

§ 52.2236 Control strategy; lead.

The Tennessee Department of Environment and Conservation has submitted revisions to the Tennessee SIP on October 6, 1994. These revisions address the requirements necessary to change an lead nonattainment area to attainment. The maintenance plan for the Fayette County area near Rossville, Tennessee is comprised of a maintenance demonstration and NSR/

PSD program. For areas where the only lead source has shut down, these components are sufficient for an approvable maintenance plan. The State's maintenance plan is complete and satisfies all of the requirements of section 175(A) of the CAA.

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

Subpart C—Section 107 Attainment Status Designations

2. In § 81.343 the lead table is amended by revising the entry for Fayette County (part) to read as follows:

§ 81.343 Tennessee.

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PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

TENNESSEE—LEAD

Designated area	Designation		Classification	
	Date	Type	Date	Type
* * * * *				
Fayette County (part) Area encompassed by a circle centered on Universal Transverse Mercator coordinate 267.59 E, 3881.30 N (Zone 16) with a radius of 1.0 kilometers.	Oct. 17, 1995	Attainment		
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[FR Doc. 95-20191 Filed 8-17-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Parts 52 and 81

[LA-24-1-7026a; FRL-5270-2]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of Louisiana; Approval of the Maintenance Plans for the Parishes of Beauregard, Grant, Lafayette, Lafourche, and St. Mary; Redesignation of these Ozone Nonattainment Areas to Attainment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On March 27, 1995, December 12, 1994, October 21, 1994, November 18, 1994, and November 23, 1994, the State of Louisiana submitted revised maintenance plans and requests to redesignate the ozone nonattainment areas of Beauregard, Grant, Lafayette, Lafourche, and St. Mary Parishes to attainment. These maintenance plans and redesignation requests were initially submitted to the EPA during the Summer of 1993. Although the EPA deemed these initial submittals complete, certain approvability issues existed. The State of Louisiana addressed these approvability issues and has revised its submissions. Under the Clean Air Act (CAA), nonattainment areas may be redesignated to attainment if sufficient data are available to warrant

the redesignation and the area meets the other CAA redesignation requirements. In this action, EPA is approving Louisiana's redesignation requests because they meet the maintenance plan and redesignation requirements set forth in the CAA and EPA is approving the 1990 base year emissions inventory. The approved maintenance plans will become a federally enforceable part of the State Implementation Plan (SIP) for Louisiana.

DATES: This final rule is effective on October 17, 1995, unless notice is received by September 18, 1995 that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the **Federal Register** (FR).

ADDRESSES: Comments should be mailed to Thomas H. Diggs, Chief, Air Planning Section (6T-AP), U.S. EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733. Copies of the State's petition and other information relevant to this action are available for inspection during normal hours at the following locations:

U.S. Environmental Protection Agency, Region 6, Air Programs Branch (6T-A), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733.
Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Louisiana Department of Environmental Quality, Office of Air Quality, P.O. Box 82135, Baton Rouge, Louisiana 70884-2135.

Anyone wishing to review this petition at the U.S. EPA office is asked to contact the person below to schedule an appointment 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Mr. Mick Cote, Planning Section (6T-AP), Air Programs Branch, U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-7219.

SUPPLEMENTARY INFORMATION:

Background

The CAA as amended in 1977 required areas that were designated nonattainment based on a failure to meet the ozone national ambient air quality standard (NAAQS) to develop SIPs with sufficient control measures to expeditiously attain and maintain the standard. The areas of Beauregard, Grant, Lafayette, Lafourche, and St. Mary Parishes, Louisiana were designated under section 107 of the 1977 CAA as nonattainment with respect to the ozone NAAQS on September 11, 1978 (40 CFR 81.319). In accordance with section 110 of the 1977 CAA, the State of Louisiana submitted an ozone SIP as required by part D on December 10, 1979. EPA fully approved this ozone SIP on October 29, 1981 (46 FR 53412). The most recent revision to the ozone SIP occurred on May 5, 1994, when the EPA approved a SIP revision for the State of Louisiana to correct certain enforceability deficiencies in their volatile organic compound (VOC) rules (59 FR 23164). For purposes of

redesignations, the State of Louisiana has an approved ozone SIP.

