ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MA–25–7197b; FRL–5846–9]

Approval and Promulgation of Implementation Plans; Conditional Interim Approval of Implementation Plans; Massachusetts

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: The EPA is proposing action on State Implementation Plan (SIP) revisions submitted by the Commonwealth of Massachusetts. The EPA is proposing approval of the Massachusetts 1990 base year ozone emission inventories, and also proposing approval of the establishment of a Photochemical Assessment Monitoring Stations (PAMS) network. The EPA proposes conditional interim approval of SIP revisions submitted by the Commonwealth to meet the 15 Percent Rate of Progress (ROP) Plan and Contingency plan requirements of the Clean Air Act (CAA).

The inventories were submitted by Massachusetts to satisfy a CAA requirement that those States containing ozone nonattainment areas (NAAs) classified as marginal to extreme submit inventories of actual ozone season emissions from all sources in accordance with EPA guidance. The PAMS SIP revision was submitted to provide for the establishment and maintenance of an enhanced ambient air quality monitoring network by November 15, 1993. The 15 Percent ROP and contingency plans were submitted to satisfy CAA provisions that require ozone nonattainment areas classified as moderate and above to devise plans to reduce Volatile Organic Compound (VOC) emissions 15 percent by 1996 when compared to a 1990 baseline. EPA is proposing conditional interim approval because the 15 percent and contingency plans submitted by Massachusetts rely on the emission reductions from an automobile emission inspection and maintenance (I/M) program that in a separate action in the rules section of today's **Federal Register** is receiving a conditional interim approval.

In the final rules section of today's **Federal Register**, the EPA is fully approving the Massachusetts 1990 base year inventory, and fully approving the establishment of a PAMS network as a direct final rule without prior proposal, because the Agency views these as noncontroversial revision amendments and anticipates no adverse comments. A detailed rationale for each approval is set forth in the direct final rule. The EPA is not publishing a direct final rule for the conditional interim approval of the Massachusetts 15 percent ROP and contingency plans. If no adverse comments are received on this direct final rule, no further activity is contemplated in relation to this proposed rule for these revisions. If EPA receives any material adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: Comments on this proposed action must be postmarked by August 13, 1997.

ADDRESSES: Written comments on this action should be addressed to Susan Studlien, Deputy Director, Office of Ecosystem Protection, Environmental Protection Agency, Region I, JFK Federal Building, One Congress Street, Boston, Massachusetts 02203. Copies of the documents relevant to this action are available for public inspection during normal business hours at the EPA Region I office, and at the Massachusetts Department of Environmental Protection, Division of Air Quality Control, One Winter Street, 7th Floor, Boston, Massachusetts, 02108–4746. Persons interested in examining these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

FOR FURTHER INFORMATION CONTACT: Robert F. McConnell, Air Quality Planning Unit, EPA Region I, JFK Federal Building, One Congress Street, Boston, Massachusetts, 02203; telephone (617) 565–9266.

SUPPLEMENTARY INFORMATION: For supplementary information regarding the Massachusetts 1990 base year emission inventory or establishment of a PAMS network, see the information provided in the direct final action of the same title which is located in the rules section of today's **Federal Register**.

Background

Section 182(b)(1) of the CAA as amended in 1990 requires ozone nonattainment areas with classifications of moderate and above to develop plans to reduce area-wide anthropogenic VOC emissions by 15 percent from a 1990 baseline. The plans were to be submitted by November 15, 1993 and the reductions were required to be achieved within 6 years of enactment or November 15, 1996. The Clean Air Act also sets limitations on the creditability of certain types of reductions. Specifically, States cannot take credit for reductions achieved by Federal Motor Vehicle Control Program (FMVCP) measures (new car emissions standards) promulgated prior to 1990 or for reductions resulting from requirements to lower the Reid Vapor Pressure (RVP) of gasoline promulgated prior to 1990. Furthermore, the CAA does not allow credit for corrections to basic Vehicle Inspection and Maintenance Programs (I/M) or corrections to Reasonably Available Control Technology (RACT) rules (so called ''RACT fix-ups) as these programs were required prior to 1990.

In addition, sections 172(c)(9) and 182(c)(9) of the CAA require that contingency measures be included in the plan revision to be implemented if the area misses an ozone SIP milestone, or fails to attain the standard by the date required by the CAA.

There are two serious ozone nonattainment areas within Massachusetts which together encompass the entire geographic area of the Commonwealth. Massachusetts is therefore subject to the 15 Percent ROP requirements. The two areas are referred to as the Boston-Lawrence-Worcester serious area and the Springfield serious area. The Boston-Lawrence-Worcester area includes portions of counties in New Hampshire which also must demonstrate that ROP emission reduction requirements are met. Massachusetts did not enter into an agreement with New Hampshire to do a multi-state 15 percent plan, and therefore submitted a plan to reduce emissions only in the Massachusetts portion of this area. EPA is taking action today only on the Massachusetts portion of the Boston-Lawrence-Worcester 15 Percent plan. EPA will act separately on the New Hampshire portion of the 15 Percent plan for this area at a later date.

Massachusetts submitted final 15 Percent ROP plans to EPA on November 15, 1993. The plans contained adopted rules for some, but not all of the VOC control measures identified within the plan. Additionally, Massachusetts did not submit contingency plans, or a commitment to adopt contingency plans by November 15, 1994. The EPA deemed the Massachusetts 15 Percent plans incomplete by letter dated January 26, 1994, due to the lack of adopted rules for all of the control programs identified within the plans. Between January 26, 1994 and January 11, 1995, Massachusetts submitted adopted rules

for the control strategies identified within the 15 Percent plans. Revisions to the Commonwealth's 15 Percent ROP plans were submitted to the EPA on November 15, 1994 and December 30, 1994. On July 24, 1995, Massachusetts submitted contingency plans to the EPA as a SIP revision.

On March 31, 1997, Massachusetts submitted further revisions to its 15% ROP and contingency plans. The Commonwealth also submitted revisions to its post 1996 ROP plans on March 31, 1997. EPA is not proposing action on the Massachusetts post 1996 ROP plans within this notice.

The EPA has analyzed the submittals made by Massachusetts and believes that the 15 Percent plans and contingency plans can be given conditional interim approval because the Commonwealth has accurately analyzed the emission reductions needed to meet these requirements, and because the plans will strengthen the SIP by achieving reductions in emissions. These plans, however, rely to a significant extent upon the emission reductions from an automobile emission testing program. On January 30, 1997, EPA published a proposed conditional interim approval of the Massachusetts I/M program (62 FR 4505). A final conditional interim approval of the Massachusetts I/M program is being published in the rules section of today's **Federal Register**. Since the Massachusetts 15 percent and contingency plans rely to a significant extent upon the emission reductions from the I/M program, EPA is proposing conditional interim approval of these plans as well. Full approval of the 15 percent and contingency plans can be granted once the state meets the conditions outlined in the final action on the state's motor vehicle testing program. If Massachusetts does not meet those conditions, this conditional interim approval will convert a limited approval, limited disapproval. The emission reduction shortfall generated by the Commonwealth not meeting the conditions outlined in the I/M approval action will comprise the portion of the 15 percent and contingency plans which will receive limited disapproval; the remaining portions of these SIPs will receive limited approval. For a complete discussion of EPA's analysis of the Massachusetts 15 percent ROP plans and contingency plans, please refer to the Technical Support Document for this action which is available as part of the docket supporting this action. A summary of the EPA's findings follows.

Emission Inventory

The base from which States determine the required reductions in the 15 Percent plan is the 1990 emission inventory. The EPA is approving the Massachusetts 1990 emission inventory with a direct final action in the rules section of today's **Federal Register**. The inventory approved by the EPA exactly matches the one used in the 15 Percent ROP plan calculations.

Calculation of Target Level Emissions

Non-creditable reductions from the FMVCP and RVP programs must be subtracted from the base year inventory to develop what is termed the 1990 adjusted inventory. Massachusetts subtracted the non-creditable reductions from the FMVCP program from the 1990 inventory. Support documentation provided to EPA indicates that Massachusetts made this adjustment correctly.

The Commonwealth's original 15 Percent ROP plan did not include an adjustment for the RVP of gasoline sold in the state in 1990, despite the fact that Massachusetts documented that the RVP of gasoline sold during 1990 was 8.6. The revised 15 Percent ROP plan does contain an RVP adjustment within the calculation procedure used to develop the adjusted base year inventory. The Commonwealth performed this adjustment consistent with the guidance contained within the addendum to the EPA document, ''Guidance for Growth Factors, Projections, and Control Strategies for the 15 Percent Rate-of-Progress Plans.'' The adjustment consisted of a recalculation of adjusted 1996 on-road mobile source emissions using an RVP of 9.0. The net effect of the adjustments made for the FMVCP and RVP programs was that 32 tons per summer day (tpsd) of VOC were subtracted (statewide) from the 1990 baseline, anthropogenic emission estimate.

