

not include a 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.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Ozone, Reporting and record-keeping requirements.

Dated: January 26, 1996.  
Valdas V. Adamkus,  
Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

**PART 52—[AMENDED]**

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

Authority: 42. U.S.C. 7401-7671q.

**Subpart P—Indiana**

2. Section 52.770, is amended by adding paragraph (c)(102) to read as follows:

**§ 52.770 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*  
(102) On June 6, 1995, and on September 28, 1995 the Indiana Department of Environmental Management submitted State Implementation Plan (SIP) revisions establishing an enhanced inspection and maintenance (I/M) program in accordance with the requirements of the Clean Air Act as amended in 1990. The new enhanced I/M program replaces the basic I/M programs in operation in Lake, Porter, Clark, and Floyd Counties. The Air Pollution Control Board adopted new rule 326 IAC 13-1.1 and repealed existing 326 IAC 13-1, thereby putting in place a revised I/M program.

(i) Incorporation by reference.

(A) 326 Indiana Administrative Code 13-1.1 adopted April 5, 1995, effective October 1, 1995.

(ii) Other material.

(A) June 6, 1995 letter and enclosures from the Indiana Department of Environmental Management (IDEM) Commissioner to the Regional Administrator of the United States Environmental Protection Agency (USEPA) submitting Indiana's revision to the ozone State Implementation Plan (SIP).

(B) September 28, 1995 letter and enclosures from the IDEM Assistant Commissioner to the Regional Administrator of USEPA submitting supplemental vehicle inspection and

maintenance SIP revision information and documentation.

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[FR Doc. 96-6466 Filed 3-18-96; 8:45 am]

BILLING CODE 6560-50-P

**40 CFR Part 52**

[CO37-2-6290(a); FRL-5417-5]

**Approval and Promulgation of Air Quality Implementation Plans; Colorado; Basic Motor Vehicle Inspection and Maintenance Program**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA approves the State Implementation Plan (SIP) revision submitted by the State of Colorado. This revision establishes and requires the implementation of a basic motor vehicle inspection and maintenance (I/M) program in the urbanized areas of El Paso (Colorado Springs), Larimer (Fort Collins), and Weld Counties (Greeley). The intended effect of this action is approval of a basic motor vehicle I/M program. This action is being taken under section 110 of the Clean Air Act.

**DATES:** This action is effective on May 20, 1996, unless adverse or critical comments are received by April 18, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

**ADDRESSES:** Written comments should be addressed to: Douglas Skie, Chief, Air Programs Branch (8ART-AP), USEPA Region 8, 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 address listed above. Anyone wanting to view these documents must make an appointment at least 24 hours in advance.

**FOR FURTHER INFORMATION CONTACT:** Scott P. Lee, Air Programs Branch, State Implementation Plan Section (8ART-AP), USEPA, Region 8, Denver, Colorado 80202, (303) 293-1887.

**SUPPLEMENTARY INFORMATION:**

**I. Clean Air Act Requirements**

The Clean Air Act, as amended in 1990 (CAAA or Act), requires states to make changes to improve existing I/M programs or implement new ones. Section 182(a)(2)(B) requires any ozone nonattainment area which has been classified as "marginal" (pursuant to section 181(a) of the Act) or worse with an existing I/M program that was part of a SIP, or any area that was required by

the 1977 Amendments to the Act to have an I/M program, to immediately submit a SIP revision to bring the program up to the level required in past EPA guidance or to what had been committed to previously in the SIP whichever was more stringent. All carbon monoxide (CO) nonattainment areas were also subject to this requirement to improve existing or previously required programs to this level.

In addition, Congress directed the EPA in section 182(a)(2)(B) to publish updated guidance for state I/M programs, taking into consideration findings of the Administrator's audits and investigations of these programs. The states were to incorporate this guidance into the SIP for all areas required by the Act to have an I/M program.

On November 5, 1992 (57 FR 52950), the EPA published a final regulation establishing the I/M requirements, pursuant to sections 182 and 187 of the Act. The I/M regulation was codified at 40 CFR part 51, subpart S, and requires states to submit an I/M SIP revision which includes all necessary legal authority and the items specified in 40 CFR 51.372 (a)(1) through (a)(8) by November 15, 1993. The State of Colorado has met these requirements.

The nonattainment designations for CO and ozone were published in the Federal Register (FR) on November 6, 1991, and November 30, 1992, and have been codified in the Code of Federal Regulations (CFR). See 56 FR 56694 (November 6, 1991) and 57 FR 56762 (November 30, 1992), codified at 40 CFR 81.300 through 81.437. Based on these nonattainment designations, basic I/M programs are required in three of Colorado's Front Range Counties. These are: El Paso County (Colorado Springs area nonattainment for CO); Larimer County (Fort Collins area nonattainment for CO); and Weld County (Greeley area nonattainment for CO).

By this action, the EPA is approving this submittal. The EPA has reviewed the State submittal against the statutory requirements and for consistency with the EPA regulations. EPA summarizes the requirements of the Federal I/M regulations as found in 40 CFR 51.350 through 51.373 and its analysis of the State submittal below. Parties desiring additional details on the Federal I/M regulation are referred to the November 5, 1992 Federal Register document (57 FR 52950) or 40 CFR 51.350 through 51.373.

**II. Background**

On January 14, 1994, and on June 24, 1994, the State of Colorado submitted its

basic I/M SIP revision for the Colorado Springs, Fort Collins, and Greeley urbanized areas.

The January 14, 1994, submittal included authorizing legislation (HB1340 adopted by the House and Senate and signed by the Governor); Colorado Air Quality Control Commission (AQCC) Regulation Number 11; Motor Vehicle Emissions Inspection Program, adopted and effective as an emergency rule December 16, 1993, and the SIP narrative with appendices entitled, "State of Colorado Motor Vehicle Emissions Inspection and Maintenance State Implementation Plan", adopted by the AQCC on November 12, 1993, and again on December 16, 1993, with no substantive changes. EPA reviewed the January 14, 1994, submittal and identified aspects which the State would need to address prior to EPA approval. EPA's primary concerns concentrated on: the need for the State to submit a final binding regulation to replace the since-lapsed, December 16, 1993, emergency rule. Governor Romer's June 24, 1994, submittal included a binding regulation adopted by the State on March 17, 1994.

### III. State Submittal

The State submittal provides for the upgrading of the existing I/M program to an EPA approved basic I/M program in the Colorado Springs, Fort Collins, and Greeley urbanized areas. Colorado is implementing annual test-and-repair I/M programs which meet the requirements of EPA's performance standard and other requirements contained in the Federal I/M rule in the applicable urbanized areas. Testing will be performed by independent inspection stations with state oversight. Other aspects of the Colorado I/M program include: testing of all model-year gasoline-powered vehicles, a test fee to ensure the State/Counties have adequate resources to implement the program, enforcement by registration denial, a repair effectiveness program, a commitment to testing convenience, quality assurance, data collection, three percent (3%) waiver rate, reporting, test equipment and test procedure specifications, a commitment to ongoing public information and consumer protection programs, inspector training and certification, and penalties against inspector incompetence. An analysis of how the Colorado I/M programs meet the Federal SIP requirements by section of the Federal I/M rule is provided below.

#### A. Applicability

The SIP needs to describe the applicable areas in detail and,

consistent with 40 CFR 51.372, needs to include the legal authority or rules necessary to establish program boundaries. Colorado's I/M program, as authorized by Section 42-4-309(3) C.R.S. are to be implemented in the western half of El Paso County; Southeastern  $\frac{2}{3}$  of Larimer County; and the Greeley metropolitan area including the cities of Evans, LaSalle, and Garden City. [Boundaries simplified—see C.R.S. for exact boundary deliniation].

#### B. Basic I/M Performance Standard

The I/M programs provided for in the SIP are required to meet a performance standard for basic I/M for the pollutants that caused the affected area to come under I/M requirements. The performance standard sets an emission reduction target that must be met by a program in order for the SIP to be approvable. The SIP must also provide that the program will meet the performance standard in actual operation, with provisions for appropriate adjustments if the standard is not met. The State has submitted a modeling demonstration using the EPA computer model, MOBILE 5a, showing that the basic performance standard is met in all of the affected urbanized areas.

#### C. Network Type

The SIP needs to include a description of the network to be employed, the required legal authority, and, in the case of areas making claims for case-by-case equivalency, the required demonstration. Colorado has chosen to implement decentralized, test-and-repair basic I/M programs, which are comprised of independently operated facilities. The Colorado I/M programs, in each of the affected urbanized areas, allow fleet self-testing programs with oversight by Department of Revenue employees. Legal authority which is contained in Sections 42-4-306.5 thru 42-4-316 C.R.S., authorizes the State Departments of Health and Revenue to implement and oversee these programs.

#### D. Adequate Tools and Resources

The SIP needs to include a description of the resources that will be used for program operation, which include: (1) A detailed budget plan which describes the source of funds for personnel, program administration, program enforcement, purchase of necessary equipment, and any other requirements discussed throughout, for the period prior to the next biennial self-evaluation required in Federal I/M rule; and (2) a description of personnel resources, the number of personnel

dedicated to overt and covert auditing, data analysis, program administration, enforcement, and other necessary functions and the training attendant to each function.

The SIP narrative and Regulation No. 11, and the authorizing legislation contained in the submittal, describe the budget, staffing support, and equipment and resources dedicated to the program meeting the requirements of the Federal Rule.

#### E. Test Frequency and Convenience

The SIP needs to include the test schedule in detail, including the test year selection scheme if testing is other than annual. Also, the SIP needs to include the legal authority necessary to implement and enforce the test frequency requirement and explain how the test frequency will be integrated with the enforcement process.

The Colorado basic I/M program requires annual inspections for all subject motor vehicles. For new vehicles the first test is required for re-registration four years after initial registration.

#### F. Vehicle Coverage

The SIP needs to include a detailed description of the number and types of vehicles to be covered by the program, and a plan for how those vehicles are to be identified, including vehicles that are routinely operated in the area, but which may not be registered in the area. Also, the SIP needs to include a description of any special exemptions which will be granted by the program, and an estimate of the percentage and number of subject vehicles which will be impacted. Such exemptions need to be accounted for in the emission reduction analysis. In addition, the SIP needs to include the legal authority or rule necessary to implement and enforce the vehicle coverage requirement.

Colorado's basic I/M program area vehicle coverage includes all model year gasoline-powered light-duty cars and trucks, and heavy-duty gasoline powered trucks registered or required to be registered within the affected urbanized areas. Additionally, all vehicles operated in the program area more than ninety days per year are required to comply with the program requirements. Vehicles are identified through random parking lot surveys and motor vehicles registration database queries.

Vehicles exempted from the program include: motorcycles, farm plated vehicles, collector series vehicles, electric vehicles, two-cycle powered vehicles, vehicles registered as horseless carriages, and diesel vehicles (required

to be inspected in diesel emission program). The exempted vehicles are accounted for in the modeling submitted by the State and documented in the SIP narrative as required.

#### G. Test Procedures and Standards

The SIP needs to include a description of each test procedure used. The SIP also needs to include the rule, ordinance or law describing and establishing the test procedures.

Colorado's I/M programs use EPA's Preconditioned two-speed idle test as specified in EPA-AA-TSA-I/M-90-3 March 1990, Technical Report, "Recommended I/M Short Test Procedures for the 1990's: Six Alternatives." The Colorado95 Analyzer calibration specifications and emissions test procedures meet the minimum standard established in Appendix A of 40 CFR Part 51 Subpart S. Test procedures are established in Regulation No. 11 as contained in the SIP.

#### H. Test Equipment

The SIP needs to include written technical specifications for all test equipment used in the program and shall address each of the requirements in 40 CFR 51.358 of the Federal I/M rule. The specifications need to describe the emission analysis process, the necessary test equipment, the required features, and written acceptance testing criteria and procedures.

The Colorado I/M SIP commits to meeting the California BAR 90 accuracy standards at a minimum. The Colorado SIP addresses the requirements in 40 CFR 51.358 and includes descriptions of performance features and functional characteristics of the Colorado95 computerized test systems. The necessary test equipment, required features, and acceptance testing criteria are also contained in the SIP.

#### I. Quality Control

The SIP needs to include a description of quality control and recordkeeping procedures. The SIP also needs to include the procedures manual, rule, and ordinance or law describing and establishing the quality control procedures and requirements. The Colorado I/M SIP narrative contains descriptions and requirements establishing the quality control procedures in accordance with the Federal I/M rule. These requirements will help ensure that equipment calibrations are properly performed and recorded, as well as maintaining compliance document security. Additional requirements are documented in the SIP narrative,

Regulation No. 11., and the authorizing legislation.

#### J. Waivers and Compliance Via Diagnostic Inspection

The SIP needs to include a maximum waiver rate expressed as a percentage of initially failed vehicles. This waiver rate needs to be used for estimating emission reduction benefits in the modeling analysis. Also, the State needs to take corrective action if the waiver rate exceeds that estimated in the SIP or revise the SIP and the emission reductions claimed accordingly.

In addition, the SIP needs to describe the waiver criteria and procedures, including cost limits, quality assurance methods and measures, and administration. Lastly, the SIP shall include the necessary legal authority, ordinance, or rules to issue waivers, set and adjust cost limits as required, and carry out any other functions necessary to administer the waiver system, including enforcement of the waiver provisions. The Colorado basic I/M program commits to a waiver rate of 3 percent or less. Waiver procedures are detailed in the Appendices to the SIP submittal, Regulation No. 11, and the authorizing legislation. Legal authority for waivers is contained in Section 42-4-312 C.R.S.

#### K. Motorist Compliance Enforcement

The SIP needs to provide information concerning the enforcement process, including: (1) A description of the existing compliance mechanism if it is to be used in the future and the demonstration that it is as effective or more effective than registration-denial enforcement; (2) an identification of the agencies responsible for performing each of the applicable activities in this section; (3) a description of and accounting for all classes of exempt vehicles; and (4) a description of the plan for testing fleet vehicles, rental car fleets, leased vehicles, and any other special classes of subject vehicles, e.g. those operated in (but not necessarily registered in) the program area. Also, the SIP needs to include a determination of the current compliance rate based on a study of the system that includes an estimate of compliance losses due to loopholes, counterfeiting, and unregistered vehicles. Estimates of the effect of closing such loopholes and otherwise improving the enforcement mechanism need to be supported with detailed analyses. In addition, the SIP needs to include the legal authority to implement and enforce the program. Lastly, the SIP needs to include a commitment to an enforcement level to

be used for modeling purposes and to be maintained, at a minimum, in practice.

The motorist compliance enforcement program will be implemented, by the Department of Revenue Motor Vehicles Division, which will take the lead in ensuring that owners of all subject vehicles are denied registration unless they provide valid proof of having received a certificate indicating they passed an emissions test or been granted a compliance waiver. State and local police agencies have the authority to cite motorists with expired registration tags and out-dated emissions windshield stickers.

Current compliance rates are estimated at greater than 96 percent in the each of the urbanized areas. The SIP commits to a level of motorist enforcement necessary to ensure a compliance rate of no less than 96 percent among subject vehicles.

#### L. Motorist Compliance Enforcement Program Oversight

The SIP needs to include a description of enforcement program oversight and information management activities. Penalties for failure to comply with the program are described in the authorizing legislation and the Colorado Revised Statutes. Fines of up to \$1,000 can be imposed in cases where motorists are involved in fraudulently obtaining certificates of compliance, stickers, or registrations. Failure to register a vehicle also results in significant penalties, as described in the Colorado Revised Statutes regarding registration penalties. The State of Colorado has met EPA's requirements for the imposition of mandatory fines. The State commits to corrective action if a compliance rate of 96 percent is not maintained in practice.

#### M. Quality Assurance

The SIP needs to include a description of the quality assurance program, and written procedures manuals covering both overt and covert performance audits, record audits, and equipment audits. This requirement does not include materials or discussion of details of enforcement strategies that would ultimately hamper the enforcement process.

The Colorado I/M SIP includes a description of its quality assurance program. The program includes operation and progress reports, and overt and covert audits of all emission inspectors and emission inspections. Overt and covert audits, and remote inspector audits will be performed by the Department of Revenue. Procedures and techniques for overt and covert

performance, recordkeeping, and equipment audits are given to auditors and updated as needed. Current auditor procedures are contained in the Appendices to the SIP.

#### *N. Enforcement Against Contractors, Stations and Inspectors*

The SIP needs to include the penalty schedule and the legal authority for establishing and imposing penalties, civil fines, license suspension, and revocations. In the case of state constitutional impediments to immediate suspension authority, the state Attorney General shall furnish an official opinion for the SIP explaining the constitutional impediment, as well as relevant case law. Also, the SIP needs to describe the administrative and judicial procedures and responsibilities relevant to the enforcement process, including which agencies, courts, and jurisdictions are involved; who will prosecute and adjudicate cases; and other aspects of the enforcement of the program requirements, the resources to be allocated to this function, and the source of those funds. In states without immediate suspension authority, the SIP needs to demonstrate that sufficient resources, personnel, and systems are in place to meet the three day case management requirement for violations that directly affect emission reductions.

The Colorado submittal includes the legal authority to establish and impose penalties against stations, contractors and inspectors. The I/M SIP and regulations include penalty provisions for stations, contractors, and inspectors. These penalty schedules meet the Federal I/M regulation requirements and are approvable. The I/M program legislative authority gives the state auditors the authority to temporarily suspend station and inspector licenses or certificates immediately upon finding a violation. The submittal includes a description of administrative and judicial procedures relevant to the enforcement process which meet Federal I/M regulations and are approvable.

#### *O. Data Analysis and Reporting*

The SIP needs to describe the types of data to be collected. The State regulation requires the collection of data on each individual test conducted and describes the type of data to be collected. The type of test data collected meets the Federal I/M regulation requirements and is approvable. The appendices to the I/M SIP submittal contain a procedure manual that details the gathering and reporting requirements of the State required under 40 CFR Part 51.359 and is approvable.

The Colorado I/M SIP provides reporting summary data based upon program activities taking place in the previous year. The report will provide statistics for the testing program, the quality control program, the quality assurance program, and the enforcement program. At a minimum, Colorado commits to address all of the data elements listed in section 51.366 of the Federal I/M rule.

#### *P. Inspector Training and Licensing or Certification*

The SIP needs to include a description of the training program, the written and hands-on tests, and the licensing or certification process.

The Colorado I/M SIP provides for the implementation of training, certification, and refresher programs for emission inspectors. Training will include all elements required by 51.367(a) of the EPA I/M rule. All inspectors will be required to be certified to inspect vehicles in the Colorado I/M program.

#### *Q. Improving Repair Effectiveness*

The SIP needs to include a description of the technical assistance program to be implemented, a description of the procedures and criteria to be used in meeting the performance monitoring requirements of this section for enhanced I/M programs, and a description of the repair technician training resources available in the community.

The Colorado SIP commits the program technical and supervisory staff to continue to work with both motor vehicle owners and the automotive service industry regarding their vehicles failing to meet the exhaust emission levels. These direct contacts are normally either by telephone or person-to-person. Customers with vehicles that present unusual testing problems or situations are referred to a State-run Technical Center for further testing and diagnostics.

#### **IV. This Action**

In this action, the EPA is approving the SIP revision submitted by the State of Colorado for purposes of implementing a Basic I/M program in the urbanized areas of El Paso (Colorado Springs), Larimer (Fort Collins), and Weld Counties (Greeley). The EPA has reviewed this revision to the Colorado SIP and is approving it as submitted. The State's Basic I/M program revisions meet requirements pursuant to sections 182 and 187 of the Act and 40 CFR part 51, subpart S.

The EPA is publishing this action without prior proposal because the

Agency views this as a noncontroversial revision and anticipates no adverse comments. However, in a separate document in this Federal Register publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. Thus, today's direct final action will be effective May 20, 1996, unless, by April 18, 1996, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective May 20, 1996.

The EPA has reviewed this request for revision of the federally-approved SIP for conformance with the provisions of the CAA. The EPA has determined that this action conforms with those requirements.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to a SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et. seq., the 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, the 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 that are less than 50,000.

SIP revision approvals under Section 110 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, the EPA certifies that this proposed rule would 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 actions. The CAA forbids the EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S.E.P.A.*, 427 U.S. 246, 256-266 (S. Ct. 1976); 42 U.S.C. section 7410(a)(2).

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 today 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 pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation.

Under section 307(b)(1) of the CAA, 42 U.S.C. 7607(b), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 20, 1996. 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).)

Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

List of Subjects in 40 CFR Part 52

Environmental Protection, Administrative practice and procedure, Air pollution control for hydrocarbons, Incorporation by Reference, Intergovernmental relations, Motor vehicle pollution, Nitrogen oxide, Ozone, Reporting and recordkeeping requirements.

Dated: September 28, 1995.  
Jack W. McGraw,  
*Acting Regional Administrator.*

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

**PART 52—[AMENDED]**

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

Authority: 42 U.S.C. 7401-7671q.

**Subpart G—Colorado**

2. Section 52.320 is amended by adding paragraph (c)(73) to read as follows:

**§ 52.320 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(73) On January 14, 1994 and on June 24, 1994, Roy Romer, the Governor of Colorado, submitted SIP revisions to the State Implementation Plan for the Control of Air Pollution. This revisions requires the implementation of a basic motor vehicle inspection and maintenance program in the urbanized areas of El Paso (Colorado Springs), Larimer (Fort Collins), and Weld (Greeley) Counties meeting the requirements of the Clean Air Act Amendments of 1990. This material is being incorporated by reference for the enforcement of Colorado's basic I/M program only.

(i) Incorporation by reference.

(A) Colo. Rev. Stat. §§ 42-4-306.5—42-4-316 adopted June 8, 1993 as House Bill 93-1340, effective July 1, 1993.

(B) Regulation No. 11 (Inspection/Maintenance Program) as adopted by the Colorado Air Quality Control Commission (AQCC) on March 17, 1994, effective April 30, 1994.

[FR Doc. 96-6005 Filed 3-18-96; 8:45 am]  
BILLING CODE 6560-50-P

**40 CFR Part 52**

[MT7-1-5487a; MT26-2-6874a; FRL-5438-9]

**Clean Air Act Approval and Promulgation of PM<sub>10</sub> Implementation Plan for Montana**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA approves the state implementation plan (SIP) for the Kalispell, Montana nonattainment area, the Flathead County Air Pollution Program, and a Board Order setting emission limits at nine Kalispell area stationary sources, submitted with letters dated November 25, 1991, January 11, 1994, August 26, 1994 and July 18, 1995, to achieve attainment of the National Ambient Air Quality Standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM<sub>10</sub>). The SIP was submitted to satisfy certain federal Clean Air Act requirements for an approvable moderate nonattainment area PM<sub>10</sub> SIP for Kalispell. In addition, EPA also approves the SIP revisions submitted by the State of Montana on August 26, 1994, and July 18, 1995, to satisfy the Federal Clean Air Act requirement to submit contingency measures for the Kalispell and Columbia Falls moderate PM<sub>10</sub> nonattainment areas. The Columbia Falls submittal also incorporates minor revisions to the attainment and maintenance demonstrations for the Columbia Falls moderate PM<sub>10</sub> nonattainment area SIP into the Montana SIP. Since the SIP still adequately demonstrates timely attainment and maintenance of the PM<sub>10</sub> standard, EPA approves these revisions.

EPA is also deleting an obsolete section of the Code of Federal Regulations (CFR) which applied to further requirements for the Butte total suspended particulates (TSP) plan.

**DATES:** This action is effective on May 20, 1996 unless adverse comments are received by April 18, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

**ADDRESSES:** Comments should be addressed to: Richard R. Long, Director, Air Program, EPA Region VIII, at the address listed below. Copies of the State's submittal and other information are available for inspection during normal business hours at the following locations: Air Program, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado