	Minimum	Maximum
Size:		
Per piece	5.5 in. × 3.35 in. × .007 in.	
Per bundle		Length + girth: 78.7 in. Greatest dimension: 23.6 in. Height: 7.8 in.
Per roll		Length + 2 × diameter: 41 in. Greatest dimension: 35.4 in.
Per folded newspaper		14.25 in. × 11 in. × 6.4 in.
Weight:		
Per piece		3 lbs.
Per bundle		55 lbs.

613.33 Postage Payment Method

Postage must be paid through an advance deposit account. Qualifying mailers must have the following information printed on one of the first five or last five pages of each newspaper or periodical issue:

a. The words ''Agreement Number 03429792'';

b. The Canadian address to which change of address information and the address blocks undeliverable copies should be sent. (The Postal Service will provide this address if the mailer does not have a Canadian return address.)

If the publication is mailed under cover, the information outlined above must be clearly visible on the outside of the envelope or, if clear-wrapped, on the front or back cover of the publication.

613.34 Postage Statement

Mailers must complete the total postage on PS Form 3651, Postage Statement—International Permit Imprint Mail or Bulk Letters to Canada with Permit Imprint or Postage Meter Affixed, and attach a completed worksheet, PS Form 3657–C, Postage Statement—Global Direct—Canada Publications Mail. Both of these forms are provided by the Postal Service at the following web site: www.usps.com. A set of separate postage statements must be prepared for each individual mailing.

613.4 Preparation Requirements

Mailers are responsible for ensuring that newspapers and periodicals tendered under the Global Direct-Canada Publications Mail service comply with Canada Post's domestic mail preparation requirements.

613.5 Ancillary Services

613.51 Business Reply Service

This service provides for the return of Canadian business reply mail through the Postal Service to a specified address in Canada. Detailed specifications for this service are contained in Publication 524, Global Direct Canada Admail Service Guide. The rates for this service are:

a. $0.45 for items weighing not more than 1.06 ounces (30 grams).

b. $0.65 for items weighing more than 1.06 ounces (30 grams) but not more than 1.76 ounces (50 grams).

613.52 Return of Undeliverable Mail

Only the address block of the publication will be returned. The rate for this service is $0.50 per address block returned.

613.6 Service Agreement

Before the first mailing, mailers must complete and submit PS Form 3681, Global Direct Service Agreement, 14 days prior to their planned mailing date. The Global Direct Service Agreement can be found in Publication 524, Global Direct Canada Admail Service Guide, or at the following web site: http://www.usps.com. Concurrent with the establishment of the agreement, instructions are issued to the designated post office of entry regarding the acceptance and verification of the prospective customer's mailpieces.

613.7 Advance Notification

Mailers who are interested in using Global Direct-Canada Publications Mail service must complete a PS Form 3682, Record of Mailing, five days prior to their planned mailing date. The Record of Mailing can be found in Publication 524, Global Direct Canada Admail Service Guide, or at the following web site: http://www.usps.com.

* * * * *

A transmittal letter changing the relevant pages in the International Mail Manual will be published and automatically transmitted to all subscribers. Notice of issuance of the transmittal will be published in the **Federal Register** as provided by 39 CFR 20.3.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 99–22110 Filed 8–24–99; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[CO–001–0032a; FRL–6410–7]

Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Colorado Springs Carbon Monoxide Redesignation to Attainment, Designation of Areas for Air Quality Planning Purposes, and Approval of a Related Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On August 19, 1998, the Governor of Colorado submitted a request to redesignate the Colorado Springs ''moderate'' carbon monoxide (CO) nonattainment area to attainment for the CO National Ambient Air Quality Standard (NAAQS). The Governor also submitted a CO maintenance plan. In addition, on October 1, 1998, the Governor submitted revisions to Colorado's Regulation No. 13 ''Oxygenated Fuels Program''. In this action, EPA is approving the Colorado Springs CO redesignation request, the maintenance plan, and the revisions to Regulation No. 13.

DATES: This direct final rule is effective on October 25, 1999 without further notice, unless EPA receives adverse comments by September 24, 1999. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments may be mailed to: Richard R. Long, Director, Air and Radiation Program, Mailcode 8P-AR, United States Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202–2466.

Copies of the documents relevant to this action are available for public inspection during normal business hours at the following offices:

United States Environmental Protection Agency, Region VIII, Air and Radiation Program, 999 18th Street, Suite 500, Denver, Colorado 80202–2466; and,

United States Environmental Protection Agency, Air and Radiation Docket and Information Center, 401 M Street, SW, Washington, DC 20460.

Copies of the State documents relevant to this action are available for public inspection at: Colorado Air Pollution Control Division, Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver, Colorado, 880246–1530.

FOR FURTHER INFORMATION CONTACT: Tim Russ, Air and Radiation Program, Mailcode 8P-AR, United States Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202–2466 Telephone number: (303) 312–6479.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we'', ''us'', or ''our'' are used we mean the Environmental Protection Agency.

I. What Is The Purpose of This Action?

In this action, we are approving a change in the legal designation of the Colorado Springs area from nonattainment for CO to attainment, we're approving the maintenance plan that is designed to keep the area in attainment for CO for the next 11 years, and we're also approving changes to the State's Regulation No. 13 for the implementation of the wintertime oxygenated fuels program.

On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted (Pub. L. 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q). Under section 107(d)(1)(C) of the Clean Air Act (CAA), we designated the Colorado Springs area as nonattainment for CO because the area had been designated as nonattainment before November 15, 1990. We originally designated Colorado Springs as nonattainment for CO under the provisions of the 1977 CAA Amendments (see 41 FR 28002, July 8, 1976). This designation was reaffirmed by the 1990 CAA Amendments and Colorado Springs was classified as a ''moderate'' CO nonattainment area with a design value of less than or equal to 12.7 parts per million (ppm). See 56 FR 56694, November 6, 1991. Further information regarding this classification and the accompanying requirements are described in the ''General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990.'' See 57 FR 13498, April 16, 1992.

Under the CAA, we can change designations if acceptable data are available and if certain other requirements are met. See CAA section 107(d)(3)(D). Section 107(d)(3)(E) of the CAA provides that the Administrator may not promulgate a redesignation of a nonattainment area to attainment unless:

(i) The Administrator determines that the area has attained the national ambient air quality standard;

(ii) The Administrator has fully approved the applicable implementation plan for the area under CAA section 110(k);

(iii) The Administrator determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable implementation plan and applicable Federal air pollutant control regulations and other permanent and enforceable reductions;

(iv) The Administrator has fully approved a maintenance plan for the area as meeting the requirements of CAA section 175A; and,

(v) the State containing such area has met all requirements applicable to the area under section 110 and part D of the CAA.

Before we can approve the redesignation request, we must decide that all applicable SIP elements have been fully approved. Approval of the applicable SIP elements may occur simultaneously with final approval of the redesignation request. That's why we are also approving the revisions to Regulation No. 13.

II. What Is the State's Process To Submit These Materials to EPA?

Section 110(k) of the CAA addresses our actions on submissions of revisions to a SIP. The CAA requires States to observe certain procedural requirements in developing SIP revisions for submittal to us. Section 110(a)(2) of the CAA requires that each SIP revision be adopted after reasonable notice and public hearing. This must occur prior to the revision being submitted by a State to us.

The Colorado Air Quality Control Commission (AQCC) held a public hearing for the Carbon Monoxide (CO) Redesignation Request and Maintenance Plan for Colorado Springs on January 15, 1998. The AQCC adopted the redesignation request and maintenance plan directly after the hearing. This SIP revision became State effective March 30, 1998, and was submitted by the Governor to us on August 19, 1998.

We have evaluated the Governor's submittal and have determined that the State met the requirements for reasonable notice and public hearing under section 110(a)(2) of the CAA. By operation of law under section 110(k)(1)(B) of the CAA, the Governor's August 19, 1998, submittal became complete on February 19, 1999.

For the Regulation No. 13 revisions, two public hearings were held. On April 17, 1997, the AQCC held a public hearing to consider the changes to Regulation No. 13 that involved shortening of the oxygenated fuels season by one week and reducing the minimum oxygen content in fuels for the first and last weeks of the program. The AQCC adopted these changes directly after the April 17, 1997, public hearing and they became State effective on June 30, 1997.

On January 16, 1998, the AQCC held a public hearing to consider further changes to Regulation No. 13, in response to action by the Colorado General Assembly. The Colorado General Assembly approved the April 17, 1997, AQCC changes to Regulation No. 13; however, the General Assembly changed the implementation time frame from 1998–1999, as contained in the Regulation, to 1997–1998. (State Senate Bill SB(97)236, codified at § 25–7–133.5(2)(n), C.R.S.) The purpose of the January 16, 1998, public hearing was for the AQCC to change Regulation No. 13 to match the implementation time frame of SB(97)236. This change was adopted by the AQCC directly after the January 16, 1998, public hearing and became State effective on March 30, 1998. The Governor submitted both the April 17, 1997, and January 16, 1998, revisions to Regulation No. 13 to us on October 1, 1998.

We have evaluated the Governor's submittal and have determined that the State met the requirements for reasonable notice and public hearing under section 110(a)(2) of the CAA. By operation of law under section 110(k)(1)(B) of the CAA, the Governor's October 1, 1998, submittal became complete on April 1, 1999.

III. EPA's Evaluation of the Redesignation Request and Maintenance Plan

EPA has reviewed the State's redesignation request and maintenance plan and believes that approval of the request is warranted, consistent with the requirements of CAA section 107(d)(3)(E). The following are descriptions of how the section 107(d)(3)(E) requirements are being addressed.

(a). Redesignation Criterion: The Area Must Have Attained the Carbon Monoxide (CO) NAAQS

Section 107(d)(3)(E)(i) of the CAA states that for an area to be redesignated to attainment, the Administrator must determine that the area has attained the applicable NAAQS. As described in 40 CFR 50.8, the national primary ambient air quality standard for carbon monoxide is 9 parts per million (10 milligrams per cubic meter) for an 8-hour average concentration not to be exceeded more than once per year. 40 CFR 50.8 continues by stating that the levels of CO in the ambient air shall be measured by a reference method based on 40 CFR part 50, Appendix C and designated in accordance with 40 CFR part 53 or an equivalent method designated in accordance with 40 CFR part 53. Attainment of the CO standard is not a momentary phenomenon based on short-term data. Instead, we consider an area to be in attainment if each of the CO ambient air quality monitors in the area doesn't have more than one exceedance of the CO standard over a one-year period. 40 CFR 50.8 and 40 CFR part 50, Appendix C. If any monitor in the area's CO monitoring network records more than one exceedance of the CO standard during a one-year calendar period, then the area is in violation of the CO NAAQS. In addition, our interpretation of the CAA and EPA national policy [1] has been that an area seeking redesignation to attainment must show attainment of the CO NAAQS for at least a continuous two-year calendar period. In addition, the area must also continue to show attainment through the date that we promulgate the redesignation in the **Federal Register**.

Colorado's CO redesignation request for the Colorado Springs area is based on an analysis of quality assured ambient air quality monitoring data that are relevant to the redesignation request. As presented in Section 2 of the State's maintenance plan, ambient air quality monitoring data for consecutive calendar years 1988 through 1996 show a measured exceedance rate of the CO NAAQS of 1.0 or less per year, per monitor, in the Colorado Springs nonattainment area. Data are also available for calendar years 1997 and 1998 that also show no exceedances of the CO NAAQS. All of these data were collected and analyzed as required by EPA (see 40 CFR 50.8 and 40 CFR part 50, Appendix C) and have been archived by the State in our Aerometric Information and Retrieval System (AIRS) national database. Further information on CO monitoring is presented in Section 2 of the maintenance plan and in the State's Technical Support Document (TSD). We have evaluated the ambient air quality data and have determined that the Colorado Springs area has not violated the CO standard and continues to demonstrate attainment.

The Colorado Springs nonattainment area has quality-assured data showing no violations of the CO NAAQS for 1995 and 1996 which are the years the State used to support the redesignation request. In addition, data from the most recent consecutive two-calendar-year period (i.e., 1997 and 1998) also show no violations. Therefore, the Colorado Springs area has met the first component for redesignation: demonstration of attainment of the CO NAAQS. We note too that the State of Colorado has also committed, in the maintenance plan, to continue the necessary operation of the CO monitors in compliance with all applicable federal regulations and guidelines.

(b). Redesignation Criterion: The Area Must Have Met All Applicable Requirements Under Section 110 and Part D of the CAA

To be redesignated to attainment, section 107(d)(3)(E)(v) requires that an area must meet all applicable requirements under section 110 and part D of the CAA. We interpret section 107(d)(3)(E)(v) to mean that for a redesignation to be approved by us, the State must meet all requirements that applied to the subject area prior to or at the time of the submission of a complete redesignation request. In our evaluation of a redesignation request, we don't need to consider other requirements of the CAA that became due after the date of the submission of a complete redesignation request.

1. CAA Section 110 Requirements

The Colorado Springs CO element of the Colorado SIP was adopted by the AQCC in June of 1982 and was approved by the EPA on December 12, 1983 (48 FR 55284). The 1982 SIP element's emission control plan was based on emission reductions from the Federal Motor Vehicle Control Program (FMVCP), Automobile Inspection and Readjustment Program, Improved Public Transit, Carpool Locator Service, and Traffic Flow Improvements. The anticipated date for attaining the 8-hour CO NAAQS was December 31, 1987.

Through a letter dated May 26, 1988, we notified the Governor of Colorado that the Colorado Springs area did not attain the CO NAAQS by the end of 1987. This letter stated that Colorado was to address deficiencies in the SIP and that the State would also have to address requirements in our forthcoming post-1987 policy for carbon monoxide. To partially address deficiencies in the Colorado Springs SIP element, the State included the Clean Air Campaign in the SIP, although no emissions reductions credits were assigned to this program. We approved the Clean Air Campaign into the SIP (see 54 FR 22893, May 30, 1989) for its underlying benefit to the area.

