Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
* * *	*	*	*	*	*			
37	11–1–96	12–1–96	5.00	4.25	4.00	4.00	7	8

Issued in Washington, DC, on this 9th day of October 1996.

Martin Slate,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 96–26345 Filed 10–11–96; 8:45 am]

BILLING CODE 7708–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region II Docket No. 144; NJ22–1–7069a, FRL–5554–9]

Approval and Promulgation of Implementation Plans; New Jersey Transportation Control Measures

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a request by the State of New Jersey to revise its State Implementation Plan (SIP) to incorporate transportation control measures (TCMs) as part of the State's effort to attain the national ambient air quality standard for ozone. EPA finds that New Jersey adequately demonstrated in its November 15, 1993 SIP that growth in emissions from growth in vehicle miles traveled will not increase and, therefore, offsetting emission reduction measures are not required. In its November 15, 1993 SIP revision, the State submitted a list containing 136 TCMs as part of the plan to reduce emissions of volatile organic compounds by 15 percent between 1990 and 1996.

DATES: This rule is effective on December 16, 1996, unless adverse or critical comments are received by November 14, 1996. If adverse comments are received, this notice will be withdrawn in the Federal Register prior to the effective date of this rule.

ADDRESSES: All comments should be addressed to: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 290 Broadway, 20th Floor, New York, New York 10007–1866.

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

Environmental Protection Agency, Region II Office, Air Programs Branch, 290 Broadway, 20th Floor, New York, New York 10007–1866.

New Jersey Department of Environmental Protection, Office of Air Quality Management, Bureau of Air Pollution Control, 401 East State Street, CN027, Trenton, New Jersey 08625.

Environmental Protection Agency, Air and Radiation Docket and Information Center (MC 6102), 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Rudolph K. Kapichak, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 20th Floor, New York, New York 10007–1866, (212) 637–4249.

SUPPLEMENTARY INFORMATION:

Background

Section 182(d)(1)(A) of the Clean Air Act Amendments of 1990 requires states containing ozone nonattainment areas classified as ''severe'' pursuant to Section 181(a) of the Act to adopt transportation control measures (TCMs) and transportation strategies to offset growth in emissions from growth in vehicle miles traveled (VMT) or number of vehicle trips, and to attain reductions in motor vehicle emissions (in combination with other emission requirements) as necessary to comply with the Act's Reasonable Further Progress (RFP) milestone and attainment requirements. The requirements for establishing a VMT offset program are discussed in the April 16, 1992 General Preamble to Title I of the Act (57 FR 13498), in addition to Section 182(d)(1)(A) of the Act. The VMT offset provision requires that states submit by November 15, 1992 specific enforceable TCMs and strategies to offset any growth in emissions from growth in VMT or number of vehicle trips sufficient to allow total area emissions to comply with the RFP and attainment requirements of the Act.

EPA has observed that these three elements (i.e., offsetting growth in mobile source emissions, attainment of the RFP reduction, and attainment of ozone national ambient air quality standards (NAAQS) create a timing problem of which Congress was perhaps not fully aware. As discussed in EPA's April 16, 1992 General Preamble to Title I, ozone nonattainment areas affected by this provision were not otherwise required to submit SIPs that show attainment of the 1996 15 percent RFP milestone until November 15, 1993, and likewise are not required to demonstrate post-1996 RFP and attainment of the NAAQS until November 15, 1994. The SIP demonstrations due on November 15, 1993, and on November 15, 1994 are broader in scope than growth in VMT or trips in that they necessarily address emission trends and control measures for non-motor vehicle emission sources and, in the case of attainment demonstrations, complex photochemical modeling studies.

EPA does not believe that Congress intended the VMT offset provision to advance dates for these broader submissions. Further, EPA believes that the November 15, 1992 date would not allow sufficient time for states to have fully developed specific sets of measures that would comply with all of the elements of the VMT offset requirements of Section 182(d)(1)(A) over the long term. Consequently, EPA believes it would be appropriate to interpret the Act to provide the following alternative set of staged deadlines for submittal of elements of the VMT offset SIP.

Under this interpretation, the three required elements of Section 182(d)(1)(A) are separable, and can be divided into three separate submissions on different dates. Section 179(a) of the Act, in establishing how EPA would be required to apply mandatory sanctions if a state fails to submit a full SIP also provides that the sanctions clock starts if a state fails to submit one or more SIP elements, as determined by the Administrator. EPA believes that this language provides EPA the authority to determine that the different elements of a SIP submission are separable. Moreover, given the continued timing problems addressed earlier, EPA believes it is appropriate to allow states to separate the VMT offset SIP into three elements, each to be submitted at different times: (1) The initial requirement to submit TCMs that offset

growth in emissions; (2) the requirement to comply with the 15 percent Rate of Progress requirement of the Act; and (3) the requirement to comply with the post-1996 periodic reduction and attainment of the ozone NAAQS.

Under this approach, the first element, the emissions offset element, was due on November 15, 1992. The EPA believes this element is not necessarily dependent on the development of the other elements. A state could submit the emissions growth offset element independent of an analysis of that element's consistency with the periodic reduction and attainment requirements of the Act. Emissions trends from other sources need not be considered to show compliance with this offset requirement. As submitting this element in isolation does not introduce the timing problems of advancing deadlines for RFP and attainment demonstrations, EPA does not believe it is necessary to extend the statutory deadline for submittal of the emissions growth offset element.

The second element, which requires the VMT offset SIP to comply with the 15 percent RFP requirement of the Act, was re-scheduled to be due on November 15, 1993, which is the same date on which the 15 percent RFP SIP itself was due under Section 182(b)(1) of the Act. EPA believes it is reasonable to extend the deadline for this VMT offset element from November 15, 1992 to the date on which the entire 15 percent SIP was due, as this allows states to develop the comprehensive strategy to address the 15 percent requirement and assure that the TCM elements required under Section 182(d)(1)(A) are consistent with the remainder of the 15 percent demonstration. Indeed, EPA believes that only upon submittal of the broader 15 percent plan can a state have had the necessary opportunity to coordinate its VMT strategy with its 15 percent plan.

The third element, which requires the VMT offset SIP to comply with the post-1996 RFP and attainment requirements of the Act, was rescheduled to be due on November 15, 1994, the statutory deadline for those broader submissions. EPA believes it is reasonable to similarly extend the deadline for this VMT element to the date on which the post-1996 RFP and attainment SIPs are due for the same reason it is reasonable to extend the deadline for the second element. First, it is arguably impossible for a state to make the showing required by Section 182(d)(1)(A) for the third element until the broader demonstrations have been developed by the state. Moreover, allowing states to develop the comprehensive strategy to address post-1996 RFP and attainment by providing a fuller opportunity to assure that the TCM elements comply with the broader RFP and attainment demonstrations will result in a better program for reducing emissions in the long term.

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

State Submittal

On November 15, 1992, and November 15, 1993, New Jersey submitted to EPA requests to revise its SIP for ozone. These submittals had undergone public hearings on October 27, October 29 and November 5, 1992 and on October 14 and October 19, 1993. In addition, these submittals underwent significant public review as part of the process initiated by three New Jersey metropolitan planning organizations (MPOs); the North Jersey Transportation Planning Authority (NJTPA), the Delaware Valley Regional Planning Commission (DVRPC) and the South Jersey Transportation Planning Organization (SJTPO).

EPA is taking direct final approval action for the TCM SIP revision submitted by the State of New Jersey to revise its SIP to incorporate TCMs as part of the effort to attain the national ambient air quality standard for ozone. In its original VMT offset SIP submission, New Jersey included public transit programs, high occupancy vehicle (HOV) facilities, traffic flow improvements, park and ride projects, ridesharing, pedestrian programs, roadway pricing, and others. New Jersey has subsequently indicated in its submittal of November 15, 1993 that motor vehicle emissions will not at any time increase from those of the previous year. Therefore, the State is not required to implement any measures to offset growth in emissions due to growth in VMT. EPA is approving New Jersey's November 15, 1993 submittal as fulfilling the requirements of the first element of Section 182(d)(1)(A).

To meet the second element of the VMT SIP, due on November 15, 1993, New Jersey opted to include 136 TCMs in its 15 percent SIP submittal under Section 182(b) of the Act. The remainder of this notice discusses these TCMs.

As part of the 15 Percent Plan, New Jersey included TCMs which will be implemented and which will result in emission reductions. EPA will be taking action on New Jersey's 15 Percent Plan in another Federal Register notice in the future, but the TCMs, which are the subject of this Federal Register notice, can be incorporated into the SIP at this time.

A total of 136 TCMs are being implemented throughout the State as part of the MPO process, these are as follows:

Park and Ride Lots (25)

Summit—Springfield Ave: 30 spaces
Clinton—I–78 & Route 31: 50 spaces
Branchburg—Route 202: 67 spaces
Suburban Bus—New Brunswick—Route 27: 30 spaces
Netcong Railroad Station: 132 spaces
Beverwyck—Parsippany/Troy Hills—Route 46: 300 spaces
Newton—Routes 206 & 94: 200 spaces
Westwood: 46 spaces
Stockholm—Hardyston—Routes 23 & 515: 50 spaces
Flemington Outlet—Route 202—Raritan: 100 spaces
Farmers Market—I–95 & Route 413 (Pennsylvania): 100 spaces
Plauderville—Atwater Lane—Railroad Station: 200 spaces
Route 9 Bus—Middlesex/Monmouth Counties: unknown
Orange Bus Terminal: unknown
Turnpike Int 8A—Route 130 & 32—S. Brunswick: 500 spaces
Turnpike Int 10—Edison: 750 spaces

Turnpike—Vince Lombardi Service Area—Bergen: 1000 spaces
Interchange 153—Passaic: unknown
Montvale Expansion—Bergen: 152 spaces
Interchange 109—Middletown: 65 spaces
Jefferson/Mullica Hill—Route 45—Harrison Township: 40 spaces
Malage—Route 40/Dutch Mill Road—Franklin: 50 spaces
Woodbury—Route 45 & Cooper Street: 50 spaces
Aberdeen—Monmouth County: 400 spaces
Trenton Rail Station: 900 Spaces

Transit Improvements (Sponsored by NJ Transit) (39)

Waterfront Connection—Hudson, Essex, Middlesex, Monmouth Counties
Kearny Connection—Morris, Somerset, Essex, Union Counties
Hackettstown Booton Line Extension—Warren County
Hoboken Transit Hub—Hudson County
Transit Station Bike Lockers and Racks—Statewide
Existing Park and Ride Facilities Program—Select Stations
Summer shore Express Service—North Jersey Coast Line
Atlantic City Rail Line Extension to Philadelphia
Jersey Shore Line Passenger Service to Cape May locations
Route 67 Modified Bus service—Toms River/Lakewood via US 9
Route 303 Broad Street Station—Penn Station Shuttle
Expanded Bus Service Strategies—Statewide
Expanded Service Strategies—Port Newark/Elizabeth
Cape May City Ferry Bus Service
Atlantic City Garage in Egg Harbor
Atlantic County Experimental Services
Weehawken Ferry Terminal Parking
Redesign Plaza at Exchange Place PATH Station for Drop Offs
Gateway Park and Ride shuttle

Traffic Flow Improvements (66)

Closed Loop Signal System (Several Projects Statewide noted as one)
Magic I Motorist Advisory System
Island Beach State Park Motorist Information System
Service Patrols—Morris, Essex, Passaic, and Bergen Counties
I–80 High Occupancy Vehicle Lane
Turnpike High Occupancy Vehicle Lane from Exit 11 to 14
Turnpike Traffic Surveillance and Control System—Exit 8A to GWB
Incident Management Radio System—Statewide
Incident Management State Police Communications Center—Cranbury
Signal Upgrade—Essex County (5 projects)
Interchange Improvements—Garden State Parkway—Statewide
Atlantic City Computerized Signal System
Turning Lanes and Signal Improvements in Cape May (3 projects)
Bridge Motorist Information System—Tacony and Betsy Ross Bridges
Traffic Operations Center—Camden and Burlington Counties
Incident Management—Camden Area Service Patrol
One Way Tolls—Delaware River Crossings (3 Projects)
Burlington County Signal Upgrades and Improvements (21 Projects)
Cumberland County—Arterial Signal System
Mercer County—Intersection and Signalization Improvements
Essex County—Turn Lanes and Signal Modification (6 projects)
Ocean County—Traffic Signal Retiming and Turn Lanes (11 projects)
Atlantic County—Intersection Improvements

Other (6)

Employer Trip Reduction—Statewide
Bayshore Waterfront Bike/Pedestrian way
Traction Line Bikeway—Morris Township
Meadows Path Bikeway—Hudson and Bergen Counties
North Bergen Trail—Pedestrian/Bicycle
Sussex Trails—Pedestrian/Bicycle

The 136 TCMs are predicted to result in a Statewide reduction of 1.4 tons per day of VOCs, out of a total of 209 tons/day for the entire 15 percent plan. Therefore, the TCMs represent 0.7 percent of the needed reduction. The reductions attributed to the TCMs are broken down by the three nonattainment areas in New Jersey, as follows: 0.9 tons in northern New Jersey, 0.3 tons in the Philadelphia metropolitan area of New Jersey, and 0.2 tons in the Atlantic City area. This equals 1.4 tons Statewide.

The 136 TCMs fall into the following four broad categories. The percentages represent the portion of the 1.4 tons of reduction attributed to each category.

Traffic Flow Improvements: 66 projects; 48.6 percent.

Transit Projects: 39 projects; 42.2 percent.

Park and Ride Projects: 25 projects, 7.7 percent.

ETR/Bicycle & Pedestrian Projects: 6 projects. 1.5 percent.

The projects contained in the SIP submittal are being implemented as part of the Clean Air Act requirement to reduce VOC emissions by 15 percent between 1990 and 1996. The projects will be implemented by 1996 and will assist New Jersey in attaining the NAAQS for ozone.

Implementation of these projects will be tracked and ensured through the transportation conformity process as required by the federal transportation conformity regulation (40 CFR Part 93; 1290). Transportation Improvement Programs (TIPs) which contain TCMs are developed annually by the three MPOs in the State. This is accomplished in coordination with several state and federal agencies. The transportation conformity regulation requires that all TIPs be consistent with the SIP. Since these projects are contained in the SIP, failure to include them in the TIP will cause the TIP to not conform. This could result in transportation projects being halted. Such a decision is made by the Federal Highway Administration in consultation with EPA.

There was a significant opportunity for public comment throughout the TIP development process. MPOs provide access to all information and utilize public outreach as an important component of the transportation process. In addition, the development of the 15 percent plan underwent the public hearing process as required for all SIP amendments.

In March of 1992, EPA released a document entitled *Transportation Control Measure Information Documents,* as required by Section 108(f) of the Clean Air Act Amendments (prepared for EPA by Cambridge Systematics, Inc). This document includes a detailed description of the impacts of implementing several distinct types of TCMs, but does not provide a means to calculate specific emissions reductions from TCM implementation. New Jersey used this information to evaluate various TCMs. Chapters include information on employer programs, public transit, HOV projects, and pedestrian programs. This document is available through the National Technical Information Service, document reference number PB92–173–566.

A significant portion of these types of projects were utilized by New Jersey even though the State is not required to implement any specific TCMs. Furthermore, any state can implement viable TCMs that are not included in this list.

Conclusion

The benefits associated with these projects were calculated using best transportation planning practices. EPA believes that New Jersey modeled these

projects to the best of its ability using the best practices available, and, therefore, approves the project analysis conducted by the State of New Jersey.

The rationale for EPA's direct approval is that these TCMs were subject to the extensive public participation process discussed earlier. The TCMs will effectively reduce VMT and related VOC emissions, thereby reducing ground level ozone. Therefore, EPA is approving this revision incorporating these TCMs into New Jersey's SIP.

Regarding the first VMT offset element, New Jersey has identified and evaluated TCMs to reduce VMT, and has shown that VMT growth will not result in a growth of motor vehicle emissions that will negate the effects of the reductions required under the Act and there will not be an upturn of motor vehicle emissions. Regarding the second element, New Jersey has submitted a complete 15 percent SIP that contains 136 TCMs which contribute to its showing that the 15 percent reduction will be achieved. While EPA is not prepared to take action on New Jersey's 15 percent plan at this time, EPA does not believe that it is necessary to delay taking action on the second element of the VMT SIP, since to do so would merely delay action on New Jersey's TCMs into its SIP. However, if in approving the 15 percent plan approval it is determined that New Jersey would in fact have to implement additional TCMs to meet the 15 percent RFP requirement, and a subsequent submission of a revised 15 percent SIP is required, EPA would have to reevaluate its approval of the second element of the VMT SIP.

New Jersey has met the first and second requirements of the VMT offset plan. The third requirement is for New Jersey to use TCMs as necessary to achieve attainment of the ozone NAAQS and meet post-1996 RFP requirements. This third requirement will be addressed in future rulemaking after EPA receives and evaluates New Jersey's attainment and post-1996 RFP SIP submissions.

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

EPA is publishing this rule without prior proposal because EPA views this as a noncontroversial amendment 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, this direct final action will be effective December 16, 1996, unless, by November 14, 1996, adverse or critical comments are received.

If the EPA receives such comments, this rule will be withdrawn before the effective date by publishing a subsequent notice 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 rule should do so at this time. If no adverse comments are received, the public is advised that this rule will be effective December 16, 1996. (See 47 FR 27073 and 59 FR 24059).

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

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 impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the Clean Air Act, preparation of a regulatory 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 *US EPA*, 427 US 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a federal mandate that may result in estimated annual costs of $100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

Through submission of this SIP or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under Section 182(d) of the Clean Air Act. These rules may bind State, local and tribal governments to perform certain actions and also require the private sector to perform certain duties. To the extent that the rules being approved by this action would impose any mandate upon State, local or tribal governments either as the owner or operator of a source or as a regulator, or would impose any mandate upon the private sector, EPA's action will impose no new requirements; such sources are already subject to these regulations under state law. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action. EPA has also determined that this final action does not include a mandate that may result in estimated annual costs of $100 million or more to state, local, or tribal governments in the aggregate or to the private sector.

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

Under 5 U.S.C. section 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted 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 General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a ''major rule'' as defined by 5 U.S.C. section 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this rule must be filed in the United States Court of Appeals for the appropriate circuit within 60 days from date of publication. 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 rule may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Dated: July 29, 1996.

William J. Muszynski,

Deputy 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 FF—New Jersey

2. Section 52.1582 is amended by adding paragraphs (e) and (f) to read as follows:

§ 52. 1582 Control strategy and regulations: Ozone (volatile organic substances) and carbon monoxide.

* * * * *

(e) The November 15, 1993 SIP revision adds 136 transportation control measures to the SIP which will contribute emission reductions towards meeting the 15 Percent requirement of the ozone SIP.

(f) The November 15, 1993 SIP revision provides a 1993 demonstration that growth in emissions from growth in vehicle miles traveled will not increase through 2007 and that offsetting emission reductions are not required.

[FR Doc. 96–26202 Filed 10–11–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[MA–29–01–6537; A–1–FRL–5613–3]

Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Amendment to Massachusetts' SIP (for Ozone and for Carbon Monoxide) for Establishment of a South Boston Parking Freeze

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Massachusetts. This revision establishes and requires the Boston Air Pollution Control Commission (BAPCC) and the Massachusetts Port Authority (Massport) to control the growth of parking spaces in the South Boston neighborhood of Boston. The effect of controlling parking growth is anticipated to be a decrease in vehicle miles travelled (VMT), thereby holding automobile usage to levels within the practical capacity of the local street network. Vehicular emissions of carbon monoxide, hydrocarbons and nitrogen oxides will be reduced compared with their expected levels if parking is not constrained. These pollutants contribute to the carbon monoxide and ozone air pollution problems in the Boston urbanized area. This SIP revision adds the South Boston Parking Freeze Area to ongoing parking management plans in the Metropolitan Boston Area. The intended effect of this action is to approve the changes to Massachusetts' SIP. This action is being taken in accordance with the Clean Air Act (CAA).

EFFECTIVE DATE: This rule is effective on November 14, 1996.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA; Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, S.W., (LE–131), Washington, D.C. 20460; and Division of Air Quality Control, Department of Environmental Protection, One Winter Street, 8th Floor, Boston, MA 02108.

FOR FURTHER INFORMATION CONTACT: Donald O. Cooke, (617) 565–3508.

SUPPLEMENTARY INFORMATION: On October 3, 1994 (59 FR 50211–50214), EPA published a Notice of Proposed Rulemaking (NPR) for the Commonwealth of Massachusetts. The NPR proposed approval of a revision to Massachusetts Department of Environmental Protection (DEP) State Implementation Plan (SIP) by adding or amending four definitions in 310 CMR 7.00, and inserting provisions for a City of Boston/South Boston Parking Freeze at 310 CMR 7.33. The formal SIP revision was submitted by Massachusetts on July 30, 1993.

Air Quality Impacts

The South Boston Parking Freeze is designed to reduce the growth of VMT and travel-related air emissions by controlling the growth of parking spaces serving South Boston. The freeze will result in air quality improvements beyond those which would occur in the future without this measure.

For the three South Boston zones, DEP expects the proposed freeze to reduce total future trips by 15,220 per day or 19 percent of the approximately 80,105 trips forecast with unconstrained parking. This is a 5.3 percent reduction in the future year trips without the freeze in the Central Artery Study area, and a 0.3 percent reduction overall in Eastern Massachusetts.

Without the South Boston freeze, the amount of VMT increases in the South Boston zones are large. On average in the three South Boston zones, DEP expects trips to rise by about 35 percent between now and the year 2010. Based on vehicle trip reductions and the related VMT change, a reduction of 8.06 percent in VMT is obtained below the level which would otherwise occur with unconstrained parking within the Central Artery Study area, and 0.3 percent over the entire region.

Using EPA's Mobile Emission Factor Model (MOBILE4.1, the current version at the time of the DEP's analysis) and the Central Artery Traffic Model, the South Boston Parking Freeze would reduce emissions of volatile organic compounds (VOCs) by approximately 74.86 kilograms per day by the year 2010 within the Central Artery Study area. Carbon Monoxide emissions would be reduced by 558.50 kilograms per day within the Central Artery Study area.

Using the EPA MOBILE4.1 emission Model and the Central Transportation Planning Staff (CTPS) regional transportation model, the South Boston Parking Freeze will reduce emissions of VOCs by 269.79 kilograms per day, and of carbon monoxide (CO) by approximately 1,663.91 kilograms per day within Eastern Massachusetts. The regional model also accounts for the secondary effects of reducing traffic, which will in turn reduce congestion and emissions elsewhere in the region.

EPA supports the South Boston Parking Freeze Plan as a means to reduce VMT and ultimately eliminate motor vehicle emissions associated with reduced VMT. The VMT reduction anticipated with implementing the South Boston Parking Freeze Plan will be accounted for through Highway Performance Monitoring System's (HPMS) statistical sampling of VMT within the Boston Metropolitan area. VMT reductions resulting from the South Boston freeze will be documented by Massachusetts in their emission inventories and regional emission analysis (prepared for transportation conformity) and result in improved ambient air quality. Specific emission credit associated with the South Boston Parking Freeze Plan is not being assigned in the SIP. In addition, because Massachusetts will account for VMT and emission benefits in the base scenario for their ozone SIP, Massachusetts' Reasonable Further Progress Plan does not identify the South Boston Parking Freeze as an