RFP plans and the interim approval of the enhanced I/M program under the NHSDA expire. As explained above, the credits provided by the I/M program on an interim basis for those plans may be adjusted based on EPA's evaluation of the I/M Program's performance.

Enhanced I/M ''as soon as practicable''. Section 182(b)(1) of the Act requires that states containing ozone nonattainment areas classified as moderate or above prepare SIPs that provide for a 15 percent VOC emissions reduction by November 15, 1996. Most of the 15 Percent ROP Plans originally submitted to EPA contained enhanced I/M programs because this program achieves more VOC emission reductions than most, if not all other, control strategies. However, many states became concerned over the cost and convenience of the enhanced I/M program as they were originally envisioned.

In a response to these concerns in September 1995, EPA finalized revisions to its enhanced I/M rule allowing states significant flexibility in designing I/M programs appropriate for their needs. Subsequently, Congress enacted the NHSDA, which provides states with more flexibility in determining the design of enhanced I/M programs. The substantial amount of time needed by states to redesign enhanced I/M programs, in accordance with the guidance contained within the NHSDA, and set up the infrastructure to perform the testing program has precluded states that revised their I/M programs from obtaining emission reductions from such revised programs by November 15, 1996.

Given the heavy reliance by many states upon enhanced I/M programs to help achieve the 15 percent VOC emissions reduction required under section 182(b)(1), and the recent NHSDA and regulatory changes regarding enhanced I/M programs, EPA recognized that it was no longer possible for many states to achieve the portion of the 15 percent reductions that are attributed to I/M by November 15, 1996. Under these circumstances, disapproval of the 15 Percent ROP Plans would serve no purpose. Consequently, under certain circumstances, EPA will propose to allow states that pursue redesign of enhanced I/M programs to receive emission reduction credit from these programs within their 15 Percent ROP Plans, even though the emissions reductions from the I/M program will occur after November 15, 1996.

Specifically, EPA can propose approval of 15 Percent ROP Plans if the emissions reductions from the revised, enhanced I/M programs, as well as from the other 15 Percent ROP Plan measures, will achieve the 15 percent level as soon after November 15, 1996 as practicable. To make this ''as soon as practicable'' determination, EPA must determine that the SIP contains all VOC control strategies that are practicable for the nonattainment area in question and that meaningfully accelerate the date by which the 15 percent level is achieved. EPA does not believe that measures meaningfully accelerate the 15 percent date if they provide only an insignificant amount of reductions.

In the case of New Jersey, the State has submitted a 15 Percent ROP Plan that would achieve the amount of reductions needed from I/M by November 15, 1999. New Jersey has submitted a 15 Percent ROP Plan that achieves all other reductions by 1996. In addition, EPA is pursuing federal rulemaking on a national scope which will result in additional emission reductions. EPA proposes to determine that this SIP does contain all measures, including enhanced I/M, that achieves the required reductions as soon as practicable.

EPA has examined other potentially available SIP measures to determine if they are practicable for New Jersey and if they would meaningfully accelerate the date by which the area reaches the 15 percent level of reductions. In most cases New Jersey has already adopted and implemented stationary control measures that other states are considering or which other states have included in their 15 Percent ROP Plans. EPA proposes to determine that the SIP does contain the appropriate measures.

Stationary source measures. Barge loading. New Jersey has adopted a VOC control regulation for the loading of marine vessels with gasoline. The State submitted an adopted revision to Subchapter 16 ''Control and Prohibition of Air Pollution by Volatile Organic Substances'' which regulates the loading of gasoline into marine vessels to EPA on June 20, 1990. On November 10, 1992, EPA published a final rulemaking (57 FR 53440) approving the rule as a revision to the SIP. EPA agrees with the reductions projected in the New Jersey 15 Percent ROP Plan due to the implementation of this rule.