EPA did not finalize its post-1987 policy for carbon monoxide because the Clean Air Act (CAA) was amended on November 15, 1990. Under section 186 of the CAA, Colorado Springs was designated nonattainment for CO, was classified as ''moderate'' with a design value of less than 12.7 parts per million (ppm), and was required to attain the CO NAAQS by December 31, 1995. See 56 FR 56694, November 6, 1991. The new CAA requirements for moderate CO areas, such as Colorado Springs, required that the SIP be revised to include a 1990 base year emissions inventory (CAA section 187(a)(1)), corrections to existing motor vehicle inspection and maintenance(I/M) programs (CAA section 187(a)(4)), periodic emission inventories (CAA section 187(a)(5)), and the implementation of an oxygenated fuels program (CAA section 211(m)(1)).

How the State met these requirements and our approvals, are described as follows:

A. 1990 base year emissions inventory (CAA section 187(a)(1)): The Governor submitted a 1990 base year emissions inventory for Colorado Springs on December 31, 1992, with subsequent revisions being submitted on March 23, 1995. We approved this 1990 base year CO emissions inventory on December 23, 1996 (see 61 FR 67466).

B. Corrections to the Colorado Springs basic I/M program (CAA section 187(a)(4)): On January 14, 1994, and June 24, 1994, the Governor submitted revisions to the Colorado basic I/M program portion of its SIP which included the program in Colorado Springs. We approved these basic I/M program revisions on March 19, 1996 (see 61 FR 11149).

C. Periodic emissions inventories (CAA section 187(a)(5)): As the Governor did not submit a complete redesignation request and maintenance plan before September 30, 1995, a periodic emission inventory (for calendar year 1993) was required for Colorado Springs. On September 16, 1997, the Governor submitted a SIP revision for a 1993 periodic emission inventory for Colorado Springs. We

[1] Refer to EPA's September 4, 1992, John Calcagni policy memorandum entitled ''Procedures for Processing Requests to Redesignate Areas to Attainment.''

approved this revision on July 15, 1998 (see 63 FR 38087).

D. Oxygenated fuels program implementation (CAA section 211(m)): To address the oxygenated fuels requirements of the CAA, the Governor initially submitted a revision to Colorado's Regulation No. 13 on November 27, 1992. We approved this revision on July 24, 1994 (see 59 FR 37698). Regulation 13 was again revised, to shorten the oxygenated fuels program season, and the Governor submitted further revisions to Regulation No. 13 on September 29, 1995, and December 22, 1995. We approved these revisions on March 10, 1997 (see 62 FR 10690).

Based on the above actions by the State and us, EPA has determined that the SIP continues to satisfy the requirements of section 110(a)(2).

2. Part D Requirements

Before the Colorado Springs CO nonattainment area may be redesignated to attainment, the State must have fulfilled the applicable requirements of part D of the CAA. Under part D, an area's classification indicates the requirements to which it will be subject. Subpart 1 of part D sets forth the basic nonattainment requirements applicable to all nonattainment areas, whether the area is classified or nonclassifiable for CO.

The relevant Subpart 1 requirements are contained in sections 172(c) and 176. Our General Preamble (see 57 FR 13498, April 16, 1992) provides EPA's interpretations of the CAA requirements for moderate CO areas with design values of less than 12.7 ppm.

Under section 172(b), the applicable section 172(c) requirements, as determined by the Administrator, were due November 15, 1992, for the Colorado Springs nonattainment area. As the Colorado Springs CO redesignation request and maintenance plan were not submitted by the Governor until well after November 15, 1992, (i.e., actually, August 19, 1998), the General Preamble (see 57 FR 13529) provides that the applicable requirements of CAA section 172 were 172(c)(3) (emissions inventory), 172(c)(5)(new source review permitting program), 172(c)(7)(the section 110(a)(2) air quality monitoring requirements)), and contingency measures (CAA section 172(c)(9)). It is also worth noting that we interpreted the requirements of sections 172(c)(1) (reasonable available control measures—RACM), 172(c)(2) (reasonable further progress—RFP), and 172(c)(6)(other measures), as being irrelevant to a redesignation request because they only have meaning for an area that is not attaining the standard. See EPA's September 4, 1992, John Calcagni memorandum entitled, ''Procedures for Processing Requests to Redesignate Areas to Attainment'', and the General Preamble, 57 FR at 13564, dated April 16, 1992. Finally, the State has not sought to exercise the options that would trigger sections 172(c)(4)(identification of certain emissions increases) and 172(c)(8)(equivalent techniques). Thus, these provisions are also not relevant to this redesignation request.

Section 176 of the CAA contains requirements related to conformity. Although EPA's regulations (see 40 CFR 51.396) require that states adopt transportation conformity provisions in their SIPs for areas designated nonattainment or subject to an EPA-approved maintenance plan, we have decided that a transportation conformity SIP is not an applicable requirement for purposes of evaluating a redesignation request under section 107(d) of the CAA. This decision is reflected in EPA's 1996 approval of the Boston carbon monoxide redesignation. (See 61 FR 2918, January 30, 1996.)

The applicable requirements of CAA section 172 are discussed below.

A. Section 172(c)(3)—Emissions Inventory

Section 172(c)(3) of the CAA requires a comprehensive, accurate, current inventory of all actual emissions from all sources in the Colorado Springs nonattainment area. As stated above for CAA section 187(a)(1), the Governor submitted a 1990 base year emissions inventory for Colorado Springs on December 31, 1992, with subsequent revisions being submitted on March 23, 1995. We approved this 1990 base year CO emissions inventory on December 23, 1996 (see 61 FR 67466).

B. Section 172(c)(5) New Source Review (NSR)

The CAA requires all nonattainment areas to meet several requirements regarding NSR, including provisions to ensure that increased emissions will not result from any new or modified stationary major sources and a general offset rule. The State of Colorado has a fully-approved NSR program (59 FR 42500, August 18, 1994) that meets the requirements of CAA section 172(c)(5). The State also has a fully approved Prevention of Significant Deterioration (PSD) program (59 FR 42500, August 18, 1994) that will apply after the redesignation to attainment is approved by us.

C. Section 172(c)(7)—Compliance With CAA section 110(a)(2): Air Quality Monitoring Requirements

According to our interpretations presented in the General Preamble (57 FR 13498), CO nonattainment areas are to meet the ''applicable'' air quality monitoring requirements of section 110(a)(2) of the CAA as explicitly referenced by sections 172 (b) and (c) of the CAA. With respect to this requirement, the State indicates in Section 3 of the maintenance plan (''Attainment of the Carbon Monoxide Standard''), that ambient CO monitoring data have been properly collected and uploaded to EPA's Aerometric Information and Retrieval System (AIRS) for the Colorado Springs area. Air quality data through 1996 are included in Section 3 of the maintenance plan and in the State's TSD. We recently polled the AIRS database and verified that the State has also uploaded additional ambient CO data through 1998. The data in AIRS indicate that the Colorado Springs area has shown, and continues to show, attainment of the CO NAAQS. Information concerning CO monitoring in Colorado is included in the Monitoring Network Review (MNR) prepared by the State and submitted to EPA. Our personnel have concurred with Colorado's annual network reviews and have agreed that the Colorado Springs network remains adequate. Finally, in Section 8, D. of the maintenance plan, the State commits to the continued operation of the existing CO monitors, according to all applicable Federal regulations and guidelines, even after the Colorado Springs area is redesignated to attainment for CO.

D. Section 172(c)(9) Contingency Measures

According to our interpretations presented in the General Preamble (see 56 FR 13532), moderate CO nonattainment areas, such as Colorado Springs, were required to submit contingency measures to address the requirements of section 172(c)(9) of the CAA. These contingency measures were to become effective, without further action by the State or us, upon a determination by us that an area had failed to achieve reasonable further progress (RFP) or to attain the CO NAAQS by December 31, 1995. To address this CAA requirement, the Governor submitted contingency measures to EPA on February 18, 1994. We approved this submittal on December 23, 1997 (see 62 FR 67006).

(c). Redesignation Criterion: The Area Must Have a Fully Approved SIP Under Section 110(k) of the CAA

Section 107(d)(3)(E)(ii) of the CAA states that for an area to be redesignated to attainment, it must be determined that the Administrator has fully approved the applicable implementation plan for the area under section 110(k).

As noted above, EPA previously approved SIP revisions based on the pre-1990 CAA as well as SIP revisions required under the 1990 amendments to the CAA. On April 8, 1999 (64 FR 17102) we approved a SIP revision that removed a bus acquisition program from the Colorado Springs CO SIP and instead substituted emission reductions from the oxygenated fuels program. The bus acquisition program was not implemented due to a lack of federal funding. In this action, we are approving revisions to Regulation No. 13 and the State's commitment to maintain an adequate monitoring network (contained in the maintenance plan.) Thus, we have fully approved the Colorado Springs CO SIP under section 110(k) of the CAA.

(d). Redesignation Criterion: The Area Must Show That the Improvement in Air Quality Is Due to Permanent and Enforceable Emissions Reductions

Section 107(d)(3)(E)(iii) of the CAA provides that for an area to be redesignated to attainment, the Administrator must determine that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable implementation plan, implementation of applicable Federal air pollutant control regulations, and other permanent and enforceable reductions.

The CO emissions reductions for Colorado Springs, that are further described in Sections 5. and 6. of the August 19, 1998, Colorado Springs maintenance plan, were achieved primarily through the Federal Motor Vehicle Control Program (FMVCP), a decentralized basic motor vehicle inspection and maintenance (I/M) program, oxygenated fuels, and traffic flow improvements.

In general, the FMVCP provisions require vehicle manufacturers to meet more stringent vehicle emission limitations for new vehicles in future years. These emission limitations are phased in (as a percentage of new vehicles manufactured) over a period of years. As new, lower emitting vehicles replace older, higher emitting vehicles (''fleet turnover''), emission reductions are realized for a particular area such as Colorado Springs. For example, EPA promulgated lower hydrocarbon (HC) and CO exhaust emission standards in 1991, known as Tier I standards for new motor vehicles (light-duty vehicles and light-duty trucks) in response to the 1990 CAA amendments. These Tier I emissions standards were phased in with 40% of the 1994 model year fleet, 80% of the 1995 model year fleet, and 100% of the 1996 model year fleet.

As stated in Section 5. of the maintenance plan, significant additional emission reductions were realized from Colorado Springs's basic I/M program. Colorado's Regulation No. 11, ''Motor Vehicle Emissions Inspection Program'', contains a full description of the requirements for Colorado Springs's I/M program. We note that further improvements to the Colorado Springs area's basic I/M program were implemented in January, 1995, to meet the requirements of EPA's November 5, 1992, (57 FR 52950) I/M rule and were approved by us into the SIP on March 19, 1996 (61 FR 11149).

Oxygenated fuels are gasolines that are blended with additives that increase the level of oxygen in the fuel and, consequently, reduce CO tailpipe emissions. Colorado's Regulation 13, ''Oxygenated Fuels Program'', contains the oxygenated fuels provisions for the Colorado Springs nonattainment area. Regulation 13 requires all Colorado Springs-area gas stations to sell fuels containing a 2.7% minimum oxygen content (by weight) during the wintertime CO high pollution season. The use of oxygenated fuels has significantly reduced CO emissions and contributed to the area's attainment of the CO NAAQS.

Colorado Springs has also implemented traffic flow improvements to alleviate congestion and shorten travel distances. These improvements involved throat widening, channelization, signalization, widening of existing roadways, construction of new roadways, or restriction of access to roadways. The specific traffic flow improvements that were identified for necessary action in the 1982 Colorado Springs SIP revision, involved the construction of the Union Boulevard extension and traffic signalization. These particular improvements have been accomplished and are now part of the permanent transportation infrastructure.

We have evaluated the various State and Federal control measures, the original 1990 base year emission inventory (see 61 FR 67466, December 23, 1996), and the 1993 attainment year emission inventory, and have concluded that the improvement in air quality in the Colorado Springs nonattainment area has resulted from emission reductions that are permanent and enforceable.

(e). Redesignation Criterion: The Area Must Have a Fully Approved Maintenance Plan Under CAA Section 175A

Section 107(d)(3)(E)(iv) of the CAA provides that for an area to be redesignated to attainment, the Administrator must have fully approved a maintenance plan for the area meeting the requirements of section 175A of the CAA.

Section 175A of the CAA sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. The maintenance plan must demonstrate continued attainment of the applicable NAAQS for at least ten years after the Administrator approves a redesignation to attainment. Eight years after the promulgation of the redesignation, the State must submit a revised maintenance plan that demonstrates continued attainment for the subsequent ten-year period following the initial ten-year maintenance period. To address the possibility of future NAAQS violations, the maintenance plan must contain contingency measures, with a schedule for adoption and implementation, that are adequate to assure prompt correction of a violation. In addition, we issued further maintenance plan interpretations in the ''General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990'' (57 FR 13498, April 16, 1992), ''General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990; Supplemental'' (57 FR 18070, April 28, 1992), and the EPA guidance memorandum entitled ''Procedures for Processing Requests to Redesignate Areas to Attainment'' from John Calcagni, Director, Air Quality Management Division, Office of Air Quality and Planning Standards, to Regional Air Division Directors, dated September 4, 1992. In this **Federal Register** action, EPA is approving the maintenance plan for the Colorado Springs nonattainment area because we have determined, as detailed below, that the State's maintenance plan submittal meets the requirements of section 175A and is consistent with the documents referenced above. Our analysis of the pertinent maintenance plan requirements, with reference to the Governor's August 19, 1998, submittal, is provided as follows:

1. Emissions Inventories—Attainment Year and Projections

EPA's interpretations of the CAA section 175A maintenance plan requirements are generally provided in the General Preamble and the September 4, 1992, policy memorandum referenced above. Under our interpretations, areas seeking to redesignate to attainment for CO may demonstrate future maintenance of the CO NAAQS either by showing that future CO emissions will be equal to or less than the attainment year emissions or by providing a modeling demonstration. For the Colorado Springs area, the State selected the emissions inventory approach for demonstrating maintenance of the CO NAAQS.