On November 15, 1990, the CAA Amendments of 1990 were enacted (Public Law 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q). The ozone nonattainment designation for each of these areas continued by operation of law according to section 107(d)(1)(C)(i) of the CAA, as amended in 1990 (See 56 FR 56694, November 6, 1991). Since the State had not yet collected the required three years of ambient air quality data necessary to petition for redesignation to attainment in the areas of Beauregard, Grant, Lafourche, and St. Mary Parishes, each of these areas was designated as unclassifiable-incomplete data for ozone. Lafayette Parish had collected the required three years of ambient air quality data, but the State likewise had not petitioned the EPA to redesignate the area to attainment. Lafayette Parish was consequently designated as unclassifiable-transitional for ozone.

The Louisiana Department of Environmental Quality (LDEQ) more recently has collected ambient monitoring data that show no violations of the ozone National Ambient Air Quality Standard (NAAQS) of .12 parts per million. The State developed maintenance plans for the areas of Beauregard, Grant, Lafayette, Lafourche, and St. Mary Parishes, and solicited public comment. Subsequently, the State of Louisiana submitted requests, through the Governor's office, to redesignate these areas to attainment with respect to the ozone NAAQS. The initial redesignation requests for Beauregard, Lafourche, and St. Mary Parishes were submitted to the EPA on June 14, 1993. The initial redesignation requests for Grant and Lafayette Parishes were submitted to the EPA on May 25, 1993. Although these maintenance plans and redesignation requests were deemed complete, several approvability issues existed. The State of Louisiana addressed these approvability issues, and submitted revised maintenance plans and redesignation requests accordingly. The revised redesignation requests for the areas of Beauregard, Grant, Lafayette, Lafourche, and St. Mary Parishes were received on March 27, 1995, December 12, 1994, October 21, 1994, November 18, 1994, and November 23, 1994, respectively. These revised redesignation requests were accompanied by ozone maintenance SIPs. Please see the TSD for the detailed air quality monitoring data.

Evaluation Criteria

The 1990 Amendments revised section 107(d)(3)(E) to provide five specific requirements that an area must meet in order to be redesignated from nonattainment to attainment: (1) the area must have attained the applicable NAAQS; (2) the area must meet all applicable requirements under section 110 and part D of the CAA; (3) the area must have a fully approved SIP under section 110(k) of the CAA; (4) the air quality improvement must be permanent and enforceable; and, (5) the area must have a fully approved maintenance plan pursuant to section 175A of the CAA. Section 107(d)(3)(D) allows a Governor to initiate the redesignation process for an area to apply for attainment status. Please see EPA's Technical Support Document (TSD) for a detailed discussion of these requirements.

(1) Attainment of the NAAQS for Ozone

Attainment of the ozone NAAQS is determined based on the expected number of exceedances in a calendar year. The method for determining attainment of the ozone NAAQS is contained in 40 CFR 50.9 and appendix H to that section. The simplest method by which expected exceedances are calculated is by averaging actual exceedances at each monitoring site over a three year period. An area is in attainment of the standard if this average results in expected exceedances for each monitoring site of 1.0 or less per calendar year. When a valid daily maximum hourly average value is not available for each required monitoring day during the year, the missing days must be accounted for when estimating exceedances for the year. Appendix H provides the formula used to estimate the expected number of exceedances for each year.

The State of Louisiana's request is based on an analysis of quality-assured ozone air quality data which is relevant to both the maintenance plans and to the redesignation requests. The data come from the State and Local Air Monitoring Station network. With the exception of Grant Parish, the requests are based on ambient air ozone monitoring data collected for 3 consecutive years from January 1, 1990, through December 31, 1992. The data clearly show an expected exceedance rate of less than 1 for all these areas.

The Grant Parish monitor did not collect data from April through December of 1991 due to poor data capture. Once the data capture problem was corrected, the monitor collected data continuously through 1992. The

resulting data spanned three complete years, from January 1989 through March 1991, and January 1992 through December 1992. EPA accepted the data as an adequate demonstration that the ozone standard was attained in Grant Parish. The decision to consider the data collected as adequate for redesignation purposes was based on several factors. First, Grant Parish has 3 full years of ozone data over a four year period. Second, Grant Parish is rural. The area's population is less than 50,000, and Grant Parish is not adjacent to any urban area. Third, Grant Parish has no major non-complying volatile organic compound sources. Finally, there has been only one monitored ozone concentration near the standard (0.103 ppm in October 1990) during the 4 year monitoring period.

The State did not collect ozone data for Grant Parish in 1993 or 1994. The ozone monitor was reinstalled in January 1995, and will continue to operate for the duration of the maintenance period. While the EPA generally requires that an area have the most recent three years of data for redesignation purposes, we are departing from established policy in this instance because of the continued downward trend of measured ozone values in this area, and no significant increase in the level of emissions in Grant Parish. Additionally, preliminary ozone data collected from the Grant Parish monitor from 1995 supports this downward trend argument. Please see the TSD for a detailed discussion of the area's downward trend.

In addition to the demonstration discussed above, EPA required completion of air network monitoring requirements set forth in 40 CFR part 58. This included a quality assurance plan revision and a monitoring network review to determine the adequacy of the ozone monitoring network. The LDEQ fulfilled these requirements to complete documentation for the air quality demonstration. The LDEQ has also committed to continue monitoring in these areas in accordance with 40 CFR part 58.

In sum, EPA believes that the data submitted by the LDEQ provides an adequate demonstration that the areas of Beauregard, Grant, Lafayette, Lafourche, and St. Mary Parishes attained the ozone NAAQS. Moreover, the monitoring data continue to show attainment to date.

If the monitoring data records a violation of the NAAQS before the direct final action is effective, the direct final approval of the redesignation will be withdrawn and a proposed disapproval substituted for the direct

final approval. Please see the TSD for a detailed discussion of the monitoring data.

(2) Section 110 Requirements

For purposes of redesignation, to meet the requirement that the SIP contain all applicable requirements under the CAA, EPA has reviewed the SIP to ensure that it contains all measures that were due under the CAA prior to or at the time the State submitted its redesignation request, as set forth in EPA policy. EPA interprets section 107(d)(3)(E)(v) of the CAA to mean that, for a redesignation request to be approved, the State must have met all requirements that applied to the subject area prior to or at the same time as the submission of a complete redesignation request. In this case, the dates of submission of a complete redesignation request are May 25, 1993, for Grant and Lafayette Parishes, and June 14, 1993, for Beauregard, Lafourche, and St. Mary Parishes. Requirements of the CAA that come due subsequently continue to be applicable to the area at later dates (see section 175A(c)) and, if redesignation of any of the areas is disapproved, the State remains obligated to fulfill those requirements. These requirements are discussed in the following EPA documents: "Procedures for Processing Requests to Redesignate Areas to Attainment," John Calcagni, Director, Air Quality Management Division, September 4, 1992; "State Implementation Plan (SIP) Actions Submitted in Response to Clean Air Act (CAA) Deadlines," John Calcagni, Director, Air Quality Management Division, October 28, 1992; and "State Implementation Plan (SIP) Requirements for Areas Submitting Requests for Redesignation to Attainment of the Ozone and Carbon Monoxide (CO) National Ambient Air Quality Standards (NAAQS) on or after November 15, 1992," Michael H. Shapiro, Acting Assistant Administrator, September 17, 1993.

EPA has analyzed the Louisiana SIP and determined that it is consistent with the requirements of amended section 110(a)(2). The SIP contains enforceable emission limitations, requires monitoring, compiling, and analyzing ambient air quality data, requires preconstruction review of new major stationary sources and major modifications to existing ones, provides for adequate funding, staff, and associated resources necessary to implement its requirements, and requires stationary source emissions monitoring and reporting.

(3) Part D Requirements

Before the areas of Beauregard, Grant, Lafayette, Lafourche, and St. Mary Parishes can be redesignated to attainment, the Louisiana SIP must have fulfilled the applicable requirements of part D of the CAA. Under part D, an area's classification indicates the requirements to which it will be subject. Subpart 1 of part D sets forth the basic nonattainment requirements applicable to all nonattainment areas, classified as well as nonclassifiable. Subpart 2 of part D establishes additional requirements for nonattainment areas classified under table 1 of section 181(a)(1). Since the areas of Beauregard, Grant, Lafayette, Lafourche, and St. Mary Parishes are considered nonclassifiable, the State is only required to meet the applicable requirements of subpart 1 of part D—specifically sections 172(c) and 176. As long as EPA did not determine that any of the pertinent section 172(c) requirements were applicable prior to the submission of these redesignation requests in 1993, none of these requirements are applicable for purposes of this redesignation action.

Section 176(c) of the CAA requires States to revise their SIPs to establish criteria and procedures to ensure that Federal actions, before they are taken, conform to the air quality planning goals in the applicable State SIP. The requirement to determine conformity applies to transportation plans, programs and projects developed, funded, or approved under title 23 U.S.C. or the Federal Transit Act ("transportation conformity"), as well as to all other Federal actions ("general conformity").

Section 176 further provides that the conformity revisions to be submitted by the States must be consistent with Federal conformity regulations that the CAA required EPA to promulgate. The EPA promulgated final transportation conformity regulations on November 24, 1993 (58 FR 62118) and general conformity regulations on November 30, 1993 (58 FR 63214). These conformity rules require that States adopt both transportation and general conformity provisions in the SIP for areas designated nonattainment or subject to a maintenance plan approved under CAA section 175A.

Pursuant to 40 CFR 51.396 of the transportation conformity rule and 40 CFR 51.851 of the general conformity rule, the State of Louisiana was required to submit a SIP revision containing transportation conformity criteria and procedures consistent with those established in the Federal rule by November 25, 1994. Similarly,

Louisiana was required to submit a SIP revision containing general conformity criteria and procedures consistent with those established in the Federal rule by December 1, 1994. Louisiana submitted both its transportation and general conformity rules to EPA on November 10, 1994. As these requirements did not come due until after the original submission date of these redesignation requests, these conformity rule submissions need not be approved prior to taking action on these redesignation requests.

The EPA recently published additional guidance on maintenance plans and their applicability to conformity issues in a memorandum entitled "Limited Maintenance Plan Option for Nonclassifiable Ozone Nonattainment Areas," (limited maintenance plan memo) from Sally L. Shaver, Director, Air Quality Strategies & Standards Division, on November 16, 1994. This limited maintenance plan memo discusses maintenance requirements for certain areas petitioning for redesignation to attainment. Nonclassifiable ozone nonattainment areas with design values less than 85% of the exceedance level of the ozone standard are no longer required to project emissions over the maintenance period.

The Federal transportation conformity rule (58 FR 62188) and the Federal general conformity rule (58 FR 63214) apply to areas operating under maintenance plans. Under either rule, one means by which a maintenance area can demonstrate conformity for Federal projects is to indicate that expected emissions from planned actions are consistent with the emissions budget for the area. Based on guidance discussed in the limited maintenance plan memo, emissions inventories in areas that qualify for the limited maintenance plan approach are not required to be projected over the life of the maintenance plan. EPA feels it is unreasonable to expect that such an area will experience so much growth in that period that a violation of the NAAQS would occur. Emissions budgets in limited maintenance plan areas would be treated as essentially not constraining emissions growth, and would not need to be capped for the maintenance period. In these cases, Federal projects subject to conformity determinations could be considered to satisfy the "budget test" of the Federal conformity rules.

(4) Fully Approved SIP

The EPA finds that the State of Louisiana has a fully approved SIP for the areas of Beauregard, Grant,

Lafayette, Lafourche, and St. Mary Parishes.

(5) Permanent and Enforceable Measures

Under the CAA, EPA approved Louisiana's SIP control strategy for the areas of Beauregard, Grant, Lafayette, Lafourche, and St. Mary Parishes, satisfied that the rules and the emission reductions achieved as a result of those rules were enforceable. Several Federal and Statewide rules are in place which have significantly improved the ambient air quality in these areas. Existing Federal programs, such as the Federal Motor Vehicle Control Program and the Reid Vapor Pressure (RVP) limit of 7.8 pounds per square inch for gasoline, will not be lifted upon redesignation. These programs will counteract emissions growth as the areas experience economic growth over the life of their maintenance plans.

The State adopted VOC rules such as oil/water separation; degreasing and solvent clean-up processes; surface coating rules for large appliances, furniture, coils, paper, fabric, vinyl, cans, miscellaneous metal parts and products, and factory surface coating of flat wood paneling; solvent-using rules for graphic arts; and miscellaneous industrial source rules such as for cutback asphalt. The applicable reasonably available control technology (RACT) rules will also remain in place in the areas of Beauregard, Grant, Lafayette, Lafourche, and St. Mary Parishes. In addition, the State permits program, the PSD permits program, and the Federal Operating Permits program will help counteract emissions growth.

The EPA finds that the combination of existing EPA-approved SIP and Federal measures ensure the permanence and enforceability of reductions in ambient ozone levels that have allowed the area to attain the NAAQS.

(6) Fully Approved Maintenance Plan Under Section 175A

In today's document, EPA is approving the State's maintenance plans for the areas of Beauregard, Grant, Lafayette, Lafourche, and St. Mary Parishes because EPA finds that the LDEQ's submittal meets the requirements of section 175A. Thus, these areas will have fully approved maintenance plans in accordance with section 175A as of the effective date of this redesignation. Section 175A of the CAA sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. The plan must demonstrate continued attainment of the applicable NAAQS for at least ten years after the

Administrator approves a redesignation to attainment. Eight years after the redesignation, the State must submit a revised maintenance plan which demonstrates that attainment will continue to be maintained for the ten years following the initial ten-year period. To provide for the possibility of future NAAQS violations, the maintenance plan must contain contingency measures, with a schedule for implementation, adequate to assure prompt correction of any air quality problems. Each of the section 175A plan requirements is discussed below.

Demonstration of Maintenance

The requirements for an area to redesignate to attainment are discussed in the memorandum entitled "Procedures for Processing Requests to Redesignate Areas to Attainment," John Calcagni, Director, Air Quality Management Division, September 4, 1992 (Calcagni memo). One aspect of a complete maintenance demonstration discussed in the Calcagni memo is the requirement to develop an emission inventory from one of the three years during which the area has demonstrated attainment. This inventory should include VOCs, and oxides of nitrogen (NO_x) from the area in tons per day measurements. In addition to the Calcagni memo, more recent guidance on the redesignation of certain nonattainment areas to attainment is provided in the limited maintenance plan memo.

Attainment Inventory

The LDEQ adopted comprehensive inventories of VOC, NO_x, and CO emissions from area, stationary, and mobile sources using 1990 as the base year to demonstrate maintenance of the ozone NAAQS. EPA has determined that 1990 is an appropriate year on which to base attainment level emissions because EPA policy allows States to select any one of the three years in the attainment period as the attainment year inventory. The State's submittals contain the detailed inventory data and summaries by source category.

The LDEQ provided the stationary source estimates for each company meeting the emissions criteria by requiring the submission of complete emission inventory questionnaires which had been designed to obtain site-specific data. The LDEQ generated area source emissions for each source category based on EPA's "Procedures for the Preparation of Emissions Inventories for Precursors of Carbon Monoxide and Ozone, Volume I", and the

EPA document entitled "Compilation of Air Pollutant Emission Factors". The non-road mobile source inventory was developed using methodology recommended in EPA's "Procedures for Emission Inventory Preparation. Volume IV: Mobile Sources". Data were provided regarding an EPA-sponsored study entitled "Nonroad Engine Emission Inventories for CO and Ozone Nonattainment Boundaries." On-road emissions of VOC, NO_x, and CO were calculated on a county-wide basis using EPA's MOBILE5a computer model.