Subchapter 16—VOC RACT. New Jersey has submitted adopted revisions to Subchapter 16 ''Control and Prohibition of Air Pollution by Volatile Organic Compounds'' which regulates major sources not covered in EPA issued control techniques guidelines (CTG) documents. This is referred to as ''non-CTG major sources.'' It also regulates sources for which EPA has published CTGs since 1990. On April 11, 1997 (62 FR 17766), EPA published a proposal approving the rule as a revision to the SIP. EPA agrees with the reductions projected in the New Jersey 15-Percent ROP Plan due to the implementation of this rule.

Consumer Products rule—Subchapter 24. New Jersey has adopted a VOC control regulation limiting the VOC content of designated consumer and commercial products. The State submitted an adopted revision to Subchapter 24 ''Control and Prohibition of Volatile Organic Compounds from Consumer and Commercial Products'' to EPA on January 25, 1996. On January 21, 1997 (62 FR 2984), EPA published a proposal approving the rule as a revision to the SIP. EPA received no comments on this proposal and is preparing a notice announcing its final action. EPA agrees with the reductions projected in the New Jersey 15 Percent ROP Plan due to the implementation of this rule.

Federal HON rule. On April 22, 1994 EPA promulgated Part 63, Subpart H—National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks. This requires facilities which manufacture or process organic hazardous air pollutants to develop and implement a program for leak detection and repair. EPA agrees with the reductions projected in the New Jersey 15 Percent ROP Plan due to the implementation of this rule.

Measures Not Creditable in Today's Action. Employer Trip Reduction and Transportation Control Measures. On November 15, 1993, New Jersey submitted a SIP revision for an Employer Trip Reduction program (ETR), as required in section 182(d)(1)(B) of the Act. EPA proposed approval of that program on December 6, 1994 (59 FR 62646). Subsequently, the State made changes to this program, but failed to submit these changes to EPA as a SIP revision. On December 23, 1995, Congress repealed the mandatory nature of the employer commute option program (which New Jersey calls ''ETR''), allowing states discretion to implement the program on a voluntary basis. On November 1, 1996, the New

Jersey Legislature repealed the State's mandatory ETR program.

On October 15, 1996, EPA published direct final approval of revisions to New Jersey's SIP for ozone submitted by New Jersey on November 15, 1992 and November 15, 1993 (61 FR 53624). One of the intended effects of this action was to incorporate TCMs as part of New Jersey's effort to attain the national ambient air quality standard for ozone. Those TCMs included New Jersey's ETR program. On November 13, 1996, New Jersey indicated it was in the process of amending the list of TCMs. Consequently, at New Jersey's request, EPA withdrew this approval on December 18, 1996 (61 FR 66606).

New Jersey plans on replacing its mandatory ETR program with an ''ETR Replacement Package,'' including TCMs and transportation technology measures, and has provided a schedule. While EPA acknowledges that the ETR program may have achieved emission reductions during the 1996 ozone season, the program the State implemented was not submitted as a SIP revision and the State did not require the employers to report on the results of their programs. Without this reporting, EPA is unable to verify the effectiveness of the program. Because of the uncertainties associated with both ETR and TCMs, EPA is considering the emissions reductions associated with ETR and TCMs to be noncreditable with respect to New Jersey's Phase I Ozone SIP at this time. EPA will take action on the State's ''ETR Replacement Package'' once it is submitted as a SIP revision.

15 Percent ROP Plan Evaluation. New Jersey has identified the control measures necessary for achieving the required emission reductions and, with the exception of enhanced I/M, all the measures have been adopted and implemented. New Jersey may also have achieved emission reductions from the ETR program as part of the 15 Percent ROP Plan, but EPA is unable to verify the reductions. EPA is proposing to find that the 15 Percent ROP Plan contains the necessary measures as identified in Table 2 to achieve the required emission reductions. The Plan also satisfies the requirement of achieving these reductions ''as soon as practicable'' and there are no remaining measures which could be implemented any sooner to offset the delay in the enhanced I/M program. Therefore, EPA is proposing conditional interim approval of the 15 Percent ROP Plan.