The maintenance plan that the Governor submitted on August 19, 1998, included comprehensive inventories of CO emissions for the Colorado Springs area. These inventories include emissions from stationary point sources, area sources, non-road mobile sources, and on-road mobile sources. The State selected 1993 as the year from which to develop the attainment year inventory and included interim-year projections out to 2010. More detailed descriptions of the 1993 attainment year inventory and the projected inventories are documented in the maintenance plan in Section 8 and in the State's TSD. The State's submittal contains detailed emission inventory information that was prepared in accordance with EPA guidance. Summary emission figures from the 1993 attainment year and the interim projected years are provided in Table I.–1 below.

TABLE I.—1 SUMMARY OF CO EMISSIONS IN TONS PER DAY FOR COLORADO SPRINGS:

	1993	1997	2002	2005	2010
Point Sources	4.54	4.80	5.20	5.40	5.78
Area Sources	69.49	70.40	71.50	72.20	73.31
Non-Road Mobile Sources	39.44	43.30	48.20	51.20	56.05
On-Road Mobile Sources	264.20	223.90	183.80	175.60	173.22
Total	377.67	342.40	308.70	304.40	308.36

2. Demonstration of Maintenance—Projected Inventories

As we noted above, total CO emissions were projected forward by the State for the years 1997, 2002, 2005, and 2010. The projected inventories show that CO emissions are not estimated to exceed the 1993 attainment level during the time period 1993 through 2010 and, therefore, the Colorado Springs area has satisfactorily demonstrated maintenance.

3. Monitoring Network and Verification of Continued Attainment

Continued attainment of the CO NAAQS in the Colorado Springs area depends, in part, on the State's efforts to track indicators throughout the maintenance period. This requirement is met in two sections of the maintenance plan. In Section 8 D. the State commits to continue the operation of the CO monitors in the Colorado Springs area and to annually review this monitoring network and make changes as appropriate. Also, in Section 8 E.1., the State commits to prepare a periodic emission inventory of CO emissions every three years after the maintenance plan is approved by EPA. With this action, we are approving these commitments as satisfying relevant requirements. Our approval renders the State's commitments federally enforceable.

4. Contingency Plan

Section 175A(d) of the CAA requires that a maintenance plan include contingency provisions. To meet this requirement, the State has identified appropriate contingency measures along with a schedule for the development and implementation of such measures. As stated in Section 8 E. of the maintenance plan, the contingency measures for the Colorado Springs area will be initially triggered by an exceedance of the CO NAAQS. Upon an exceedance of the CO NAAQS, the Pike's Peak Area Council of Governments (PPACG) will recommend for adoption appropriate local contingency measures to correct a potential violation of the CO NAAQS (i.e., a second non-overlapping 8-hour average ambient CO measurement that exceeds 9.4 ppm at a single monitoring site during a calendar year is a violation of the 8-hour CO NAAQS). This process will take approximately six months. The Colorado AQCC will review the local contingency measures and if the AQCC concurs, the AQCC may endorse or approve the local measures without adopting State requirements. If, however, the AQCC finds that locally adopted contingency measures are inadequate, the AQCC will adopt State enforceable measures as deemed necessary to prevent additional exceedances or a violation. The maintenance plan further states that contingency measures will be adopted and fully implemented within one year of a CO NAAQS violation. The potential contingency measures that are identified in Section 8.E.3. of the Colorado Springs maintenance plan include increasing the required 2.7 percent minimum oxygen content of gasoline to a level above the actual oxygen content of gasolines at the time of the violation, making improvements to Colorado Springs's I/M program, adopting of a motor vehicle enhanced inspection and maintenance program, establishing a high pollution day episodic woodburning curtailment program, adopting a mandatory Employer-Based Travel Reduction Program, adopting Employee Commute Options, re-implementing a carpool locator service, and adopting other measures that may be considered appropriate. A more complete description of the triggering mechanism and these contingency measures can be found in Section 8 E. of the maintenance plan.

Based on the above, we find that the contingency measures provided in the State's maintenance plan are sufficient and meet the requirements of section 175A(d) of the CAA.

5. Subsequent Maintenance Plan Revisions

In accordance with section 175A(b) of the CAA, Colorado has committed to submit a revised maintenance plan SIP revision eight years after the approval of the redesignation. This provision for revising the maintenance plan is contained in Section 8 F. of the Colorado Springs maintenance plan.

IV. EPA's Evaluation of the Transportation Conformity Requirements

One key provision of our conformity regulation requires a demonstration that emissions from the transportation plan and Transportation Improvement

Program are consistent with the emissions budgets in the SIP (40 CFR sections 93.118 and 93.124). The emissions budget is defined as the level of mobile source emissions relied upon in the attainment or maintenance demonstration to maintain compliance with the NAAQS in the nonattainment or maintenance area. The rule's requirements and EPA's policy on emissions budgets are found in the preamble to the November 24, 1993, transportation conformity rule (58 FR 62193–96) and in the sections of the rule referenced above.

Section 8 C. of the Colorado Springs maintenance plan describes an emissions budget for on-road mobile sources for the years 1998 through 2009 as being 264 tons per day (TPD) of CO and for the year 2010 as being 212 TPD of CO. The PPACG and the State derived the 264 TPD number for 1998 through 2009 from the 1993 attainment year inventory value for on-road mobile sources. We cannot approve this 264 TPD value as a budget for conformity purposes because the budget is not consistent with maintenance of the NAAQS.[2] The attainment year's mobile source budget of 264 tons per day does not provide for maintenance of the CO NAAQS when combined with the increasing emissions levels from non-mobile sources during the 1998–2009 period (i.e., use of the 264 ton budget for any year after 1993 would push total emissions over the maintenance plan's attainment year level of 377 tons per day). Thus, we are taking no action on language in section 8 C. of the maintenance plan that purports to establish an emissions budget for 1998 through 2009 of 264 TPD of CO. The effect of this is that PPACG and the State may not use 264 TPD as the budget for conformity purposes.

Our non-action on this budget is unlikely to have any practical consequences for conformity determinations. Because the most recent conformity determination for the PPACG 2020 Transportation Plan demonstrated conformity to the 212 ton per day budget for the years required to be analyzed under Section 93.118(b) of the conformity rule (e.g., 2010 and 2020), we do not believe that our determination that the 264 ton per day budget is unapprovable has any negative consequences for this existing conformity determination. And under Section 93.118(b) of the conformity rule, PPACG is unlikely to ever have to conduct a conformity analysis for any years in the 1998–2009 time frame in the future. However, if such an analysis becomes necessary, it must be conducted in accordance with EPA's conformity rule, in particular 40 CFR 93.118(b)(2)(i).

We are approving the 2010 budget of 212 TPD of CO. This budget is consistent with the maintenance demonstration. The PPACG and the State established the on-road mobile source emissions budget for 2010 and beyond by using the 2010 on-road mobile source emission figures and a portion of the ''safety margin.'' The safety margin is the amount by which the attainment year emissions from all source categories exceed the projected year emissions from all source categories. (Table 5 of the maintenance plan identifies the total 1993 attainment year emissions as 377.69 TPD of CO. Table 6 of the maintenance plan identifies the total 2010 maintenance year emissions as 308.36 TPD of CO.) The total 1993 attainment year emissions exceed the total 2010 maintenance year emissions by 69.33 TPD. Thus, 69.33 TPD constitutes the safety margin in 2010.) The PPACG and the State then used the 2010 on-road mobile sources emissions (173.22 TPD) and 56.2% of the safety margin (38.96 TPD) to arrive at a 2010 on-road mobile sources emissions budget of 212.18 TPD of CO. The State then rounded this budget to 212 TPD of CO. The 2010 budget will apply for 2010 and beyond. See 40 CFR 93.118(b)(2)(ii).

The emissions budget definition in the Colorado Ambient Air Quality Standards regulation (5 CCR 1001–14) conflicts with the language on page 8–14 of the maintenance plan and is internally inconsistent; it inadvertently applies both the invalid 264 TPD budget and the 212 TPD budget to the year 2010. Our interpretation, based on the language of the maintenance plan and our conformity rule, is that the maintenance plan's 212 TPD emission budget applies starting in 2010, superseding the incorrect language in 5 CCR 1001–14.

V. EPA's Evaluation of the Regulation No. 13 Revisions

Colorado's Regulation No. 13 is entitled ''Oxygenated Fuels Program.'' The purpose of this regulation is to reduce CO emissions from gasoline powered motor vehicles in Colorado's Front Range Area, which includes Colorado Springs, through the wintertime use of oxygenated gasolines. Section 211(m) of the CAA required the State to implement an oxygenated fuels program in the larger of the Consolidated Metropolitan Statistical Areas (CMSA) or Metropolitan Statistical Areas (MSA) in which the nonattainment areas are located. In Colorado these areas are the Colorado Springs MSA, Fort Collins-Loveland MSA, and the Denver-Boulder CMSA. Section 211(m) of the CAA states that the oxygenated fuels program must cover no less than a four month period each year unless EPA approves a shorter period. We can approve a shorter implementation period if a State submits a demonstration that, because of meteorological conditions, a reduced implementation period will still assure that there will be no exceedances of the CO NAAQS outside of this reduced period.

EPA previously approved a revision to Regulation No. 13 that shortened the oxygenated fuels season by the last two weeks in February. See 62 FR 10690, March 10, 1997. The State of Colorado is seeking EPA's approval of further revisions to Regulation No. 13 that would shorten the oxygenated fuels season by an additional week and reduce the required oxygen content of the fuels in two other weeks. Specifically, the revisions are as follows:

(a). The Oxygenated Gasoline Program Period, or ''control period'', would be reduced by one week. The control period formerly ran from November 1st through February 14th of each year; as amended, the control period would run from November 1st through February 7th of each year.

(b). The fuel oxygenate content requirements were reduced for the week of November 1st through November 7th of each year. The minimum oxygen content for this period became 2.0% by weight for all areas covered by the regulation and there was no maximum blending or 3.1% averaging requirements for the Denver-Boulder area.

(c). The maximum blending and 3.1% averaging requirements were revised so that they no longer apply to Denver-Boulder area for the week of February 1st through February 7th of each year.

[2] Pursuant to Section 93.118(e)(4) of the Transportation Conformity Rule (40 CFR Part 93, Subpart A), we previously reviewed the adequacy of the maintenance plan's carbon monoxide emissions budgets for purposes of conformity. In an April 29, 1999 letter, from Richard R. Long, Director, Air and Radiation Program, EPA Region VIII, to Margie Perkins, Director, Air Pollution Control Division, Colorado Department of Public Health and Environment, we determined that the emissions budget for 2010 and beyond (212 tons per day) was adequate for conformity purposes, and determined that the budget of 264 tons per year for the 1998–2009 period was inadequate. Although this action is consistent with our prior adequacy determination, it should be noted that, in taking final action on the maintenance plan, we are not bound by our prior adequacy determination. See 62 FR 43782, August 15, 1997.

To address the CAA section 211(m) requirement and allow a shortening of the oxygenated fuels season, the APCD developed a predictive model for assessing the relative probability of a CO exceedance during any given week of the oxygenated fuels season. The use of this model in 1995 allowed the AQCC to approve the first shortening of the oxygenated fuels program during the last two weeks of February by demonstrating that the shortening would not result in an appreciable increase in the possibility of future CO exceedances for those two weeks.

The APCD model uses a spreadsheet to adjust past monitored CO concentrations and project them into the future. Monitored CO concentrations, representing a twenty-year time period, are used in the spreadsheet database. The highest eight-hour average concentration for each monitored day of the data set are used. These known values are then adjusted by using the latest vehicle emission factor model (currently, MOBILE5) and local transportation traffic projections, in terms of vehicle miles traveled (VMT), to project CO concentrations into the future. After normalizing all data points, a statistical program is used to convert adjusted values to a predicted probability that any given week will have a CO exceedance. The use of twenty years worth of monitored data lets meteorological variability be minimized.

When we approved the first shortening of the oxygenated fuels season, we required the State to demonstrate, based on worst-case meteorology for Denver for the last 20 years (as indicated by daily peak 8-hour CO concentrations), at least a 95% probability that there would be no exceedances of the CO standard during the last two weeks of February as a result of the shortening of the control period. We believe, that to implement the statutory requirement of assuring no exceedances, it is reasonable to require a State to show a very high probability of no exceedances and that 95% is a reasonable threshold for the State's demonstration here. Given the limitations of statistical analysis and the problems associated with proving a negative, we believe that a higher threshold would be inappropriate.

For the 1998/1999 oxygenated fuels season revision, the State evaluated the probability of a carbon monoxide exceedance in the Denver area during the first week of November, 1998, and the first two weeks of February, 1999, based on four different levels of oxygenates in automotive fuels and all other elements of the Denver CO SIP being in place. The analysis was based on the measured daily peak carbon monoxide concentrations at the CAMP monitoring site in downtown Denver during the 20-year study period. The high concentrations at the CAMP site have generally been the highest measured at CO monitoring sites not only in the Denver-Boulder area, but the entire Front Range area. Also, of the Front Range CO monitoring sites, the CAMP site has shown the greatest number of exceedances of the CO NAAQS during the time periods being analyzed. The 20-year period is sufficiently long to provide statistically realistic estimates of worst-case atmospheric dispersion conditions. Carbon monoxide emissions in Denver are expected to decrease for the next several years, and are expected to remain below the 1998/1999 levels at least through 2010. Thus, the calculated probability of a CO NAAQS exceedance is at a maximum in 1998/1999 and will be lower at least through 2010.

In order to normalize the effects of emissions changes over the 20-year study period, measured concentrations were adjusted to reflect estimated changes in CO emissions between the measurement year and 1998/1999. The resulting analysis provided a distribution of concentrations that would have occurred at the CAMP site had the same historical meteorological conditions occurred at 1998/1999 emission rates, at four different levels of oxygenates (including 0%.) The State's analysis showed the following: (1) For the period of November 1st through the 7th of 1998, at a 2% oxygenate level, there's a 2.5% probability of a CO NAAQS exceedance; (2) for the period of February 1st through the 7th, of 1999, at a 2.7% oxygenate level, there's a 0.2% probability of a CO NAAQS exceedance; and (3) for the period of February 8th through the 14th, at a 0.0% oxygenate level, there's a 2.1% probability of a CO NAAQS exceedance.

The State's analysis also showed that for the Colorado Springs and Fort Collins-Loveland areas, the probability of an exceedance in either of those MSA areas is lower than it is for the Denver CMSA area. Compared to the Denver area, these two areas have experienced significantly fewer exceedances of the CO standard and significantly lower ''high'' concentrations over the relevant time frame. Thus, the probability of an exceedance in the Colorado Springs area and the Fort Collins-Loveland area, with the changes in oxygenate concentration embodied in Regulation No. 13, is less than the probability projected at the CAMP monitor. This probability is expected to further decrease in years after 1998/1999 due to fleet turnover.

The State also reviewed potential impacts of the Regulation No. 13 revisions on the Denver PM_{10} SIP attainment demonstration (APCD/Mobile Sources Program March 24, 1997, Interoffice Memorandum from Barbara MacRae to Kim Livo). Relying on EPA's consideration of the elimination of the oxygenated fuels program for the last two weeks of February (see 61 FR 64649, December 6, 1996), the State concluded that the increment of benefit due to the oxygenated fuels program is 0.46 ug/m^3. When this value is added to the seventh-highest modeled concentration of 148.7 ug/m^3 in the PM_{10} SIP's maintenance year, the resulting value is still below the 24-hour PM_{10} standard of 150 ug/m^3.

The highest modeled values for the first week of November and the second week of February are significantly lower than the 148.7 ug/m^3 value. The State has no modeled value for the first week of February because the State only modeled the 105 worst meteorological days and none of these worst days occurred during the first week of February. Based on the above, the State concluded that the revisions to Regulation No. 13 would be unlikely to jeopardize the PM_{10} SIP. We agree with the State's analysis regarding potential impacts to the Denver PM_{10} SIP, and do not believe that the reductions in oxygen content for the first week of November, and the first week of February, nor the removal of the oxygenated fuels program for the week of February 8th through the 14th, will impact the Denver PM_{10} SIP.

Based on above, we have determined that we can approve the revisions to Regulation No. 13 as meeting the requirements of section 211(m) of the CAA.

The revisions to Regulation No. 13 were adopted by the AQCC directly after a public hearing on April 17, 1997, and became State effective on June 30, 1997.

However, an issue arose after the AQCC's April 17, 1997, approval of these changes to Regulation No. 13.

Colorado State law requires that any revision to the Colorado SIP must first by approved by the Colorado General Assembly prior to being forwarded to the Governor for his approval and submittal to EPA. The Colorado General Assembly modified the AQCC's April 17, 1997, revisions to Regulation No. 13. The Colorado General Assembly changed the first year for implementation of the revised oxygenated fuels program from the wintertime season of 1998–1999 to

1997–1998. Further, the Colorado General Assembly required the AQCC to amend the Regulation No. 13 revisions and incorporate this new (1997–1998) implementation schedule.

To address the Colorado General Assembly requirements, the AQCC held a public hearing on January 16, 1998, and revised Regulation No. 13 so that the initial implementation of the changes to the oxygenated gasoline program, that the AQCC adopted on April 17, 1997, would occur in the wintertime season of 1997–1998. These January 16, 1998, amendments to Regulation No. 13 conformed to the language and requirements of Regulation No. 13 to section 25–7–133.5(2)(n), Colorado Revised Statutes.

EPA was initially concerned about the changes the Colorado General Assembly enacted to move up the implementation date of the revisions to Regulation No. 13, from 1998–1999 to 1997–1998, as the State's demonstration for the revised Regulation did not address this time frame. However, this issue became moot as the necessary State regulatory and legal changes to accomplish this earlier implementation schedule were not State effective until March 30, 1998. Therefore, the shortened control period could not be implemented until the wintertime season of 1998–1999, which was originally analyzed in the State's demonstration.

On October 1, 1998, the Governor submitted to EPA the revisions to Regulation No. 13 that were adopted on April 17, 1997 (effective June 30, 1997), and January 16, 1998 (effective March 30, 1998). It is EPA's understanding that the January 16, 1998, version of Regulation No. 13 replaces the April 17, 1997, version of the Regulation. Thus, although both versions of the regulation are acceptable to us, EPA is only approving the later (January 16, 1998) version of the regulation and is taking no action on the earlier version.

VI. Final Action

In this action, EPA is approving the Colorado Springs carbon monoxide redesignation request, maintenance plan, and the revisions to Regulation No. 13.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective October 25, 1999 without further notice unless the Agency receives adverse comments by September 24, 1999.

If EPA receives such comments, then we will publish a timely withdrawal of the direct final rule informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this rule. Any parties interested in commenting on this rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on October 25, 1999 and no further action will be taken on the proposed rule.

Administrative Requirements

(a) Executive Order 12866

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

(b) Executive Order 12875: Enhancing the Intergovernmental Partnership

Under Executive Order 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, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to 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 any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 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 state, local, or tribal governments. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

(c) Executive Order 13045

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 E.O. 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 and 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 does not involve decisions intended to mitigate environmental health or safety risks.

(d) Executive Order 13084: Consultation and Coordination With Indian Tribal Governments

Under Executive Order 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, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12084 requires EPA to 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, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''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 Executive Order 13084 do not apply to this rule.

(e) Regulatory Flexibility Act

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 SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create 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 a flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2). Redesignation of an area to attainment under sections 107(d)(3)(D) and (E) of the Clean Air Act does not impose any new requirements on small entities. Redesignation to attainment is an action that affects the status of a geographical area and does not impose any regulatory requirements on sources. Therefore, I certify that the approval of the redesignation request will not affect a substantial number of small entities.

(f) Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate, or to the private sector, of $100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves a redesignation to attainment and 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, will result from this action.

(g) 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 Congress and to the Comptroller General of the United States. 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 the publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

(h) Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 25, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

Nothing in this action should be construed as making any determination or expressing any position regarding Colorado's audit privilege and penalty immunity law, sections 13–25–126.5, 13–90–107, and 25–1–114.5, Colorado Revised Statutes (Colorado Senate Bill 94–139, effective June 1,1994), or its impact upon any approved provision in the SIP, including the revision at issue here. The action taken herein does not express or imply any viewpoint on the question of whether there are legal deficiencies in this or any other Clean Air Act program resulting from the effect of Colorado's audit privilege and immunity law. A state audit privilege and immunity law can affect only state enforcement and cannot have any impact on federal enforcement authorities. EPA may at any time invoke its authority under the Clean Air Act, including, for example, sections 113, 167, 205, 211, or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the Clean Air Act is likewise unaffected by a state audit privilege or immunity law.

List of Subjects

40 CFR Part 52

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

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: July 21, 1999.

Jack W. McGraw,

Acting Regional Administrator, Region VIII.

Chapter I, title 40, parts 52 and 81 of the Code of Federal Regulations are amended as follows:

PART 52—[AMENDED]

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

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

Subpart G—COLORADO

2. Section 52.320 is amended by adding paragraph (c)(86) to read as follows:

§ 52.320 Identification of plan.

* * * * *

(c) * * *

(86) On October 1, 1998, the Governor of Colorado submitted revisions to Regulation No. 13 ''Oxygenated Fuels Program'' that shortened the effective time period of the oxygenated fuels program for Denver/Boulder, Colorado Springs, Fort Collins, and Longmont carbon monoxide nonattainment areas and also reduced the required oxygen content during certain periods.

(i) Incorporation by reference.

(A) Regulation No. 13 ''Oxygenated Fuels Program'', 5 CCR 1001–16, as adopted on January 16, 1998, effective March 30, 1998.

3. Section 52.349 is amended by adding paragraph (c) to read as follows:

§ 52.349 Control strategy: Carbon monoxide.

* * * * *

(c) Revisions to the Colorado State Implementation Plan, Carbon Monoxide Redesignation Request and Maintenance Plan for Colorado Springs, as adopted by the Colorado Air Quality Control Commission on January 15, 1998, State effective March 30, 1998, and submitted by the Governor on August 19, 1998.

PART 81—[AMENDED]

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

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

2. In § 81.306, the table entitled ''Colorado-Carbon Monoxide'' is amended by revising the entry for ''Colorado Springs Area'' to read as follows:

§ 81.306 Colorado.

* * * * *

COLORADO—CARBON MONOXIDE

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
* * * *	*	*	*	
Colorado Springs Area	October 25, 1999.	Attainment.		
Urban Transportation Planing Study Area as defined in 1989.				
Beginning near the Town of Palmer Lake, at the Northwest corner of the Study Area at a point on the El Paso/Douglas County line, also on the Pike National Forest boundary, then:				
east along the County line to Elbert Road; south on Elbert Road to Judge Orr Road; east on Judge Orr Road to Ellicott Highway; south on Ellicott Highway to Squirrel Creek Road; west on Squirrel Creek Road to Williams Creek; south along Williams Creek to the confluence of Williams and Fountain Creeks; south along Fountain Creek to the El Paso/Douglas County line; west on the County line to I–25; north on I–25 to Exit 132; west on McGrath to 35th; south on 35th to Specker; northwest on Specker to Titus Blvd.; west on Titus Blvd. to SH–115;				
south on SH–115 to Rock Creek;				
northwest along Rock Creek to the Pike National Forest boundary; north along the Forest boundary to Old Stage Road; southwest on Old Stage Road to Gold Camp Road; north on Gold Camp Road to High Drive; north on High Drive to Lower Gold Camp Road; north on Lower Gold Camp Road to the Pike National Forest boundary; west along the Forest boundary, following the boundary north, then east to US–24; northwest on US–24 to the Pikes Peak Toll Road; west on the Toll Road to the El Paso/Teller County line;				
north along the County line to Crystola Creek; west on Crystola Creek to County Road 282, north on Road 282 to US–24; northeast on US–24 to Trout Creek Road; northwest on Trout Creek Road to Trout Creek; north along Trout Creek to the confluence of Trout and Mule Creeks; north along Mule Creek to Long Gulch; east along Long Gulch to White Gulch; east along White Gulch to Rampart Range Road; southeast on Rampart Range Road to the Pike National Forest Boundary; north along the Forest boundary to the El Paso/Douglas County line, to the point of origin.				
El Paso County (part)				
Teller County (part)				
* * * *	*	*	*	

[1] This date is November 15, 1990, unless otherwise noted.

* * * * *

[FR Doc. 99–21933 Filed 8–24–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300908; FRL–6096–7]

RIN 2070–AB78

Desmedipham; Extension of Tolerances for Emergency Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation extends time-limited tolerances for residues of the herbicide desmedipham in or on red beet roots at 0.2 part per million (ppm) and red beet tops at 15 ppm for an additional 16-month period. These tolerances will expire and are revoked on December 31, 2000. This action is in response to EPA's granting of an emergency exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing use of the pesticide on garden (red) beets. Section 408(l)(6) of the Federal Food, Drug, and Cosmetic Act requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under FIFRA section 18.

DATES: This regulation becomes effective August 25, 1999. Objections and requests for hearings must be received by EPA, on or before October 25, 1999.

ADDRESSES: Written objections and hearing requests, identified by the docket control number [OPP–300908], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, [OPP–300908], must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epa.gov. Copies of electronic objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect 5.1/6.1 or ASCII file format. All copies of electronic objections and hearing requests must be identified by the docket control number [OPP–300908]. No Confidential Business Information (CBI) should be submitted through e-mail. Copies of electronic objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: Steve Schaible, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 271, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, 703–308–9362, schaible.stephen@epa.gov.

SUPPLEMENTARY INFORMATION: EPA issued a final rule, published in the **Federal Register** of August 29, 1997 (62 FR 45741) (FRL–5738–5), which announced that on its own initiative under section 408(l)(6) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104–170) it established time-limited tolerances for the residues of desmedipham in or on red beet roots at 0.2 ppm and red beet tops at 15 ppm, with an expiration date of August 31, 1998. EPA extended this expiration date to August 31, 1999 in a final rule published in the **Federal Register** of September 16, 1998 (63 FR 49469) (FRL–6026–4). EPA established the tolerances because section 408(l)(6) of the FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under FIFRA section 18. Such tolerances can be established without providing notice or period for public comment.

EPA received a request to extend the use of desmedipham on red beets for this year's growing season due to the continued non-routine situation facing red beet growers in New York; the voluntary cancellation of diethatyl-ethyl in 1993 has left growers with no registered alternatives which provide adequate or dependable weed control. After having reviewed the submission, EPA concurs that emergency conditions exist. EPA has authorized under FIFRA section 18 the use of desmedipham on red beets for control of broadleaf weeds in red beets.

EPA assessed the potential risks presented by residues of desmedipham in or on red beets. In doing so, EPA considered the safety standard in FFDCA section 408(b)(2), and decided that the necessary tolerance under FFDCA section 408(l)(6) would be consistent with the safety standard and with FIFRA section 18. The data and other relevant material have been evaluated and discussed in the final rule of August 29, 1997 (62 FR 45741). Based on that data and information considered, the Agency reaffirms that extension of the time-limited tolerances will continue to meet the requirements of section 408(l)(6). Therefore, the time-limited tolerances are extended for an additional 16-month period. EPA will publish a document in the **Federal Register** to remove the revoked tolerances from the Code of Federal Regulations (CFR). Although these tolerances will expire and are revoked on December 31, 2000, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amounts specified in the tolerances remaining in or on red beet roots and red beet tops after that date will not be unlawful, provided the pesticide is applied in a manner that was lawful under FIFRA and the application occurred prior to the revocation of the tolerances. EPA will take action to revoke these tolerances earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe.

I. Objections and Hearing Requests

The new FFDCA section 408(g) provides essentially the same process for persons to ''object'' to a tolerance regulation as was provided in the old section 408 and in section 409. However, the period for filing objections is 60 days, rather than 30 days. EPA currently has procedural regulations which govern the submission of objections and hearing requests. These regulations will require some modification to reflect the new law. However, until those modifications can be made, EPA will continue to use those