LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of February 12 through February 16, 1996]

Date	Name and location of applicant	Case No.	Type of submission
2/13/96	Perry Gas/Alabama Charter/Alabama RQ183–604 RQ23–605 Montgomery, AL; National Helium/Alabama Coline Gasoline/Alabama RQ3–606 RQ2–607.		Application for Second Stage Perry Gas, Charter, National Helium, and Coline Refunds. If granted: The second stage refund application submitted by The State of Alabama in the Perry Gas, Charter, National Helium, and Coline Refund Proceedings would be granted.
2/14/96	Heller and Sons Distributing, Inc. Hermiston, OR.	VEE–0016	Exception to the Reporting Requirements. If granted: Heller and Sons Distributing, Inc. would not be required to file Form EIA–782B, Reseller/Retailer Monthly Petroleum Products Sales Report.
2/15/96	Bayer & Mingolla Industries, Inc. Memphis, TN.	RR300–265	Request for Modification/Rescission in the Gulf Refund Proceeding. If granted: The January 31, 1996 Dismissal letter, Case Number RF300–21419, issued to Bayer & Mingolla Industries, Inc. would be modified regarding the firm's application for refund submitted in the Gulf refund proceeding.
2/15/96	Chey A. Temple Moxee, WA	VFA–0133	Appeal of an Information Request Denial. If granted: The Freedom of Information Request Denial issued by the Richland Operations Office would be rescinded, and Chey A. Temple would receive access to certain DOE information.

REFUND APPLICATIONS RECEIVED

[Week of February 12 to February 16, 1996]

Date received	Name of refund proceeding/name of refund applicant	Case number
2/12/96	Crude Oil Refund Application	RK272–3281 thru RK272–3323
2/16/96		RG272–1009 thru RG272–1015

[FR Doc. 96–6713 Filed 3–19–96; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5444–3]

Air Pollution Control, Proposed Action on Clean Air Act Grant to the Monterey Bay Unified Air Pollution Control District

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Proposed determination with request for comments and notice of opportunity for public hearing.

SUMMARY: The U.S. EPA has made a proposed determination under section 105(c) of the Clean Air Act (CAA) that a reduction in expenditures of non-Federal funds for the Monterey Bay Unified Air Pollution Control District (MBUAPCD or ''district'') in Monterey, California is a result of a non-selective reduction in expenditures. This determination, when final, will permit the MBUAPCD to keep the financial assistance awarded to it for FY–95 by EPA under section 105(a) of the CAA.

DATES: Comments and/or requests for a public hearing must be received by EPA at the address stated below by April 19, 1996.

ADDRESSES: All comments and/or requests for a public hearing should be mailed to: Roy T. Ford, Air Grants Section (A–2–3), Air and Toxics Division, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105–3901, FAX (415) 744–1076.

FOR FURTHER INFORMATION CONTACT: Roy T. Ford, Air Grants Section (A–2–3), Air and Toxics Division, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, California 94105–3901 at (415) 744–1233.

SUPPLEMENTARY INFORMATION: Under the authority of Section 105 of the CAA, EPA provides financial assistance to the MBUAPCD to aid in the operation of its air pollution control programs. In FY–94 EPA awarded the MBUAPCD $347,863, which represented approximately 10% of the MBUAPCD's budget. In FY–95 EPA awarded the MBUAPCD $292,856, which represented approximately 8% of the MBUAPCD's budget.

Section 105(c)(1) of the CAA, 42 U.S.C. Section 7405(c)(1), provides that ''(n)o agency shall receive any grant under this section during any fiscal year when its expenditures of non-Federal funds for recurrent expenditures for air pollution control programs will be less than its expenditures were for such programs during the preceding fiscal year.''

EPA may still award financial assistance to an agency not meeting this requirement, however, if EPA, ''after notice and opportunity for public hearing, determines that a reduction in expenditures is attributable to a non-selective reduction in the expenditures in the programs of all Executive branch agencies of the applicable unit of Government.'' CAA Section 105(c)(2). These statutory requirements are repeated in EPA's implementing regulations at 40 CFR 35.210(a).

In its FY–95 Section 105 application, which EPA reviewed in early 1995, the MBUAPCD projected recurrent expenditures (or its maintenance of effort (MOE)) of $3,254,272. This MOE would have been sufficient to meet the MOE requirements of the CAA because it was not lower than the FY–94 MOE of $2,967,502. In January of 1996, however, the MBUAPCD submitted to EPA documentation which shows that its actual FY–95 MOE was $2,828,502. This amount represents a shortfall of

$139,352 from the FY–94 MOE. In order for the MBUAPCD to be eligible to keep its FY–95 grant, EPA must make a determination under Section 105(c)(2) that the reduction in expenditures is attributable to a non-selective reduction in the programs of all agencies of the applicable unit of government.

The MBUAPCD is a single-purpose agency whose primary source of funding is permit fee revenue. Fees associated with permits issued by the MBUAPCD go directly to the district to fund its operations. It is the ''unit of Government'' for Section 105(c)(2) purposes. The MBUAPCD submitted documentation to EPA which shows that in 1994 and 1995 air permit fee revenues decreased because of declining economic conditions which caused the business community to curtail operations, resulting in fewer permits issued and fees collected. As a result, the MBUAPCD's overall budget and its MOE decreased. The MBUAPCD also submitted documentation to EPA which shows that over the last three years the district instituted a number of cost cutting measures, including the elimination of a position and reductions in hiring, equipment purchases, and contract costs.

The MBUAPCD's MOE reductions resulted from budget cuts stemming from a loss of fee revenues due to circumstances beyond its control. EPA proposes to determine that the MBUAPCD's lower FY–95 MOE level meets the Section 105(c)(2) criteria of a non-selective reduction. Pursuant to the CAA and 40 CFR 35.210, this determination will allow the MBUAPCD to keep the funds received from EPA for FY–95.

This notice constitutes a request for public comment and an opportunity for public hearing as required by the Clean Air Act. All written comments received by April 19, 1996 on this proposal will be considered. EPA will conduct a public hearing on this proposal only if a written request for such is received by EPA at the address above by April 19, 1996. If no written request for a hearing is received, EPA will proceed to a final determination. While notice of the final determination will not be published in the Federal Register, a copy of the determination can be obtained by sending a written request to the above address.

Dated: March 6, 1996.

David P. Howekamp,

Director, Air and Toxics Division.

[FR Doc. 96–6722 Filed 3–19–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5440–7]

Ambient Air Monitoring Reference and Equivalent Methods; Reference and Equivalent Method Designations

Notice is hereby given that the EPA, in accordance with 40 CFR part 53, has designated one additional reference method and two additional equivalent methods for ambient air monitoring. The reference method is for the measurement of ambient concentrations of nitrogen dioxide. The first equivalent method is for the measurement of ambient concentrations of ozone. The other equivalent is for the determination of lead in suspended particulate matter collected from ambient air.

The new reference method for nitrogen dioxide is an automated method (analyzer) which utilizes the measurement principle based on the chemiluminescent reaction between nitric oxide and ozone and the calibration procedure specified in Appendix F of 40 CFR part 50. This new designated method is identified as follows:

RFNA–0196–111, ''Horiba Instruments, Incorporated Model APNA–360 Ambient NO–NO_2–NO_x Monitor,'' operated with a full scale range of 0–0.5 ppm, at any temperature in the range of 10 °C to 40 °C, with a Line Setting of ''MEASURE'', and an Analog Output of ''MONETARY VALUE'', and with or without the optional Rack Mounting Plate and Side Rails.

The new equivalent method for ozone is an automated method (analyzer) which utilizes the measurement principle based on the absorption of ultraviolet radiation by ozone at a wavelength of 254 nm and the calibration procedure specified in Appendix C of 40 CFR part 50. This new designated method is identified as follows:

EQOA–0196–112, ''Horiba Instruments, Incorporated Model APOA–360 Ambient Ozone Monitor,'' operated with a full scale range of 0–0.5 ppm, at any temperature in the range of 10 °C to 40 °C, with a Line Setting of ''MEASURE'', and an Analog Output of ''MOMENTARY VALUE'', and with or without the optional Rack Mounting Plate and Side Rails.

These two automated methods are available from Horiba Instruments, Incorporated, 17671 Armstrong Avenue, Irvine, California 92714. The applications for designation of these nitrogen dioxide and ozone methods were received on September 15, 1995 and August 21, 1995 respectively.

A test analyzer representative of each of these methods has been tested by the applicant, in accordance with the test procedures specified in 40 CFR part 53. After reviewing the results of those tests and other information submitted by the applicant, EPA has determined, in accordance with part 53, that these methods should be designated as a reference method and an equivalent method, respectively.

The new equivalent method for the determination of lead in suspended particulate matter collected from ambient air is identified as follows:

EQL–0196–113, ''Determination of Lead Concentration in Ambient particulate Matter by Inductively Coupled Argon Plasma-Optical Emission Spectrometry (Doe Run Company).''

The applicant's request for an equivalent method determination for the above method was received on July 11, 1995. This method has been tested by the applicant, the Doe Run Company, Smelting Division, Herculaneum, Missouri, in accordance with the test procedures prescribed in 40 CFR part 53. After reviewing the results of these tests and other information submitted by the applicant, EPA has determined, in accordance with part 53, that this method should be designated as an equivalent method.

This method uses the sampling procedure specified in the reference method for the determination of lead in suspended particulate matter collected from ambient air (40 CFR 50, Appendix G). In this method, lead in the particulate matter is solubilized by extraction with nitric acid facilitated by heat. The lead content of the sample extract is analyzed with a Baird ICP 2000 inductively coupled argon plasma—optical emission spectrometer operating at a frequency of 40.68 MHz and using the 220.353 nm lead adsortion line. The instrumental operating conditions have been optimized by the user-laboratory. Technical questions concerning this method should be directed to the Doe Run Company, Smelting Division, 881 Main Street, Herculaneum, Missouri 63048.

The information submitted by these applicants will be kept on file at EPA's National Exposure Research Laboratory, Research Triangle Park, North Carolina 27711 and will be available for inspection to the extent consistent with 40 CFR part 2 (EPA's regulations implementing the Freedom of Information Act).

As a designated reference or equivalent method, each of these methods is acceptable for use by states and other air monitoring agencies under the requirements of 40 CFR part 58,