APPENDIX A TO PART 117—DRAWBRIDGES EQUIPPED WITH RADIOTELEPHONES

Waterway	Mile	Location	Bridge name and owner	Call sign	Calling channel	Working channel
*	*	*	*	*	*	*
Massachusetts.						
*	*	*	*	*	*	*
Lagoon Pond	0.0	Tisbury	Lagoon Pond	MHD	13	13
*	*	*	*	*	*	*

Dated: January 11, 1995.

J.L. Linnon,

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

[FR Doc. 95–4905 Filed 2–27–95; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[FRL–5162–5]

Open Meeting of the Negotiated Rulemaking Advisory Committee for Small Nonroad Engine Regulations

AGENCY: Environmental Protection Agency.

ACTION: FACA committee meeting; Negotiated rulemaking on small nonroad engine regulations.

SUMMARY: As required by section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), EPA is giving notice of the next meeting of the Advisory Committee to negotiate a rule to reduce air emissions from small nonroad engines. The meeting is open to the public without advance registration. The purpose of the meeting is to continue identification and discussion of issues, discuss interests of committee members, and hear reports from task groups.

DATES: The committee will meet on March 21 and 22, 1995 from 10 a.m. to 6 p.m.

ADDRESSES: The location of the meeting will be the Holiday Inn East, 3750 Washtenaw, Ann Arbor, MI 48104, (313) 971–2000.

FOR FURTHER INFORMATION CONTACT: Persons needing further information on the technical and substantive matters of the rule should contact Betsy McCabe, National Vehicle and Fuel Emissions Laboratory, 2565 Plymouth Rd., Ann Arbor Michigan 48105, (313) 668–4344. Persons needing further information on committee procedes should call Deborah Dalton, Consensus and Dispute Resolution Program, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 260–5495, or the Committee's facilitator, Lucy More or John Folk-Williams, Western Network, 616 Don Gaspar, Santa Fe, New Mexico 87501, (505) 982–9805.

Dated: February 23, 1995.

Deborah Dalton,

Designated Federal Official, Deputy Director, Consensus and Dispute Resolution Program.

[FR Doc. 95–4892 Filed 2–27–95; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 52

[CA 78–2–6824; FRL–5162–4]

Approval and Promulgation of Implementation Plans; California Implementation Plan Revision; South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: EPA is proposing to conditionally approve revisions to the California State Implementation Plan (SIP) which concern the control of oxides of nitrogen (NO_X) and oxides of sulfur (SO_X) emissions using an emissions-limiting economic incentives program, the NO_X and SO_X Regional Clean Air Incentives Market (NO_X and SO_X RECLAIM). This program, which consists of twelve rules and associated appendices known as Regulation XX, applies to facilities in the South Coast Air Quality Management District (SCAQMD) with four or more tons of NO_X or SO_X emissions per year from permitted equipment. The subject facilities, in order to meet annual emission reduction requirements, will participate in an economic incentive program (EIP) in order to reduce emissions at a significantly lower cost.

The intended effect of proposing approval of Regulation XX is to regulate emissions of NO_X and SO_X in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). EPA's final action on this notice of proposed rulemaking (NPRM) will incorporate this regulation into the federally approved SIP. EPA has evaluated this regulation and is proposing to conditionally approve it under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas. The EPA's final conditional approval is contingent on the SCAQMD providing the Agency with an enforceable commitment which addresses and cures all of the deficiencies associated with NO_X and SO_X RECLAIM within 12 months of the publication of the proposed conditional approval. In the event that SCAQMD fails to provide EPA with such a commitment, then EPA will publish a final rule to approve NO_X and SO_X RECLAIM in the form of a limited approval/limited disapproval action. Both the conditional approval action and the limited approval/limited disapproval action are discussed in this NPRM.

DATES: Comments must be received on or before March 30, 1995.

ADDRESSES: Comments may be mailed to: Daniel A. Meer, Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Copies of the new regulation and EPA's evaluation report of the regulation are available for public inspection at EPA's Region 9 office (address above) during normal business hours. Copies of the submitted regulation are also available for inspection at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95814.

South Coast Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, CA 91765–4182.

FOR FURTHER INFORMATION CONTACT: Kenneth Israels, Rulemaking Section (A–5–3), Air and Toxics Division,

Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1194.

SUPPLEMENTARY INFORMATION:

Background

On November 15, 1990, the Clean Air Act Amendments of 1990 (CAA) were enacted. Pub. L. 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. The air quality planning requirements for the reduction of NO_X emissions through reasonably available control technology (RACT) are set out in section 182(f) of the CAA. On November 25, 1992, EPA published a NPRM entitled ''State Implementation Plans; Nitrogen Oxides Supplement to the General Preamble; Clean Air Act Amendments of 1990 Implementation of Title I; Proposed Rule,'' (the NO_X Supplement) which describes the requirements of section 182(f). The November 25, 1992, notice should be referred to for further information on the NO_X requirements and is incorporated into this proposal by reference.

Section 182(b)(2) requires submittal of RACT rules for major stationary sources of VOC emissions (not covered by a pre-enactment control technologies guidelines (CTG) document or a post-enactment CTG document) by November 15, 1992. There were no NO_X CTGs issued before enactment and EPA has not issued a CTG document for any NO_X sources since enactment of the CAA. The RACT rules covering NO_X sources and submitted as SIP revisions are expected to require final installation of the actual NO_X controls by May 31, 1995, for those sources where installation by that date is practicable. Section 182(f) of the Clean Air Act requires States to apply the same requirements to major stationary sources of NO_X (''major'' as defined in section 302 and section 182 (c), (d), and (e)) as are applied to major stationary sources of volatile organic compounds (VOCs), in moderate or above ozone nonattainment areas. The Los Angeles-South Coast Air Basin is classified as extreme,[1] therefore this area was subject to the RACT requirements of section 182(b)(2), cited above, and the November 15, 1992 deadline.[2]

On April 7, 1994, EPA published a final rule concerning EIPs entitled ''Economic Incentive Program Rules,'' (EIP Rules) in order to fulfill the requirements of section 182(g)(4)(A) of the Act (see 59 FR 16690). The EIP Rules establish several requirements which State programs must meet.

These requirements are:

- *Statement of goals and rationale.* This element shall include a clear statement as to the environmental problem being addressed, the intended environmental and economic goals of the program, and the rationale relating the incentive-based strategy to the program goals.
- *Program scope.* This element shall contain a clear definition of the sources affected by the program.
- *Program baseline.* A program baseline shall be defined as a basis for projecting program results and, if applicable, for initializing the incentive mechanism (e.g., for marketable permits programs). The program baseline shall be consistent with, and adequately reflected in, the assumptions and inputs used to develop an area's reasonable further progress (RFP) plans and attainment and maintenance demonstrations, as applicable. The State shall provide sufficient supporting information from the areawide emissions inventory and other sources to justify the baseline used in the State or local EIP.
- *Replicable emission quantification methods.* This program element, for programs other than those which are categorized as directionally-sound, shall include credible, workable, and replicable methods for projecting program results from affected sources and, where necessary, for quantifying emissions from individual sources subject to the EIP. Such methods, if used to determine credit taken in attainment, RFP, and maintenance demonstrations, as applicable, shall yield results which can be shown to have a level of certainty comparable to that for source-specific standards and traditional methods of control strategy development.
- *Source requirements.* This program element shall include all source-specific requirements that constitute compliance with the program. Such requirements shall be appropriate, readily ascertainable, and State and federally enforceable.
- *Projected results and audit/reconciliation procedures.* This program element includes a commitment to ensure the timely implementation of programmatic revisions or other measures which the State, in response to the audit, deems necessary for the successful operation of the program in the context of overall RFP and attainment requirements. (see 40 CFR 51.493(f)(3)(i))
- *Implementation schedule.* The program shall contain a schedule for the adoption and implementation of all State commitments and source requirements included in the program design.
- *Administrative procedures.* The program shall contain a description of State commitments which are integral to the implementation of the program, and the administrative system to be used to implement the program, addressing the adequacy of the personnel, funding, and legislative authority.
- *Enforcement mechanisms.* The program shall contain a compliance instrument(s) for all program requirements, which is legally binding and enforceable by both the State and EPA. This program element shall also include a State enforcement program which defines violations, and specifies auditing and inspections plans and provisions for enforcement actions. The program shall contain effective penalties for noncompliance which preserve the level of deterrence in traditional programs. For all such programs, the manner of collection of penalties must be specified.

The EIP Rule should be referred to for further information on the EIP requirements and is incorporated into this proposal by reference.

The State of California submitted the regulation being acted on in this document on March 21, 1994. This document addresses EPA's proposed action for SCAQMD, Regulation XX, NO_X and SO_X RECLAIM. SCAQMD adopted Regulation XX on October 15, 1993. This submitted regulation was found to be complete on April 11, 1994, pursuant to EPA's completeness criteria that are set forth in 40 CFR Part 51, Appendix V,[3] and is being proposed for approval into the SIP.

NO_X emissions contribute to the production of ground level ozone and smog. The regulation was adopted as part of SCAQMD's efforts to achieve the National Ambient Air Quality Standards (NAAQS) for ozone and in response to the CAA requirements cited above. The following is EPA's evaluation and proposed action for this regulation.

EPA Evaluation and Proposed Action

In determining the approvability of a NO_X regulation, EPA must evaluate the

[1] The Los Angeles-South Coast Air Basin was designated nonattainment and classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. See 55 FR 56694 (November 6, 1991).

[2] EPA made a finding of nonsubmittal for NO_X RACT in SCAQMD on April 21, 1993. NO_X RECLAIM in combination with other measures satisfy this requirement. On October 21, 1994, EPA found that SCAQMD had submitted measures satisfying the NO_X RACT requirements.

[3] EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

regulation for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and Part D of the CAA and 40 CFR Part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for today's action, appears in the various EPA policy guidance documents.[4] Among these provisions is the requirement that a NO_X rule must, at a minimum, provide for the implementation of RACT for stationary sources of NO_X emissions.

For the purpose of assisting state and local agencies in developing RACT rules, EPA prepared the NO_X supplement to the General Preamble, cited above (57 FR 55620). In the NO_X supplement, EPA provides guidance on how RACT will be determined for stationary sources of NO_X emissions. While most of the guidance issued by EPA on what constitutes RACT for stationary sources has been directed towards application for VOC sources, much of the guidance is also applicable to RACT for stationary sources of NO_X (see section 4.5 of the NO_X Supplement). In addition, pursuant to section 183(c) EPA is issuing alternative control technique documents (ACTs) that identify alternative controls for all categories of stationary sources of NO_X. The ACT documents will provide information on control technology for stationary sources that emit or have the potential to emit 25 or more tons per year of NO_X. However, the ACTs will not establish a presumptive norm for what is considered RACT for stationary sources of NO_X. In general, the guidance documents cited above, as well as other relevant and applicable guidance documents, have been set forth to ensure that submitted NO_X RACT rules meet federal RACT requirements and are fully enforceable and strengthen or maintain the SIP.

In determining the approvability of an EIP, EPA must evaluate the regulation for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and Part D of the CAA and 40 CFR Part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for today's action, appears in the various EPA policy guidance documents listed in footnote 4 of this notice. Among these provisions is the requirement that an EIP rule must, at a minimum, be consistent with attainment and RFP requirements found in the CAA.

For the purpose of assisting state and local agencies in developing rules which incorporate economic incentive strategies, EPA prepared the EIP Rules, cited above (59 FR 16690). In the EIP Rules, EPA provides guidance on how EIPs can be designed to be consistent with the attainment and RFP requirements of the CAA. In general, the guidance documents cited above, as well as other relevant and applicable guidance documents, have been set forth to ensure that submitted EIPs meet federal requirements and are fully enforceable and strengthen or maintain the SIP.

SCAQMD's Regulation XX, NO_X and SO_X RECLAIM, is a new rule which was adopted to control NO_X and SO_X emissions using an emissions-limiting economic incentives program applicable to facilities with four or more tons of NO_X or SO_X emissions per year. Facilities with NO_X or SO_X emissions from permitted equipment participate in a pollutant-specific market in order to reduce emissions at a significantly lower cost. The program subsumes fourteen SCAQMD Air Quality Management Plan (AQMP) control measures and is projected to reduce emissions by an equivalent amount.

The regulation discussed below is being proposed for conditional approval under Section 110(k)(4) of the CAA because it strengthens the SIP and EPA is optimistic that the SCAQMD will provide EPA a commitment within 12 months of the publication of this proposal and prior to the publication of the final rule. Such a commitment must obligate the SCAQMD to revise Regulation XX to correct the identified Appendix D deficiencies, within one year after the date of publication of the final rule. The conditional approval shall be treated as a disapproval if the SCAQMD fails to comply with the submitted commitment.

The NO_X and SO_X RECLAIM program strengthens the SIP by placing a declining emissions cap on subject facilities. The declining cap is based on the application of RACT (or requirements more stringent than RACT) at the facility and is reduced to overall emissions below RACT levels in order to bring the South Coast Air Basin into attainment of the ozone NAAQS. Regulation XX is comprised of 12 rules and 2 associated appendices which are described below:

- Rule 2000—General. This rule provides the program's objective, its purpose, and applicable definitions;
- Rule 2001—Applicability. This rule provides the criteria for inclusion in NO_X and SO_X RECLAIM, requirements for sources electing to enter NO_X and SO_X RECLAIM and identifies provisions in SCAQMD rules and regulations that do not apply to NO_X and SO_X RECLAIM sources;
- Rule 2002—Allocations for Oxides of Nitrogen (NO_X) and Oxides of Sulfur (SO_X). This rule establishes the methodology for calculating initial facility allocations for NO_X and SO_X RECLAIM;
- Rule 2004—Requirements. This rule establishes requirements for operating under the NO_X and SO_X RECLAIM program. The rule includes provisions pertaining to permits, allocations, reporting, variances, penalties, and breakdowns;
- Rule 2005—New Source Review (NSR) for RECLAIM. This rule sets forth pre-construction review requirements for new facilities subject to the requirements of the NO_X and SO_X RECLAIM program and for modifications to existing NO_X and SO_X RECLAIM facilities;
- Rule 2006—Permits. This rule sets forth procedures for issuing and amending NO_X and SO_X RECLAIM facility permits;
- Rule 2007—Trading Requirements. This rule defines the NO_X and SO_X RECLAIM trading credit (RTC) and establishes the trading requirements for NO_X and SO_X RECLAIM;
- Rule 2008—Mobile Source Credits. This rule establishes criteria for and requirements on utilizing emission reductions generated from SCAQMD 1600 series rules as RTCs;
- Rule 2010—Administrative Remedies and Sanctions. This rule specifies provisions to ensure that NO_X and SO_X RECLAIM facilities which exceed their allocation provide compensating emission reductions. This rule also provides for administrative penalties for NO_X and SO_X RECLAIM rule violations;
- Rule 2011—Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Sulfur Emissions. This rule and its appendix (Appendix A) establish the monitoring, reporting, and recordkeeping requirements for SO_X emissions under the NO_X and SO_X RECLAIM program;
- Rule 2012—Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Nitrogen Emissions. This rule and its appendix (Appendix A) establish the monitoring, reporting, and recordkeeping

[4] Among other things, the pre-amendment guidance consists of those portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 **Federal Register** Notice'' (Blue Book) (notice of availability was published in the **Federal Register** on May 25, 1988).

requirements for NO_X emissions under the NO_X and SO_X RECLAIM program; and

• Rule 2015—Backstop Provisions. This rule specifies NO_X and SO_X RECLAIM program auditing requirements and actions that the SCAQMD will take in the event that the environmental goals of RECLAIM program are not achieved.

• Although the approval of Regulation XX will strengthen the SIP, the regulation still contains deficiencies, identified below and in the associated technical support document (TSD), which are required to be corrected pursuant to section 182(b)(2) of the CAA. The NO_X and SO_X RECLAIM program contains the following deficiencies:

• The program allows the use of variances to avoid compliance with program requirements; this results in the program failing to meet the requirements of section 110(i) of the Act,

• The program does not meet certain new source review requirements of the Act and Part D,

• The program allows the use of Executive Officer discretion in the implementation of certain emissions monitoring provisions; this results in the program failing to meet the requirements of section 110(i) of the Act,

• The program's references to other programs, notably those involving the use of mobile source emission reduction credits (MERCs) is inconsistent with section 110(i) of the Act, and

• The submittal does not provide all of the necessary demonstrations to ensure that the requirements of EPA's EIP Rules are being met.

A detailed discussion of the rule deficiencies can be found in the TSD for Regulation XX (January 5, 1995), which is available from the U.S. EPA, Region 9 office. Because SCAQMD is not using Regulation XX as a means to achieve or maintain attainment of the SO_2 NAAQS,[5] the PM_{10} NAAQS,[6] or the NO_2 NAAQS, EPA does not believe that Regulation XX will interfere with SCAQMD's ability to meet the requirements necessary in the Act for achieving or maintaining these standards. EPA believes that the penalty provisions found in RECLAIM Rule 2004 will be adequate for enforcement of the RECLAIM program. However, EPA does not believe that such penalty provisions would necessarily be adequate for other program designs. EPA will evaluate the penalty provisions of each program design on an individual basis, paying particular attention to the program elements found in the EIP rule (see 40 CFR 51.493(i) and 59 FR 16700–16701 dated April 7, 1994) where applicable.

Because of the above deficiencies, EPA cannot grant approval of this regulation under section 110(k)(3), section 110(a)(2), section 169A, and Parts C and D of the Act. Also, because the submitted regulation is not composed of separable parts which meet all the applicable requirements of the CAA, EPA cannot grant partial approval of the regulation under section 110(k)(3). However, EPA may grant a conditional approval under section 110(k)(4) based on a commitment by the SCAQMD to revise the regulation to correct the identified deficiencies within one year of the Notice of Final Rulemaking of the conditional approval. EPA is optimistic that the SCAQMD will commit to adopt a regulation correcting the deficiencies within the required timeframe. The commitment letter must contain a schedule of interim steps (with dates) for the regulation. The State of California must submit the commitment letter to EPA. Therefore, EPA is proposing to give conditional approval to submitted Regulation XX under section 110(k)(4) of the CAA.

Under section 110(k)(4), the conditional approval shall be treated as a disapproval of a rule if the SCAQMD fails to adopt rules correcting the deficiencies within the time allowed. Under 179(a)(2), if the Administrator disapproves a submission under section 110(k) for an area designated nonattainment, based on the submission's failure to meet one or more of the elements required by the CAA, the Administrator must apply one of the sanctions set forth in section 179(b) unless the deficiency has been corrected within 18 months of such disapproval. Section 179(b) provides two sanctions available to the Administrator: highway funding and offsets. The 18 month period referred to in section 179(a) will begin on the effective date of EPA's final disapproval. Moreover, the final disapproval triggers the federal implementation plan (FIP) requirement under section 110(c). It should be noted that the regulation covered by this NPRM has been adopted by the SCAQMD and is currently in effect in the SCAQMD.

In the event that SCAQMD is unable to provide EPA with a commitment which addresses all of the deficiencies identified by EPA within 12 months of the publication of this NPRM, then EPA will publish a final rule which finalizes a limited approval/limited disapproval action on the NO_X and SO_X RECLAIM program in lieu of publishing a final rule which finalizes a conditional approval action on the NO_X and SO_X RECLAIM program. In the instance in which SCAQMD fails to provide the commitment within 12 months of the publication of the NPRM, the limited approval/limited disapproval would be finalized based on the same deficiencies noted elsewhere in this document and the associated TSD. As noted above, because of the noted deficiencies, EPA cannot grant approval or partial approval of this regulation under section 110(k)(3) and part D. However, EPA may grant a limited approval of the submitted regulation under section 110(k)(3) in light of EPA's authority pursuant to section 301(a) to adopt regulations necessary to further air quality by strengthening the SIP. The approval is limited because EPA's action also contains a simultaneous limited disapproval. In the instance where a commitment from SCAQMD is not submitted within 12 months of the publication of the NPRM, in order to strengthen the SIP, EPA will finalize a limited approval of SCAQMD's submitted Regulation XX under sections 110(k)(3) and 301(a) of the CAA.

At the same time, EPA will also finalize a limited disapproval of this regulation because it contains deficiencies that have not been corrected as required by section 182(a)(2)(A) of the CAA, and, as such, the regulation does not fully meet the requirements of part D of the Act. As noted above, if the identified deficiencies are not corrected within 18 months of EPA's final limited disapproval, the sanctions described in section 179 of the CAA will be applied. It should be noted that the regulation covered by this NPRM has been adopted by the SCAQMD and is currently in effect in the SCAQMD. EPA's final limited disapproval action in this NPRM will not prevent the SCAQMD or the EPA from enforcing this regulation.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in

[5] SCAQMD is presently in attainment of the SO_2 NAAQS.

[6] In this instance, SCAQMD is not asserting and EPA is not finding that SO_X RECLAIM is designed to be used as a means to identify or implement best available control measures (BACM) for PM_{10} in the South Coast Air Basin. If at some point in the future SCAQMD decides to use SO_X RECLAIM as a means of fulfilling this requirement, an additional SIP submittal must be made at which time EPA will apply the appropriate review criteria.

relation to relevant statutory and regulatory requirements.

Regulatory Process

Under the Regulatory Flexibility Act, 5 U.S.C. Section 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 sections 110 and 301 and subchapter I, Part D of the CAA 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, it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2). This discussion applies in the case where EPA finalizes a limited approval/limited disapproval action as well.

If the conditional approval is converted to a disapproval under section 110(k), based on the State's failure to meet the submitted 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 does not have a significant impact on a substantial number of small entities because it does not remove existing state requirements nor does it impose any new federal requirements.

The Office of Management and Budget (OMB) has exempted this action from review under Executive Order 12866.

List of Subjects in 40 CFR Part 52

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

Authority: 42 U.S.C. 7401–7671q.

Dated: February 15, 1995.

Felicia Marcus,

Regional Administrator.

[FR Doc. 95–4891 Filed 2–27–95; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR PART 52

[IL97–1–6575; FRL–5158–6]

Clean Air Act Approval and Promulgation of Employee Commute Options Program; Illinois

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: The USEPA is proposing to approve the State Implementation Plan (SIP) revision request submitted by the State of Illinois on July 8, 1994, for the purpose of establishing an Employee Commute Options Program (ECO Program) in the Chicago area, including the counties of Cook, Lake, DuPage, McHenry, Kane and Will and the townships of Aux Sable and Gooselake in Grundy County and Oswego in Kendall County. The rationale for the proposed approval is set forth below; additional information is available at the address indicated below.

DATES: Comments on this proposed rule must be received on or before March 30, 1995.

ADDRESSES: Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Regulation Development Branch, (AR–18J) USEPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590.

Copies of the ECO Program SIP revision request and USEPA's analysis are available for inspection at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604.

(It is recommended that you telephone Jessica Radolf at (312) 886–3198 before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: Jessica Radolf, Regulation Development Section, Regulation Development Branch, (AR–18J) USEPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590, (312) 886–3198.

SUPPLEMENTARY INFORMATION:

I. Background

Implementation of the section 182(d)(1)(B) of the Clean Air Act, as amended in 1990 (amended Act), requires employers with 100 or more employees in the counties of Cook, Lake, Dupage, McHenry, Kane, and Will and the townships of Aux Sable and Gooselake in Grundy County and Oswego in Kendall County to participate in a trip reduction program. The concerns that lead to the inclusion of this Employee Commute Options (ECO) provision in the amended Act are that more people are driving and they are driving longer distances. The increase in the number of drivers and the increase in the number of vehicle miles traveled (VMT) currently offset a large part of the emissions reductions achieved through the production and sale of vehicles that operate more cleanly. It is widely accepted that shortly after the year 2000, without limits on increased travel, the increased emissions caused by more vehicles being driven more miles under more congested conditions will outweigh the fact that each new vehicle pollutes less, resulting in an overall increase in emissions from mobile sources. The ECO provision outlines the requirements for a program designed to minimize the use of single occupancy vehicles in commuting trips in order to gain emissions reductions beyond what can be and will be obtained through stricter tailpipe and fuel standards.

Section 182(d)(1)(B) of the amended Act requires that employers in severe and extreme ozone and carbon monoxide (CO) nonattainment areas submit their compliance plans to the State two years after the SIP is submitted to USEPA. These compliance plans developed by employers must be designed to convincingly demonstrate an increase in the average passenger occupancy (APO) of vehicles used by their employees who commute to work during the peak period by no less than 25 percent above the average vehicle occupancy (AVO) of the nonattainment area. These compliance plans must convincingly demonstrate that the employers will meet the target no later than 4 years after the SIP is submitted. Where there are important differences in terms of commute patterns, land use, or AVO, the States may establish different zones within the nonattainment area for purposes of calculation of the AVO.

Section 110(k) of the amended Act contains provisions governing USEPA's action on SIP submittals. The USEPA can take one of three actions on ECO Program SIP submittals. If the submittal satisfactorily addresses all of the required ECO Program elements, the USEPA shall grant full approval. If the submittal contains approvable commitments to implement all required ECO Program elements, but the State does not yet have all of the necessary