5. The 9 Percent Reasonable Further Progress Plan (24 Percent Plan)

Section 182(c)(2)(B) of the Act requires ozone nonattainment areas with classifications of serious and above to develop plans to reduce area-wide VOC emissions by 3 percent per year averaged over the next three-year period (1997–1999) from a 1990 baseline. This is referred to as the 9 Percent RFP Plan. The plan was to be submitted by November 15, 1994 and the reductions are required to be achieved by November 15, 1999. The Act also sets limitations on the creditability of certain types of reductions.

The target emission reductions were calculated in accordance with EPA guidance. The reader is referred to ''Guidance On The Post-1996 Rate of Progress Plan and the Attainment Demonstration,'' (EPA–452/R–93–015). New Jersey's 9 Percent RFP Plan (New Jersey refers to this as its 24 Percent Plan) is summarized in Table 3.

TABLE 3.—SUMMARY OF NEW JERSEY 9 PERCENT RFP PLAN

	Northern New Jersey NAA (tons/day)		Trenton NAA (tons/day)	
	VOC [1]	NO_x [1]	VOC [1]	NO_x [1]
Required VOC reductions to meet 9 Percent Plan	94.66	.....	40.34	.....
Creditable Reductions				
Mobile source control measures:				
Tier I vehicles	12.87	29.53	4.80	10.14
Reformulated gasoline—on highway	.....	0.74	.....	0.22
Reformulated gasoline—off highway	0.05	.....	0.03	.....
Enhanced inspection & maintenance	3.77	33.70	1.58	10.81
National low emission vehicle program	0.48	0.44	0.18	0.17
Stationary source control measures:				
Barge and tanker loading	0.23	.....	0.06	.....
Subchapter 16 & 19—RACT	0.17	70.92	.....	58.21
Federal CTG—RACT	0.22	.....	0.04	.....
Consumer products rule—Subchapter 24	0.05	.....	0.05	.....
Total reductions	17.84	[2] 135.33	6.74	[2] 79.55
Shortfall	76.82	.....	33.60	.....
VOC equivalents from NO_X substitution	124.48	.....	62.63	.....
Surplus reduction	47.66	.....	29.03	.....

[1] VOC emission reductions claimed occur from 1997 through 1999. NO_X emission reductions claimed occur from 1990 through 1999.
[2] 135 tons/day of NO_X converts to 124.48 tons/day of VOC equivalent in the Northern New Jersey NAA. 79.55 tons/day of NO_X converts to 62.63 tons/day of VOC equivalent in the Trenton NAA.

Measures Achieving the Projected Reductions. New Jersey has provided a plan to achieve the reductions required for the two nonattainment areas. The following is a concise description of each control measure New Jersey used to achieve the emission reduction credit within its 9 Percent RFP Plan. All of the State's measures have been adopted and submitted as SIP revisions. EPA has previously approved some of the control measures, others EPA has proposed action on, including the enhanced vehicle I/M program. EPA agrees with the emission reductions projected in the State's submittal as they appear in Table 3. In addition, New Jersey has shown that NO_X reductions will contribute toward attaining the ozone standard (See section B.1., Modeling discussion below). Section 182(c)(2)(C) therefore allows NO_X reductions to be used toward meeting RFP requirements. Table 3 includes columns showing the VOC and NO_X reductions that will result from the implementation of the control measures.

Mobile Source Measures. Tier I Federal Motor Vehicle Control Program. This is the same measure as contained

in the 15 Percent ROP Plan except it is only taking the additional credit that would be generated for the years 1997–1999. EPA agrees with the calculated emission reductions associated with the FMVCP.

Reformulated Gasoline. This is the same measure as contained in the 15 Percent ROP Plan except it is only taking the additional credit that would be generated for the years 1997–1999. EPA agrees with the calculated emission reductions associated with reformulated gasoline.

Enhanced Inspection and Maintenance. This is the same measure as contained in the 15 Percent ROP Plan except it is only taking the additional credit that would be generated for the years 1997–1999. EPA agrees with the calculated emission reductions associated with reformulated gasoline.

National Low Emissions Vehicle Program. On October 10, 1995, EPA proposed a national low emission vehicle program (60 FR 52734) and is soon expected to sign a final rulemaking. This would provide more stringent tailpipe standards for cars and light-duty trucks and be a substitute for the Ozone Transport Commission low emission vehicle program. EPA agrees with the calculated emission reductions associated with this program.

Stationary Source Measures. Barge and Tanker Loading. AThis is the same measure as contained in the 15 Percent ROP Plan except it is only taking the additional credit that would be generated for the years 1997–1999. EPA agrees with the calculated emission reductions associated with barge and tanker controls.

Subchapter 16. This is the same measure as contained in the 15 Percent ROP Plan except it is only taking the additional credit that would be generated for the years 1997–1999. EPA agrees with the calculated emission reductions associated with Subchapter 16.

Subchapter 19. New Jersey has submitted adopted revisions to Subchapter 19 ''Control and Prohibition of Air Pollution From Oxides of Nitrogen'' which regulates combustion sources that emit NO_X. On January 27, 1997, EPA published a final rulemaking (62 FR 3804) approving the rule as a revision to the SIP. EPA agrees with the calculated emission reductions associated with Subchapter 19.

Federal CTG—RACT. This is the same measure as contained in the 15 Percent ROP Plan except it is only taking the additional credit that would be generated for the years 1997–1999. EPA agrees with the calculated emission reductions associated with the post-1990 CTG source categories included in Subchapter 16.

Consumer Products rule—Subchapter 24. This is the same measure as contained in the 15 Percent ROP Plan except it is only taking the additional credit that would be generated for the years 1997–1999. EPA agrees with the calculated emission reductions associated with Subchapter 24.

9 Percent RFP Plan Evaluation. New Jersey has identified the control measures necessary for achieving the required emission reductions and, with the exception of enhanced I/M, all the measures have been adopted and implemented. EPA is proposing to find that the 9 Percent RFP Plan contains the necessary measures as identified in Table 3 to achieve the required emission reductions. However, as discussed under the 15 Percent ROP Plan section, the State must remodel the effectiveness of the enhanced I/M program as it pertains to the 9 Percent RFP Plan. Therefore, EPA is proposing conditional interim approval.

6. Analysis of Growth in Emissions Due to Increases in VMT

Section 182(d)(1)(A) of the Act requires states containing ozone nonattainment areas classified as ''severe'' pursuant to section 181(a) of the Act to adopt transportation control measures and transportation strategies to offset growth in emissions from growth in VMT or number of vehicle trips, and to attain reductions in motor vehicle emissions (in combination with other emission requirements) as necessary to comply with the Act's RFP milestone and attainment requirements. The requirements for establishing a VMT offset program are discussed in the section 182(d)(1)(A) and the General Preamble.

Section 182(d)(1)(A) requires New Jersey to offset any growth in emissions from growth in VMT. As discussed in the General Preamble, the purpose is to prevent a growth in motor vehicle emissions from canceling out the emission reduction benefits of the federally mandated programs in the Act. EPA interprets this provision to require that sufficient measures be adopted so that projected motor vehicle VOC emissions will never be higher during the ozone season in one year than during the ozone season in the year before. When growth in VMT and vehicle trips would otherwise cause a motor vehicle emissions upturn, this upturn must be prevented by offsetting reductions. The emissions level at the point of an upturn becomes a ceiling on motor vehicle emissions. This requirement applies to projected emissions in the years between the submission of the SIP revision and the attainment deadline, and is above and beyond the separate requirements for the RFP and the Attainment Demonstrations. The ceiling level is defined, therefore, up to the point of an upturn, as motor vehicle emissions that would occur in the ozone season of that year, with VMT growth, if all measures for that area in that year were implemented as required by the Act. When this curve begins to turn up due to growth in VMT or vehicle trips, the ceiling becomes a fixed value. The ceiling line would include the effects of federal measures such as new motor vehicle standards, phase II reid vapor pressure controls, and reformulated gasoline, as well as the Act mandated SIP requirements.

As noted previously, on October 15, 1996, EPA published direct final approval of revisions to New Jersey's SIP for ozone submitted by New Jersey on November 15, 1992 and November 15, 1993 (61 FR 53624). In addition to the intended approval of New Jersey's ETR program, this action was also intended to approve New Jersey's demonstration that emissions from growth in vehicle miles traveled will not increase motor vehicle emissions and, therefore, offsetting measures are not necessary. While this approval was subsequently withdrawn at New Jersey's request, EPA's rationale for separating the three elements of Section 182(d)(1)(A) (i.e., offsetting growth in mobile source emissions, attainment of the RFP reduction, and attainment of ozone NAAQS) is outlined therein and is still valid.

Included in the 15 Percent ROP Plan, New Jersey submitted an analysis of the growth in motor vehicle emissions due to growth in VMT: emissions from motor vehicles are projected to continually decline from 1990 levels in both the Northern New Jersey and Trenton NAAs through the year 2012. The attainment deadline for the Northern New Jersey NAA is 2007 and for the Trenton NAA is 2005. Therefore, the State is not required to implement any measures to offset growth in emissions due to growth in VMT. Should increases occur after these dates, they would be addressed in the Attainment Demonstration or maintenance plan. EPA is proposing to find that the State has adequately demonstrated that transportation control measures are not needed to offset growth in emissions due to growth in VMT.

7. Photochemical Assessment Monitoring Station

Section 182(c)(1) of the Act and the General Preamble (57 FR 13515) require that EPA promulgate rules for enhanced monitoring of ozone, NO_X and VOCs (see 58 FR 8452, February 12, 1993) and that states classified serious and above develop and operate a photochemical assessment monitoring station network (PAMS). NJDEP submitted its PAMS Network Plan which included a schedule for implementation. This submittal was reviewed and approved on January 27, 1994 by EPA and was judged to satisfy the requirements of 40 CFR 58.40(a). NJDEP has been establishing its PAMS network according to its approved Work Plan and implementation schedule. EPA is proposing to approve New Jersey's PAMS network.

B. Other Phase I Elements

1. Modeling Work Completed to Date

Photochemical grid modeling is used to support the State's submittal in two ways: first, meet the requirements set out in EPA's March 2, 1995 memo for a preliminary modeling analysis and to support the State's ability to use reductions in VOC and $NONO_X$ emission as part of its ROP and RFP Plans.

New Jersey has submitted a preliminary modeling analysis using assumptions about transported ozone and precursors, as required by the March 2, 1995 memo previously referenced. This analysis does not have to show attainment of the ozone standard. Two episodes were modeled and ozone concentrations were predicted using emission control programs mandated by the Act plus various strategies proposed by the Ozone Transport Commission for reduction of ozone and its precursors in the Ozone Transport Region. Even with these programs, the modeling predicts that the State will not attain the ozone standard. To address this, New Jersey has actively participated in the multi-state Ozone Transport Assessment Group as required in the March 2, 1995 policy memo.

The modeling also predicts that ozone will be reduced if emissions of VOC or of NO_X are reduced. This is based on modeling the impact of proportionally reducing emissions of VOC and NO_X together and separately and showing that the peak ozone concentration is reduced. Thus, emissions of either VOC and NO_X can be reduced to improve ozone air quality in New Jersey and either can be used in the 15 Percent ROP and 9 Percent RFP Plans to the extent allowed in the Act. EPA is proposing to accept New Jersey's modeling efforts as fulfilling EPA's Phase I requirements.

2. Ozone Transport Commission NO_X MOU

On September 27, 1994, the Ozone Transport Commission agreed to develop a regional program to achieve significant reduction in NO_X emissions from large combustion sources. New Jersey signed the Memorandum of Understanding (MOU) which formalized this program. EPA's March 2, 1995 policy requires states to provide enforceable commitment to implement the NO_X MOU. New Jersey provided a schedule for completing the rule development effort by November 1997 which will implement the NO_X MOU. EPA is proposing to accept this as satisfying EPA's Phase I requirement for NO_X MOU.

3. Commitments to Future Action

EPA's March 2, 1995 policy requires states to provide enforceable commitments to: (1) participate in the consultative process to address regional transport; (2) adopt additional control measures as necessary to attain the ozone standard, meet rate of progress requirements, and eliminate significant contribution to nonattainment downwind; and (3) identify any reductions that are needed from upwind areas for the area to meet the ozone standard.

As part of the December 31, 1996 SIP revision, New Jersey made commitments for all three of the above requirements. New Jersey is an active participant to the Ozone Transport Assessment Group process and chairs the Modeling and Assessment Subgroup. EPA is proposing to accept these commitments as satisfying EPA's Phase I requirements.

4. Clean Fuel Fleet

Section 182(c)(4) requires a Clean Fuel Fleet or substitute measure. New Jersey submitted a substitute measure on February 15, 1996 and supplemented the submittal on March 6, 1997. EPA will be taking action on this requirement in a separate **Federal Register** document.

IV. Transportation Conformity Budgets

By virtue of proposing approval of the 15 Percent ROP Plan and 9 Percent RFP Plan, EPA is also proposing approval of the motor vehicle emissions budgets for VOC and NO_X. For the purpose of transportation conformity determinations, final approval of this 15 Percent ROP Plan revision will eliminate the need for a build/no-build test and less-than-1990 emissions test for VOC and NO_X for the 1996 analysis year. For the 1999 analysis year and later, conformity determinations addressing VOC and NO_X must demonstrate consistency with the 9 Percent RFP Plan revision's VOC and NO_X motor vehicle emissions budget.

The tables 5 and 6 summarize New Jersey's Emission Budgets.

TABLE 4.—EMISSION BUDGETS FOR CONFORMITY

	VOC (tons/day)	NO_X (tons/day)
1996		
North Jersey Transportation Planning Authority	164.71	270.99
Delaware Valley Regional Planning Commission (NJ portion)	52.26	79.66
South Jersey Transportation Planning Organization	29.62	32.64
1999		
North Jersey Transportation Planning Authority	144.06	244.93
Delaware Valley Regional Planning Commission (NJ portion)	46.48	72.36
South Jersey Transportation Planning Organization	17.44	29.53

TABLE 5.—EMISSION BUDGETS FOR MCGUIRE AIR FORCE BASE

	VOC (tons/year)	NO_X (tons/year)
1990 Baseline	1,112	1,038
1996	1,186	1,107
1999	1,223	1,142

EPA is proposing to approve New Jersey's emission budgets.

V. Phase I Findings

On July 3, 1996, EPA notified the Governor of New Jersey that EPA was making a finding of failure to submit all the Act elements required to fulfill the March 2, 1995 ''Ozone Attainment Demonstration'' policy as committed to by New Jersey. EPA announced the start of the sanction process in a July 10, 1996 **Federal Register** notice (61 FR 36292). With New Jersey's submittals of December 31, 1996 and February 25, 1997 (Phase I SIP revision), and March 6, 1997 (Clean Fuel Fleets Program SIP revision), New Jersey has now submitted all the Phase I requirements. EPA has determined these submittals are complete and will notify New Jersey in a letter shortly that the sanction process that started on July 3, 1996 is terminated.

VI. Summary

EPA has evaluated these submittals for consistency with the Act, applicable EPA regulations, and EPA policy. EPA is proposing approval of New Jersey's: revisions to the 1990 base year ozone emission inventory; the 1996 and 1999 ozone projection emission inventories; photochemical assessment monitoring stations network; demonstration that emissions from growth in vehicle miles traveled will not increase motor vehicle emissions; modeling efforts completed to date; transportation conformity budget; and enforceable commitments for Phase II.

In addition, EPA is proposing conditional interim approval of New Jersey's 15 Percent ROP Plan and the 9 Percent RFP Plan if New Jersey commits, in writing, within 30 days of EPA's proposal to correct the following condition. New Jersey must remodel the enhanced I/M program to estimate the emission reductions that will result from the I/M program as implemented. This remodeling must be completed and submitted to EPA within one year of EPA's final action on the 15 Percent ROP and the 9 Percent RFP Plans.

If New Jersey submits a commitment to this effect, EPA will publish a conditional interim approval of New Jersey's 15 Percent ROP Plan and the 9 Percent RFP Plan. EPA will consider all information submitted as a supplement or amendment to the December 31, 1996 submittal prior to any final rulemaking action.

If New Jersey does not make the required commitment to EPA within 30 days, EPA is today proposing in the alternative that the 15 Percent ROP Plan and 9 Percent RFP Plan be disapproved.

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.

VII. Administrative Requirements

Executive Order 12866

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

Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

Conditional approvals of SIP submittals under section 110 and subchapter I, part D of the 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, EPA 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 Act, preparation of a flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The 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, EPA certifies that this disapproval action would not have a significant impact on a substantial number of small entities because it does not remove existing requirements nor does it substitute a new federal requirement.

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 annual 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.

EPA has determined that the approval action proposed does not include a federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This federal action approves pre-existing requirements under State or local law, and imposes

no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

The Regional Administrator's decision to approve or disapprove the SIP revision will be based on whether it meets the requirements of section 110(a)(2)(A)–(K) and part D of the Act, as amended, and EPA regulations in 40 CFR Part 51.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401–7671q.

Dated: April 16, 1997.

William J. Muszynski,

Deputy Regional Administrator.

[FR Doc. 97–11125 Filed 4–29–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[WA60–7135b; WA61–7136b; and WA63–7138b; FRL–5812–8]

Approval and Promulgation of State Implementation Plans: State of Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve three State Implementation Plan (SIP) revisions submitted by the State of Washington (Washington) for the purpose of removing the requirement for oxygenated fuel in the Vancouver, Washington, and Central Puget Sound carbon monoxide (CO) maintenance areas. One requested revision removes the requirement for oxygenated fuel from the Washington regulations; a second requested revision removes the requirement for oxygenated fuel from the Puget Sound Air Pollution Control Agency (PSAPCA) regulations; and a third requested revision removes the requirement for oxygenated fuel from the Southwest Air Pollution Control Authority (SWAPCA) regulations. The SIP revisions were submitted by Washington because the Vancouver and Central Puget Sound areas have been redesignated as attainment for carbon monoxide (CO) and oxygenated fuel is no longer required in those areas, as specified in the CO Maintenance Plans previously approved for those areas. In the Final Rules Section of this **Federal Register**, the EPA is approving Washington's SIP revisions as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action.

DATES: Comments on this proposed rule must be received in writing by May 30, 1997.

ADDRESSES: Written comments should be addressed to Montel Livingston, Environmental Protection Specialist (OAQ–107), Office of Air Quality, at the EPA Regional Office listed below. Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Environmental Protection Agency, Region 10, Office of Air Quality, 1200 6th Avenue, Seattle, WA 98101.

The State of Washington Department of Ecology, 300 Desmond Drive, Lacey, Washington 98504–8711.

FOR FURTHER INFORMATION CONTACT: William M. Hedgebeth, Office of Air Quality (OAQ–107), EPA, 1200 6th Avenue, Seattle, WA 98101, (206) 553–7369.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action which is located in the Rules Section of this **Federal Register**.

Dated: April 3, 1997.

Chuck Clarke,

Regional Administrator.

[FR Doc. 97–11156 Filed 4–29–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 126–0032b; FRL–5815–6]

Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision, Placer County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the California State Implementation Plan (SIP) that concern a wide range of administrative and traditional source category rules.

The intended effect of proposing approval of these rules is to regulate emissions of volatile organic compounds (VOCs), oxides of nitrogen (NO_X) and other pollutants in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In the Final Rules Section of this **Federal Register**, the EPA is approving the state's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for this approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed rule must be received in writing by May 30, 1997.

ADDRESSES: Written comments on this action should be addressed to: Andrew Steckel, Rulemaking Office [AIR–4], Air Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the rule revisions are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule revisions are also available for inspection at the following locations:

Placer County Air Pollution Control District, 11464 B Avenue, Auburn, CA 96503 and

California Air Resources Board, Stationary Source Divison, Rule