In the limited maintenance plan memo, EPA set forth new guidance on maintenance plan requirements for certain ozone nonattainment areas. The limited maintenance plan memo identified criteria through which certain nonclassifiable ozone nonattainment areas could choose to submit less rigorous maintenance plans. As mentioned earlier, the method for calculating design values is presented in the June 18, 1990 memorandum, "Ozone and Carbon Monoxide Design Value Calculations," from William G. Laxton, former Director of the Office of Air Quality Planning and Standards Technical Support Division. Nonclassifiable ozone nonattainment areas whose design values are calculated at or below 0.106 parts per million (ppm) at the time of redesignation, are no longer required to project emissions over the maintenance period. The 0.106 ppm represents 85% of the ozone exceedance level of 0.125 ppm. As explained in the November 16, 1994 limited maintenance plan memo, the EPA believes if an area begins the maintenance period at or below 85% of the ozone exceedance level of the NAAQS, the existing Federal and SIP control measures, along with the PSD program, will be adequate to assure maintenance of the ozone NAAQS in the area. The areas of Beauregard, Grant, Lafayette, Lafourche, and St. Mary Parishes have calculated design values of 0.106, 0.090, 0.102, 0.096, and 0.085 ppm, respectively. In light of this, and the lack of any recent history of violations of the ozone NAAQS, EPA believes that it is reasonable to conclude that the combination of the RACT measures in the SIP, the Federal Motor Vehicle Control Program, the RVP limit of 7.8 pounds per square inch, and the applicability of preconstruction review in accordance with the prevention of significant deterioration (PSD) requirements of part C of Title I, provides adequate assurance that the ozone NAAQS will be maintained. Thus, the EPA believes these areas

qualify for the limited maintenance plan approach.

The following are tables of the revised average peak ozone season weekday VOC and NO_x emissions for the major anthropogenic source categories for the 1990 attainment year inventory.

BEAUREGARD PARISH

Emissions source	1990 tons per day
Point Source CO	60.20
Point Source VOC	9.19
Point Source NO _x	12.00
Area Source CO	0.28
Area Source VOC	1.66
Area Source NO _x	0.11
Nonroad CO	8.62
Nonroad VOC	1.93
Nonroad NO _x	3.72
Onroad CO	19.6
Onroad VOC	2.69
Onroad NO _x	3.23
Total CO	88.70
Total VOC	15.47
Total NO_x	19.05

GRANT PARISH

Emissions source	1990 tons per day
Point Source CO	0.53
Point Source VOC	0.28
Point Source NO _x	3.03
Area Source CO	0.14
Area Source VOC	3.31
Area Source NO _x	0.05
Nonroad CO	5.49
Nonroad VOC	1.26
Nonroad NO _x	3.21
Onroad CO	28.00
Onroad VOC	3.59
Onroad NO _x	3.81
Total CO	34.15
Total VOC	8.44
Total NO_x	10.11

LAFAYETTE PARISH

Emissions source	1990 tons per day
Point Source CO	0.44
Point Source VOC	0.25
Point Source NO _x	5.35
Area Source CO	1.19
Area Source VOC	7.47
Area Source NO _x	0.52
Nonroad CO	56.97
Nonroad VOC	9.61
Nonroad NO _x	37.28
Onroad CO	123.46

LAFAYETTE PARISH—Continued

Emissions source	1990 tons per day
Onroad VOC	14.98
Onroad NO _x	17.10
Total CO	182.05
Total VOC	32.31
Total NO_x	60.25

LAFOURCHE PARISH

Emissions source	1990 tons per day
Point Source CO	1.33
Point Source VOC	5.56
Point Source NO _x	9.56
Area Source CO	0.45
Area Source VOC	3.89
Area Source NO _x	0.43
Nonroad CO	16.68
Nonroad VOC	3.57
Nonroad NO _x	1.44
Onroad CO	63.08
Onroad VOC	8.31
Onroad NO _x	10.17
Total CO	81.54
Total VOC	21.33
Total NO_x	21.6

ST. MARY PARISH

Emissions source	1990 tons per day
Point Source CO	684.55
Point Source VOC	24.79
Point Source NO _x	31.57
Area Source CO	0.49
Area Source VOC	2.99
Area Source NO _x	0.22
Nonroad CO	13.85
Nonroad VOC	2.62
Nonroad NO _x	3.18
Onroad CO	32.44
Onroad VOC	4.31
Onroad NO _x	5.61
Total CO	731.33
Total VOC	34.71
Total NO_x	40.58

The attainment inventories submitted by the LDEQ for these areas meet the redesignation requirements as discussed in the Calcagni memo and limited maintenance plan memo. Therefore, the EPA is today approving the emissions inventory component of the maintenance plans for the areas of Beauregard, Grant, Lafayette, Lafourche, and St. Mary Parishes.