The total emission reduction required to meet the 15 Percent ROP plan requirements equals the sum of the following items: 15 percent of the adjusted inventory, reductions that occur from noncreditable programs such as the FMVCP and RVP programs as required prior to 1990, reductions needed to offset any growth in emissions that takes place between 1990 and 1996, and reductions that result from corrections to the I/M or VOC RACT rules. Table 1 summarizes these calculations for the two serious ozone nonattainment areas in Massachusetts.

TABLE 1.—CALCULATION OF REQUIRED REDUCTIONS (TONS/SUMMER DAY)

	Spring-field	Bos-Law-Wor
1990 ROP Emission Inventory [1]	153	795
1990 Adjusted Inventory [2]	147	769
15% of Adjusted Inventory	22	115
Non-creditable Reductions	10	39
1996 Target [3]	122	640
1996 Adjusted Target [4]	118	625
1996 [5] Projected, Uncontrolled Emissions	152	801
Required Reduction [6]	34	176

[1] Perchloroethylene and acetone emissions were subtracted from the anthropogenic inventory due to their addition to the list of photochemically non-reactive VOCs.

[2] FMVCP and RVP adjustments incorporated.

[3] 1996 Target is obtained by subtracting 15 percent of the adjusted inventory and the non-creditable reductions from the 1990 ROP inventory. Note that Massachusetts rounded its calculations to the nearest whole number, which may result in totals that appear off by one ton per summer day.

[4] 1996 adjusted target reflects subtraction of additional increment of FMVCP from 1996 to 1999, as required by December 23, 1996 guidance memorandum from Gay MacGregor and Sally Shaver to the Regional Air Directors on this topic.

[5] 1996 uncontrolled emissions for on-road mobile sources were calculated using an emission factor that reflected the level of control achieved by the FMVCP in 1996. Reductions from RACT and I/M fixups were also subtracted in deriving 1996 uncontrolled emissions.

[6] Required Reductions were obtained by subtracting 1996 adjusted target from the 1996 projected uncontrolled inventory.

Measures Achieving the Projected Reductions

Massachusetts has provided a plan to achieve the reductions required for its two serious ozone nonattainment areas. The following is a description of each control measure Massachusetts used to achieve emission reduction credit within its 15 percent ROP plans.

A. Point Source Controls

Massachusetts estimates that projected, controlled point source emission will decrease by 8 tpsd by 1996 when compared to base year point source emissions. The majority of these reductions are expected to occur from ''RACT fixups,'' and are not creditable emission reductions. Massachusetts correctly addressed the emission reductions that will occur from RACT fixups within the calculations performed to estimate the emission reduction obligations for the two serious areas.

Massachusetts has claimed approximately 1 tpsd in emission reduction credit from point sources within its ROP plans. This reduction is sought due to the implementation of ''50 ton VOC RACT'' on stationary sources with the potential to emit 50 tons/year of VOC. The Commonwealth's 15% ROP plan contains a list of the specific facilities from which emission reductions are anticipated. The list includes the quantity of emission reductions, and the relevant state rule applicable to the source. The Commonwealth has submitted the point source RACT rules to EPA for incorporation into the SIP. EPA has not approved the rules, but intends to by the time final action is taken on the Massachusetts 15 percent plans. The reductions claimed by the Commonwealth from point sources are approvable.

B. Area Source Controls

Automobile Refinishing

Massachusetts has adopted and submitted to the EPA an automobile refinishing regulation that will limit VOC emissions from this source category by regulating the VOC content of automotive refinishing products. The rule was submitted on January 9, 1995, and deemed complete on January 20, 1995. The rule was approved by EPA within the **Federal Register** on February 14, 1996 (61 FR 5696).

The state assumed a 40 percent control efficiency would be achieved by the automobile refinishing rule. On November 29, 1994, EPA issued a final guidance memorandum that allowed States to assume a 37 percent control level for this source category without adopting a State rule due to a pending National rule.

Although Massachusetts projected a slightly higher control efficiency than what is expected from the pending federal rule, this seems justified because the equipment standards requiring higher transfer efficiency for application equipment contained in the Massachusetts rule will generate emission reductions not expected from the federal rule, which will not have such provisions. Accordingly, EPA proposes to accept the Commonwealth's control efficiency estimate, even though it is slightly higher than what EPA has projected for its National rule.

Massachusetts projects statewide 1996 uncontrolled emissions for this source category as 31 tpsd. The rule is expected to reduce emissions to 18 tpsd, for a 13 tpsd emission reduction.

Commercial and Consumer Products

On January 9, 1995, Massachusetts submitted an adopted rule regarding commercial and consumer products to the EPA as a SIP revision. The rule, entitled, ''Best Available Controls for Consumer and Commercial Products,'' was deemed complete on January 15, 1995. The EPA approved the rule as part of the Massachusetts SIP on December 19, 1995 (60 FR 65240). EPA agrees with the 7 tpsd emission reduction calculated by Massachusetts for this source category.

Architectural Coatings

The consumer and commercial products rule adopted by Massachusetts and approved by EPA that is discussed above also contains emission limits for architectural and industrial maintenance (AIM) coatings. The Commonwealth projected an overall control efficiency of 20 percent for architectural and industrial maintenance coatings.

In a memo dated March 22, 1995, EPA provided guidance on the expected reductions from a pending national rulemaking on AIM coatings. The memo projects that emissions would be reduced by 20 percent for both architectural coatings and industrial maintenance coatings. Massachusetts has claimed a similar amount of credit from its rule. The 20 percent emission reduction of 10 tpsd expected from this rule is approvable.

C. On-Road Mobile Source Controls

(1) Vehicle Inspection and Maintenance

On March 27, 1996, Massachusetts submitted a revised vehicle I/M program pursuant to the National Highway Systems Designation Act (NHSDA) of 1995. The Commonwealth's program includes provisions requiring inspection and maintenance of heavy duty gasoline vehicles.

Section 182(b)(1) of the CAA requires that States containing ozone nonattainment areas classified as moderate or above prepare plans that provide for a 15 percent VOC emission reduction by November 15, 1996. Most of the 15 percent SIPs originally submitted to the EPA contained enhanced I/M programs because this program achieves more VOC emission reductions than most, if not all other, control strategies. However, because most States experienced substantial difficulties with these enhanced I/M programs, only a few States are currently actually testing cars using the original enhanced I/M protocol.

In September, 1995, the EPA finalized revisions to its enhanced I/M rule allowing states significant flexibility in designing I/M programs appropriate for their needs. Subsequently, Congress enacted the National Highway Systems Designation Act of 1995 (NHSDA), which provides States with more flexibility in determining the design of enhanced I/M programs. The substantial amount of time needed by States to re-design enhanced I/M programs in accordance with the guidance contained within the NHSDA, secure state legislative approval when necessary, and set up the infrastructure to perform the testing program has precluded States that revise their I/M programs from obtaining emission reductions from such revised programs by November 15, 1996.

Given the heavy reliance by many States upon enhanced I/M programs to help achieve the 15 percent VOC emission reduction required under CAA section 182(b)(1), and the recent NHSDA and regulatory changes regarding enhanced I/M programs, the EPA recognized that it is no longer possible for many States to achieve the portion of the 15 percent reductions that are attributed to I/M by November 15, 1996. Under these circumstances, disapproval of the 15 percent SIPs would serve no purpose. Consequently, under certain circumstances, EPA will propose to allow States that pursue re-design of enhanced I/M programs to receive emission reduction credit from these programs within their 15 percent plans, even though the emission reductions from the I/M program will occur after November 15, 1996.

Specifically, the EPA will propose approval of 15 percent SIPs if the emission reductions from the revised, enhanced I/M programs, as well as from the other 15 percent SIP measures, will achieve the 15% level as soon after November 15, 1996 as practicable. To make this ''as soon as practicable'' determination, the EPA must determine that the SIP contains all VOC control strategies that are practicable for the nonattainment area in question and that meaningfully accelerate the date by which the 15 percent level is achieved. The EPA does not believe that measures meaningfully accelerate the 15 percent date if they provide only an insignificant amount of reductions.

In the case of the Springfield and the Massachusetts portion of the Boston-Lawrence-Worcester serious nonattainment areas, Massachusetts has submitted 15 percent SIPs that would achieve the amount of reductions needed from I/M using an evaluation date of January, 2000. Massachusetts has submitted 15 percent SIPs that achieve all other reductions by November, 1996.

The EPA proposes to determine that these SIP revisions contain all measures, including enhanced I/M, that achieve the required reductions as soon as practicable.

The EPA proposes to determine that the I/M program for the Springfield nonattainment area and the Massachusetts portion of the Boston-Lawrence-Worcester area achieves reductions as soon as practicable.

The EPA has examined other potentially available SIP measures to determine if they are practicable for the two Massachusetts ozone nonattainment areas, and if they would meaningfully accelerate the date by which the area reaches the 15 percent level of reductions. The EPA proposes to determine that these SIPs contain the appropriate measures. The rationale for this determination is outlined within the technical support document available in the docket for this action. In summary, several area source measures exist which could conceivably be implemented prior to November 1999. However, these measures would not achieve the same level of emission reductions expected from the Commonwealth's I/M program, and additionally, would not meaningfully accelerate the achievement of the required reductions.

Massachusetts provided support documentation outlining the derivation of emission reductions anticipated from the automobile I/M program. The support documentation included a demonstration that the 15 percent reduction will be met assuming the Commonwealth's program achieves emission reduction levels reflective of an I/M 240 type program. Massachusetts also submitted a demonstration that the 15 percent reduction would be met assuming, more conservatively, that the I/M program achieves emission reductions reflective of an acceleration simulation mode type program. EPA has reviewed the Commonwealth's calculations and finds the estimates acceptable. As stated in the rule conditionally approving the I/M program in today's **Federal Register**, the Commonwealth's assumptions about the level of emission reductions from its I/M program are all consistent with commitments DEP has given EPA about how it will implement that program. The ultimate issue of how much emission reduction credit Massachusetts can claim for its I/M program will be determined as part of the program evaluation provided for under the National Highway Act, as described in EPA's conditional interim approval of the I/M program in today's **Federal Register**.

(2) Reformulated Gasoline (RFG)

Section 211(k) of the Clean Air Act requires that after January 1, 1995, reformulated gasoline be sold or dispensed in the nine nonattainment areas with the highest ozone design value with a population above 250,000. This gasoline is reformulated to burn cleaner and produce fewer evaporative emissions. The Commonwealth of Massachusetts was not subject to the CAA's reformulated gasoline requirement. However, on August 14, 1991 a letter from Governor Weld was submitted to EPA requesting that the Massachusetts serious ozone nonattainment areas participate in the reformulated fuels program. This request was published in the **Federal Register** on November 15, 1991, 56 FR 57986. The EPA enforces this program so the emission reductions are fully enforceable. For purposes of its 15 percent ROP plans, Massachusetts used the MOBILE5a model to calculate the emission reductions due to the implementation of the reformulated gasoline program.

(3) Tier I Federal Motor Vehicle Control Program

The EPA promulgated standards for 1994 and later model year light-duty vehicles and light-duty trucks (56 FR 25724 (June 5, 1991)). Since the standards were adopted after the Clean Air Act amendments of 1990, the resulting emission reductions are creditable toward the 15 percent reduction goal. For purposes of its 15 percent ROP plans, Massachusetts calculated these reductions using the MOBILE5a model.

(4) California Low Emission Vehicle Program

Massachusetts has adopted a regulation requiring that all new 1995 and subsequent model year passenger cars and light duty trucks sold, leased or registered in Massachusetts meet California's motor vehicle emission standards. This regulation, found at 310 CMR 7.40, was adopted by the Commonwealth in January 1992, and approved by EPA on February 1, 1995, (60 FR 6027). Massachusetts included the MOBILE5a runs in Appendix B of its 15 percent ROP plan. The MOBILE5a runs done to determine the emission reduction credit from the California Low Emission Vehicle program indicate that the reductions were calculated in accordance with EPA guidance.

(5) Stage II Vapor Recovery

Massachusetts has adopted and submitted to EPA a Stage II vapor recovery regulation that will limit VOC emissions from this source category. On November 13, 1992, Massachusetts submitted a formal request to EPA to amend the Massachusetts SIP. This SIP revision contained amendments to the Commonwealth's Stage II vapor recovery rule, entitled ''Dispensing of Motor Vehicle Fuel'' located at 310 CMR 7.24(6), which are required to satisfy sections 182(b)(3) and 184(b)(2) of the CAA. On February 17, 1993, Massachusetts submitted the adopted version of the revised Stage II regulation along with additional documentation regarding the effective date of this rule. EPA approved this Stage II regulation as a revision to the Massachusetts SIP in a **Federal Register** notice published on September 15, 1993, 58 FR 48315. The Massachusetts 15 Percent ROP plans contain the MOBILE 5a runs done to determine the emission reduction credit from the Stage II vapor recovery program. These MOBILE 5a runs indicate that the reductions were calculated in accordance with EPA guidance.

D. Non-Road Mobile Source Controls

Reformulated Gasoline in Non-Road Engines

On August 18, 1993, EPA's Office of Mobile Sources issued a guidance memorandum regarding the VOC emission reduction benefits for non-road equipment which are in a nonattainment area that uses Federal Phase I reformulated gasoline. Massachusetts has correctly used the guidance to determine that the VOC emission reductions from the use of RFG in non-road engines will be approximately 6 tpsd statewide.

New Federal Non-Road Engine Standards

The revised 15 Percent ROP plan submitted by Massachusetts on December 30, 1994, and further revised by a submittal made on March 31, 1997, contained emission reductions that will occur due to new federal non-road engine standards. These emission reduction credits claimed are consistent with guidance issued by EPA dated November 28, 1994, and amount to a 7 tpsd reduction in VOC emissions across the State.

15 Percent ROP Plan Summary

Table 2 summarizes the emission reductions contained within the Massachusetts 15 Percent ROP plans. Massachusetts allocated between the two nonattainment areas the anticipated reductions from statewide control measures using the same methodology

that determined the allocation of its 1990 base year inventory emissions.

TABLE 2.—SUMMARY OF EMISSION REDUCTIONS: MASSACHUSETTS SERIOUS OZONE NONATTAINMENT AREAS (TONS/DAY)

Nonattainment area	Springfield	Bos-Law-Wor
Required Reduction	34	176
Creditable Reductions:		
Point Source VOC RACT	0	1
Automobile Refinishing	2	11
Commercial and Consumer Products	1	6
AIM Coatings	1	9
Reform, On-road		
Auto Emissions Testing		
Tier I		
California LEV		
Stage II:		
Subtotal, On-Road Mobile Strategies	33	143
Reform, Off-road	1	5
New Off-road Standards	1	6
Total	39	181

Contingency Measures

Ozone nonattainment areas classified as serious or above must submit to the EPA, pursuant to sections 172(c)(9) and 182(c)(9) of the CAA, contingency measures to be implemented if an area misses an ozone SIP milestone or does not attain the national ambient air quality standard by the applicable date. The General Preamble to Title I (57 FR 13498, (April 16, 1992)) states that the contingency measures should, at a minimum, ensure that an appropriate level of emission reduction progress continues to be made if attainment or RFP is not achieved and additional planning by the State is needed. The EPA interprets these provisions of the CAA to require States with serious and above ozone nonattainment areas to submit sufficient contingency measures so that upon implementation of such measures, additional emission reductions of three percent of the adjusted base year inventory (or a lesser percentage that will make up the identified shortfall) would be achieved in the year after the failure has been identified (57 FR at 13511). States must show that their contingency measures can be implemented with minimal further action on their part and with no additional rulemaking actions such as public hearings or legislative review.

Analysis of Contingency Measures

The contingency plans submitted by Massachusetts indicate that the Commonwealth, consistent with EPA guidance dated August 23, 1993, has chosen to meet a part of its contingency measure obligation by using NO_X emission reductions. The 3 percent total contingency measure reduction will consist of a 1.5 percent VOC reduction, and a 1.5 percent NO_X reduction. As required by the EPA's NO_X substitution guidance, the 1.5 percent VOC reduction is a reduction from the adjusted base year VOC inventory and the 1.5 percent NO_X reduction is a reduction from the adjusted base year NO_X inventory. The calculation of the required reductions is shown in the table below:

Area	Adj. Inv. (VOC)	Adj. Inv. (NO_X)	Conting. (VOC)	Conting. (NO_X)
Springfield	147	105	2	2
Bos-Law-Wor	769	772	12	12

Massachusetts made a minor error in determining the VOC contingency obligations in that the values were derived from the adjusted inventory which used January 2000 as the mobile source emission evaluation date. The Commonwealth's calculations yielded a contingency obligation of 11 tpsd for the Bos-Law-Wor area instead of 12 tpsd. The appropriate values are shown in the above table.

The Massachusetts contingency plans consist of a demonstration that projected, controlled emissions in 1998 will be below the emission target levels calculated for those years with the assumption that the contingency measure obligation has been triggered. In other words, the Commonwealth has shown that emission levels will have fallen 18 percent in addition to the non-creditable reductions discussed previously in this document. The rationale for this is based on the fact that if a State fails to meet its 15 percent VOC emission reduction milestone and therefore has to implement its contingency plan, the emission reductions from the contingency measures must occur by May of 1998 (see August 23, 1993 EPA guidance memorandum regarding contingency measures.)

Additionally, the Commonwealth's SIP contains elements that achieve emission reductions beyond those required by the CAA, and these programs achieve emission reductions that satisfy the Commonwealth's VOC and NO_X emission reduction obligations. The non-CAA mandatory programs cited by Massachusetts are VOC control regulations adopted by the Commonwealth on consumer and commercial products, autobody refinishing, and architectural and industrial maintenance coatings, and for NO_X, the Massachusetts NO_X RACT rule. Although the Commonwealth was required to adopt a NO_X RACT rule, the Massachusetts rule contains emission limits which are more stringent than required. Pursuant to EPA guidance contained within a November 8, 1993 memorandum from D. Kent Berry to the Regional Air Directors, the increment of emission reductions generated due to the more stringent limits of the Commonwealth's NO_X RACT rule can be considered to be non-CAA mandatory reductions.

The EPA Regional office performed an analysis of the emission reductions generated by the Commonwealth's NO_X RACT rule, and determined that the rule achieves approximately 11 tpsd more emission reductions than otherwise required due to its more stringent limits. Although this amount is short of the 14 tpsd NO_X contingency obligation, the Commonwealth's demonstration that 1998 projected, controlled emission levels will be below 1998 target levels that were calculated with the contingency obligation triggered reveals a surplus emission reduction in both nonattainment areas. A summary of the Commonwealth's contingency demonstration is provided below:

Springfield	VOC	NO_X
1998 Target (Adj. for contingency)	116	100
1998 Projected, Controlled Emissions	112	98

Boston-Lawrence-Worcester	VOC	NO_X
1998 Target (Adj. for contingency)	614	723
1998 Projected, Controlled Emissions	611	714

The demonstration submitted by Massachusetts showed that projected, controlled VOC and NO_X emissions will be below target levels for 1998 that were calculated with contingencies triggered.

Transportation Conformity Budgets

In recognition of the proposed approval of the 15 percent ROP plan, EPA also proposes approval of motor vehicle emission budgets for VOCs. Final approval of the 15 percent plan will eliminate the need for the transportation conformity emission reduction tests, which are the build/no build test and the less than 1990 emissions test, for VOCs. These tests will still be required for NO_X emissions, since the 15 percent plan does not establish a NO_X emission budget.

A control strategy SIP is required to establish a motor vehicle emission budget which places a cap on emissions that cannot be exceeded by predicted highway and transit vehicle emissions. The Commonwealth of Massachusetts did not provide a break down of the 1996 projected inventory denoting transit emissions as an individual category. Therefore EPA is proposing to utilize the on-road mobile emissions provided in the SIP submittal as the motor vehicle emission budget for transportation conformity purposes. The on-road mobile VOC emissions are 137 tons per summer day, and 27 tons per summer day for the Eastern and Western Ozone nonattainment areas respectively. EPA recommends that the Commonwealth of Massachusetts submit a specific motor vehicle emission budget for conformity purposes that includes both the highway and transit components. If such a submittal is made, EPA will address the revised motor vehicle budget within the final rulemaking on the Commonwealth's 15 percent plan.

The 1996 VOC motor vehicle emission budgets for the two nonattainment areas within Massachusetts are 137 tpsd for the Massachusetts portion of the Bos-Law-Wor area, and 27 tpsd for the Springfield area. EPA notes that the Commonwealth derived these emission values using the assumption that the Massachusetts motor vehicle I/M program will achieve emission reductions equivalent to the reductions achievable from an enhanced I/M program. The validity of that assumption will be reviewed when the Commonwealth submits to EPA the required evaluation of its I/M program.

Proposed Action

The EPA has evaluated these submittals for consistency with the CAA, EPA regulations, and EPA policy. The Massachusetts 15 Percent ROP plans will achieve enough reductions to meet the 15 percent ROP requirements of section 182(b)(1) of the CAA. In addition, the Massachusetts contingency plans will achieve enough emission reductions to meet the three percent reduction requirement under sections 172(c)(9) and 182(c)(9) of the CAA. However, the ability of these plans to achieve the indicated quantity of emission reductions depends in large part on the successful implementation of an automobile emission testing program. In the final rules section of today's **Federal Register**, EPA is issuing a final interim conditional approval of the Massachusetts automobile emission testing program. Therefore, the EPA is proposing a conditional interim approval of the Massachusetts 15 Percent plans and Contingency plans submitted in final form on March 31, 1997, as a revision to the SIP.

EPA is soliciting public comments on the issues discussed in this proposal or on other relevant matters. These comments will be considered before EPA takes final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA regional office listed in the **ADDRESSES** section of this action.

EPA is proposing to grant conditional, interim approval of the Massachusetts 15 percent and contingency plans. The outstanding issues with these SIP revisions concern the ability of the Massachusetts automobile emission testing program to achieve the level of emission reductions anticipated. For this reason, EPA is proposing to grant conditional, interim approval to these SIP revisions provided that the Commonwealth complies with the conditions outlined in the final action on the automobile emission testing program, which is being published in the rules section of today's **Federal Register**.

Under section 110(k)(4) of the Act, EPA may conditionally approve a plan based on a commitment from the State to adopt specific enforceable measures by a date certain, but not later than 1 year from the date of approval. If EPA conditionally approves the commitment in a final rulemaking action, the State must meet its commitment as described in the preceding paragraph. If the State fails to do so, this action will become a limited approval, limited disapproval 1 year from the date of final action on the Commonwealth's I/M program. EPA will notify the State by letter that this action has occurred. At that time, this commitment will no longer be a part of the approved Massachusetts SIP. EPA subsequently will publish a document in the **Federal Register** notifying the public that the conditional approval automatically converted to a limited approval, limited disapproval. If the State meets its commitment, within the applicable time frame, the conditionally approved submission will remain a part of the SIP until EPA takes final action approving or disapproving the Massachusetts I/M program. If EPA disapproves the Massachusetts I/M program, the 15 percent and contingency plans will receive limited approvals, limited disapprovals at that time. If EPA approves the Massachusetts I/M program, the 15 percent and contingency plans will be fully approved in their entirety and replace the conditionally approved program in the SIP.

If EPA determines that it must issue a limited disapproval rather than a final conditional approval, or if the conditional approval is later converted to a limited approval, limited disapproval, such action will trigger EPA's authority to impose sanctions under section 179(a) of the CAA at the time EPA issues the final limited approval, limited disapproval or on the date the Commonwealth fails to meet its commitment. In the latter case, EPA will notify Massachusetts by letter that the conditional approval has been converted to a limited approval, limited disapproval and that EPA's sanctions authority has been triggered. In addition, the final disapproval triggers the federal implementation plan (FIP) requuirement under section 110(c).

Administrative Requirements

A. Executive Order 12866

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

B. Regulatory Flexibility Act

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 sections 603 and 604). Alternatively, EPA may certify that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

Conditional approvals of SIP submittals 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, 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 CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

If the conditional approval is converted to a disapproval under section 110(k), based on the Commonwealth's failure to meet the 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 requirements nor does it substitute a new federal requirement.

C. Unfunded Mandates

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

EPA has determined that the actions proposed in this notice do 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 proposes approval of 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.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Reporting and recordkeeping, Nitrogen oxides, Ozone, Volatile organic compounds.

Dated: June 13, 1997.

John P. DeVillars,

Regional Administrator, EPA Region I.

[FR Doc. 97–18409 Filed 7–11–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[FRL–5855–2]

Clean Air Act Proposed Final Full Approval of Operating Permits Program and Approval of Delegation of Section 112(l); State of Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to grant final full approval of Iowa's Title V operating permit program to meet the requirements of 40 CFR part 70. In the final rules section of the **Federal Register**, the EPA is approving the state's program as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. An explanation for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting should do so at this time.

DATES: Comments on this proposed rule must be received in writing by August 13, 1997.

ADDRESSES: Comments may be mailed to Christopher D. Hess, Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Christopher D. Hess at (913) 551–7213.

SUPPLEMENTARY INFORMATION: The EPA granted interim approval to Iowa's Title V program in an action effective October 2, 1995. The state was responsible to make certain revisions within two years of that date in order to receive final full approval. Iowa has made the necessary revisions and now meets the criteria for final full approval. For additional information, please refer to the summary provided in the direct final rule which is located in the rules section of the **Federal Register**.

Dated: June 24, 1997.

U. Gale Hutton,

Acting Regional Administrator.

[FR Doc. 97–18251 Filed 7–11–97; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 80

[PR Docket No. 92–257; FCC 97–217]

Maritime Communications

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has adopted a *Second Further Notice of Proposed Rule Making* in PR Docket No. 92–257 which seeks to simplify the licensing process and introduce additional flexibility for public coast stations. Specifically, the Commission has proposed rules to designate geographic licensing regions for very high frequency (VHF) public coast stations, and assign all currently unassigned VHF public correspondence channels on a geographic basis by competitive bidding. The Commission has proposed rules to eliminate the required channel loading showing for high seas public coast stations, and implement competitive bidding procedures for mutually exclusive initial applications on a case-by-case basis; and to eliminate