Continued Attainment

Continued attainment of the ozone NAAQS in the areas of Beauregard, Grant, Lafayette, Lafourche, and St. Mary Parishes will depend, in part, on the Federal and State control measures discussed previously. However, the ambient air monitoring sites will remain active at their present locations during the maintenance period. These data will be quality assured and submitted to the Aerometric Information and Retrieval System (AIRS) on a monthly basis. As discussed in the limited maintenance plan memo, certain monitored ozone levels will provide the basis for triggering measures contained in the contingency plan. Additionally, as discussed above, during year 8 of the maintenance period, the LDEQ is required to submit a revised plan to provide for maintenance of the ozone standard in these areas for the next ten years.

Contingency Plan

Section 175A of the CAA requires that a maintenance plan include contingency provisions, as necessary, to promptly correct any violation of the NAAQS that occurs after redesignation of the area to attainment. The contingency plan should clearly identify the measures to be adopted, a schedule and procedure for adoption and implementation, and a specific time limit for action by the State. The State should also identify specific triggers which will be used to determine when the measures need to be implemented.

The LDEQ has selected VOC offsets and new Control Techniques Guidelines (CTG) or Alternative Control Technology (ACT) rule implementation as its contingency measures. At any time during the maintenance period, if the areas of Beauregard, Grant, Lafayette, Lafourche, and St. Mary Parishes record a second exceedance of the ozone NAAQS within any consecutive three-year period, the LDEQ will promulgate a rule change to implement VOC offsets in the applicable parish. This rule will be submitted to EPA within 9 months of the second exceedance. Implementation will occur immediately upon verification of a third exceedance of the ozone standard in any consecutive 3 year period.

Should Beauregard, Grant, Lafayette, Lafourche, or St. Mary Parishes experience a third exceedance of the ozone standard during any consecutive 3 year period, the LDEQ will promulgate a rule revision to place new CTG and ACT VOC rules (where applicable) in the affected parish. These rules will be submitted to the EPA within 9 months

of the third exceedance. Implementation will occur immediately upon verification that a violation of the ozone standard has occurred. These contingency measures and schedules for implementation satisfy the requirements of section 175A(d).

Final Action

The EPA has evaluated the State's redesignation request for the areas of Beauregard, Grant, Lafayette, Lafourche, and St. Mary Parishes, Louisiana, for consistency with the CAA, EPA regulations, and EPA policy. The EPA believes that the redesignation requests and monitoring data demonstrate that these areas have attained the ozone standard. In addition, the EPA has determined that the redesignation requests meet the requirements and policy set forth in the General Preamble and policy memorandum discussed in this notice for area redesignations, and today is approving Louisiana's redesignation request for the areas of Beauregard, Grant, Lafayette, Lafourche, and St. Mary Parishes.

The EPA is publishing this action without prior proposal because the EPA views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document published elsewhere in this **Federal Register**, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective October 17, 1995, unless adverse or critical comments are received by September 18, 1995. If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received on this action, the public is advised that this action will be effective October 17, 1995.

The EPA has reviewed these redesignation requests for conformance with the provisions of the CAA and has determined that this action conforms to those requirements.

Regulatory Process

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, the EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities (5 U.S.C. 603 and 604). Alternatively, under 5 U.S.C.

605(b), the EPA may certify that the rule will not have a significant impact on a substantial number of small entities (see 46 FR 8709). Small entities include small businesses, small not-for-profit enterprises, and governmental entities with jurisdiction over populations of less than 50,000.

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 17, 1995. Filing a petition for reconsideration of this final rule by the Administrator does not affect the finality of this rule for purposes of judicial review; nor does it extend the time within which a petition for judicial review may be filed, or postpone the effectiveness of this rule. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

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

SIP approvals under section 110 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on small entities. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The CAA forbids EPA from basing its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. section 7410(a)(2). The Office of Management and Budget has exempted this action from review under Executive Order 12866.

Unfunded Mandates

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 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 approved in this action,

the State and any affected local or tribal governments have elected to adopt the program provided for under section 175A of the Clean Air Act. The rules and commitments approved in this action 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 and commitments being approved by this action will impose or lead to the imposition of any mandate upon the State, local, or tribal governments, either as the owner or operator of a source or as a regulator, or would impose or lead to the imposition of any mandate upon the private sector, EPA's action will impose no new requirements; such sources are already subject to these requirements under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. Therefore, EPA has determined that this final action does not include a mandate that may result in estimated costs of \$100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

List of Subjects in 40 CFR Parts 52 and 81

Environmental protection, Air pollution control, Area designations, Hydrocarbons, Incorporation by reference, Intergovernmental regulations, National parks, Reporting and recordkeeping, Ozone, Volatile organic compounds, Wilderness areas.

Dated: July 21, 1995.

A. Stanley Meiburg,
Acting Regional Administrator (6A).

40 CFR parts 52 and 81 are 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 T—Louisiana

2. Section 52.975 is added to read as follows:

§ 52.975 Redesignations and maintenance plans; ozone.

Approval. The Louisiana Department of Environmental Quality (LDEQ) submitted redesignation requests and maintenance plans for the areas of Beauregard, Lafourche, and St. Mary Parishes on June 14, 1993. Redesignation requests and maintenance plans were submitted for the areas of Grant and Lafayette on May 25, 1993. The EPA deemed these

requests complete on September 10, 1993. Several approvability issues existed, however. The LDEQ addressed these approvability issues in supplemental ozone redesignation requests and revised maintenance plans. These supplemental submittals were received for the areas of Beauregard, Grant, Lafayette, Lafourche, and St. Mary Parishes on March 27, 1995, December 12, 1994, October 21, 1994, November 18, 1994, and November 23, 1994, respectively. The redesignation requests and maintenance plans meet

the redesignation requirements in section 107(d)(3)(E) of the Act as amended in 1990. The redesignations meet the Federal requirements of section 182(a)(1) of the Clean Air Act as a revision to the Louisiana ozone State Implementation Plan for these areas. The EPA therefore approved the request for redesignation to attainment with respect to ozone for the areas of Beauregard, Grant, Lafayette, Lafourche, and St. Mary Parishes on October 17, 1995.

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401-7871q.

2. In § 81.319, the attainment status designation table for ozone is amended by revising the entries for Beauregard, Grant, Lafayette, Lafourche, and St. Mary Parishes under "Designated Area" to read as follows:

§ 81.319 Louisiana.

* * * * *

LOUISIANA—OZONE

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
* * * * *				
Beauregard Parish	Oct. 17, 1995	Attainment.	*	*
* * * * *				
Grant Parish	Oct. 17, 1995	Attainment.	*	*
* * * * *				
Lafayette Parish	Oct. 17, 1995	Attainment.	*	*
* * * * *				
Lafourche Parish	Oct. 17, 1995	Attainment.	*	*
* * * * *				
St. Mary Parish	Oct. 17, 1995	Attainment.	*	*
* * * * *				

¹ This date is November 15, 1990, unless otherwise noted.

[FR Doc. 95-20193 Filed 8-17-95; 8:45 am]
BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 94-60; RM-8455; RM-8511]

Radio Broadcasting Services; Duncan, AZ and Reserve, NM

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 264A to Duncan, Arizona, as that community's first local aural transmission service, in response to a petition for rule making filed on behalf of Duncan Community Radio (RM-8455). See 59 FR 34405, July 5, 1994. Additionally, Channel 283C3 is allotted to Reserve, New Mexico, as that community's first local aural transmission service, in response to a

counterproposal filed on behalf of Acme Enterprises (RM-8511). Coordinates used for Channel 264A at Duncan, Arizona, are 32-43-12 and 109-06-12. Coordinates used for Channel 283C3 at Reserve, New Mexico, are 33-43-00 and 108-45-24. As Duncan and Reserve are each located within 320 kilometers (199 miles) of the United States-Mexico border, concurrence of the Mexican government in the respective allotments was obtained. With this action, the proceeding is terminated.

DATES: Effective September 28, 1995. The window period for filing applications will open on September 28, 1995, and close on October 30, 1995.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process for Channel 264A at Duncan, Arizona, and for Channel 283C3 at Reserve, New Mexico, should be addressed to the Audio Services Division, FM Branch, (202) 418-2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 94-60, adopted August 4, 1995, and released August 14, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, located at 1919 M Street, NW., Room 246, or 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows: