

CONNECTICUT—CARBON MONOXIDE—Continued

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Bristol City, Burlington Town, Avon Town, Bloomfield Town, Canton Town, E. Granby Town, E. Hartford Town, E. Windsor Town, Enfield Town, Farmington Town, Glastonbury Town, Granby Town, Hartford city, Manchester Town, Marlborough Town, Newington Town, Rocky Hill Town, Simsbury Town, S. Windsor Town, Suffield Town, W. Hartford Town, Wethersfield Town, Windsor Town, Windsor Locks Town, Berlin Town, New Britain city, Plainville Town, and Southington Town.				
Litchfield County (part): Plymouth Town .....		Nonattainment .....		Moderate ≤ 12.7 ppm.
Middlesex County (part) .....		Nonattainment .....		Moderate ≤ 12.7 ppm.
Cromwell Town, Durham Town, E. Hampton Town, Haddam Town, Middlefield Town, Middleton city, Portland Town, E. Haddam Town.				
Tolland County (part) .....		Nonattainment .....		Moderate ≤ 12.7 ppm.
Andover Town, Boton Town, Ellington Town, Hebron Town, Somers Town, Tolland Town, and Vernon Town.				
New Haven-Meriden-Waterbury Area:				
Fairfield County (part) Shelton City .....		Nonattainment .....		Not classified.
Litchfield County (part) .....		Nonattainment .....		Not classified.
Bethlehem Town, Thomaston Town, Watertown, Woodbury Town.				
New Haven County .....		Nonattainment .....		Not classified.
New York-N. New Jersey-Long Island Area, Fairfield County (part).		Nonattainment .....		Moderate > 12.7 ppm.
All cities and townships except Shelton city.				
Litchfield County (part) Bridgewater Town, New Milford Town.		Nonattainment .....		Moderate > 12.7 ppm.
AQCR 041 Eastern Connecticut Intrastate .....		Unclassifiable/Attainment.		
Middlesex County (part): All portions except cities and towns in Hartford Area				
New London County:				
Tolland County (part): All portions except cities and towns in Hartford Area.				
Windham County:				
AQCR 044 Northwestern Connecticut Intrastate ..		Unclassifiable/Attainment.		
Hartford County (part): Hartland Township.				
Litchfield County (part) All portions except cities and towns in Hartford, New Haven, and New York Areas.				

<sup>1</sup> This date is November 15, 1990, unless otherwise noted.

\* \* \* \* \*

[FR Doc. 95-26961 Filed 10-30-95; 8:45 am]

BILLING CODE 6560-50-M

**40 CFR Parts 52 and 81**

[MD44-1-3001a, MD44-2-3002a; FRL-5315-4]

**Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; Redesignation of the Baltimore Carbon Monoxide Area to Attainment and Approval of the Area's Maintenance Plan and Emission Inventory; State of Maryland**

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving a maintenance plan and a request to redesignate the Baltimore carbon monoxide (CO) nonattainment area, which is located within the Baltimore City Central Business District (CBD) within the Baltimore Metropolitan Statistical Area. The maintenance plan and redesignation requests were submitted by the State of Maryland on September 20, 1995. Under the 1990 amendments of the Clean Air Act (CAA) designations can be revised if sufficient data is available to warrant such revisions. In this action, EPA is approving Maryland's request because it meets the maintenance plan and

redesignation requirements set forth in the CAA. This action is being taken under section 110 of the CAA.

**DATES:** This action will become effective on December 15, 1995, unless, by November 30, 1995, adverse or critical comments are received. If the effective date is delayed, timely notice will be published in the Federal Register.

**ADDRESSES:** Comments may be mailed to Marcia L. Spink, Associate Director, Air Programs, Mailcode 3AT00, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; Maryland Department of the Environment, 2500 Broening Highway, Baltimore Maryland 21224.

**FOR FURTHER INFORMATION CONTACT:** Catherine L. Magliocchetti, (215) 597-6863.

**SUPPLEMENTARY INFORMATION:** On September 20, 1995, the State of Maryland submitted a formal revision to its State Implementation Plan (SIP). The SIP revision consists of a maintenance plan, and a request to redesignate the Baltimore CO nonattainment area from nonattainment to attainment for carbon monoxide.

## I. Background

The Baltimore area was designated a CO nonattainment area under the Clean Air Act Amendments of 1990 (see 40 CFR 81.321). The National Ambient Air Quality Standard (NAAQS) for CO is 9.5 parts per million (ppm). Carbon monoxide nonattainment areas can be classified as moderate or serious, based on their design values. Since the Baltimore CO nonattainment area had a design value of 9.6 ppm (based on 1988 and 1989 data), the area was classified as moderate. The CAA established an attainment date of December 31, 1995 for all moderate CO areas. The Baltimore area has ambient air quality monitoring data showing attainment of the CO NAAQS from 1989 through 1994. Therefore, in an effort to comply with the CAA and to ensure continued attainment of the NAAQS, on September 20, 1995 the State of Maryland submitted a CO redesignation request and a maintenance plan for the Baltimore area. Maryland submitted evidence that a public hearing was held on August 9, 1995 in Baltimore on this revision to the State's SIP.

## II. Evaluation Criteria

Section 107(d)(3)(E) of the 1990 Clean Air Act Amendments provides 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 have a fully approved SIP under section 110(k) of CAA;
3. The air quality improvement must be permanent and enforceable;
4. The area must have a fully approved maintenance plan pursuant to section 175A of the CAA;
5. The area must meet all applicable requirements under section 110 and Part D of the CAA.

## III. Review of State Submittal

On September 20, 1995, EPA determined that the information received from the State of Maryland constituted a complete redesignation request under the general completeness criteria of 40 CFR part 51, appendix V, §§ 2.1 and 2.2. Maryland's redesignation request for the Baltimore area meets the five requirements of section 107(d)(3)(E), noted above. The following is a brief description of how the State has fulfilled each of these requirements.

### 1. Attainment of the CO NAAQS

Maryland has quality-assured CO ambient air monitoring data showing that the Baltimore area has met the CO NAAQS. The Maryland request is based on an analysis of quality-assured CO air monitoring data which is relevant to the maintenance plan and to the redesignation request. To attain the CO NAAQS, an area must have complete quality-assured data showing no more than one exceedance of the standard per year over at least two consecutive years. The ambient air CO monitoring data for calendar year 1989 through calendar year 1995, relied upon by Maryland in its redesignation request, shows no violations of the CO NAAQS in the Baltimore area during this time. Because the area has complete quality assured data showing no more than one exceedance of the standard per year over at least two consecutive years (1994 and 1995), the area has met the first statutory criterion of attainment of the CO NAAQS (40 CFR 50.8 and appendix C). Maryland has committed to continue monitoring in this area in accordance with 40 CFR part 58.

### 2. Fully Approved SIP Under Section 110(k) of the CAA

Maryland's CO SIP is fully approved by EPA as meeting all the requirements of Section 110(a)(2)(I) of the Act,

including the requirements of Part D (relating to nonattainment), which were due prior to the date of Maryland's redesignation request. Maryland's CO SIP was fully approved by EPA on September 19, 1984, at 40 CFR 52.1070(c)(71), (49 FR 36645). The 1990 CAA required that nonattainment areas achieve specific new requirements depending on the severity of the nonattainment classification. Requirements for the Baltimore area included the preparation of a 1990 emission inventory with periodic updates, adoption of an oxygenated fuels program, the development of contingency measures, and development of conformity procedures. Each of these requirements added by the 1990 Amendments to the CAA are discussed in greater detail below.

Consistent with the October 14, 1994 EPA guidance from Mary D. Nichols entitled "Part D New Source Review (Part D NSR) Requirements for Areas Requesting Redesignation to Attainment," EPA is not requiring full approval of a Part D NSR program by Maryland as a prerequisite for redesignation to attainment. Under this guidance, nonattainment areas may be redesignated to attainment notwithstanding the lack of a fully-approved Part D NSR program, so long as the program is not relied upon for maintenance. Because the Baltimore area is being redesignated to attainment by this action, Maryland's Prevention of Significant Deterioration (PSD) requirements will be applicable to new or modified sources in the Baltimore area. Maryland has been delegated PSD authority (see § 52.1116 Maryland, 45 FR 52741, August 7, 1980, as amended 47 FR 7835, February 23, 1982).

### A. Emission Inventory

On March 24, 1994, Maryland submitted a 1990 base year emissions inventory to EPA for review and approval. This inventory was used as the basis for calculations to demonstrate maintenance. Maryland's submittal contains the detailed inventory data and summaries by source category. Maryland's submittal also contains information related to how it comported with EPA's guidance, and which model and emissions factors were used (note, the MOBILE 5a model was used), how vehicle miles travelled (VMT) data was generated, and other technical information verifying the emission inventory. A summary of the base year and projected maintenance year inventories are shown in the following table in this section.

Section 172(c)(3) of the CAA requires that nonattainment plan provisions

include a comprehensive, accurate, and current inventory of actual emissions from all sources of relevant pollutants in the nonattainment area. Maryland included the requisite inventory in the redesignation request and maintenance plan SIP revision. The base year for the inventory was 1990, using a three month CO season of December 1990 through February 1991. Stationary point sources, stationary area sources, on-road mobile sources, and off-road mobile sources of CO were included in the inventory. The following table, Table 1, presents a summary of the attainment year's (1990) and projected year's (2007) CO peak season daily emissions estimates in tons per winter day (tpd) by source category:

TABLE 1.—CO PEAK SEASON DAILY EMISSIONS

	1990 Base year emissions (tons per day)	2007 Projected emissions (tons per day)
On-road Mobile .....	1789.80	732.30
Off-road Mobile .....	223.28	245.19
Area .....	116.47	145.74
Stationary .....	375.25	381.14
Total .....	2504.8	1504.37

Available guidance for preparing emission inventories is provided in the General Preamble (57 FR 13498, April 16, 1992).

Section 110(k) of the CAA sets out provisions governing the EPA's review of base year emission inventory submittals in order to determine approval or disapproval under section 187(a)(1). The EPA is granting approval of the Maryland 1990 base year CO emissions inventories as found in the Baltimore CO Redesignation Request, based on the EPA's technical review of the CO inventory. For further details on the emission inventory, the reader is referred to the Technical Support Document, which is available for review at the addresses provided above.

**B. Oxygenated Gasoline**

Section 211(m) of the CAA requires that each State in which there is located a CO nonattainment area with a design value of 9.5 ppm or above based on data for the 2-year period of 1988 and 1989 shall submit a SIP revision which requires the implementation of an oxygenated gasoline program in the Consolidated Metropolitan Statistical Area (CMSA) or Metropolitan Statistical Area (MSA) in which the nonattainment area is located. The Baltimore area has a design value above 9.5 ppm based on 1988 and 1989 data and consequently

was subject to the requirement to adopt an oxygenated fuel program. Maryland submitted an oxygenated gasoline SIP revision for the Baltimore MSA to EPA on November 13, 1992. EPA approved the SIP revision for Maryland on June 6, 1994. As noted in the Maryland redesignation request, the State has relegated the oxygenated fuel program to contingency status under the redesignation. Through emergency rulemaking procedures, Maryland modified these regulations to provide for the oxygenated gasoline control period to be required in future years as a contingency measure to ensure maintenance of the National Ambient Air Quality Standard (NAAQS) for CO. The rule change states that upon a monitored violation of the CO NAAQS (two or more exceedances of the CO NAAQS in a single calendar year), the oxygenated gasoline control period shall be reinstated. Under the amended regulations, a notice by July 1 of any year for an area would reinstate the oxygenated gasoline requirements beginning on November 1 of that year. This emergency regulation change is effective from September 13, 1995 through February 28, 1996. Maryland is currently pursuing permanent adoption of these regulations, and final adoption of the permanent rule change should become effective in January 1996.

Maryland's maintenance demonstration, described below, asserts that oxygenated gasoline in the Baltimore MSA is not necessary for continued maintenance of the CO NAAQS. Consequently, EPA is approving Maryland's use of oxygenated gasoline as a contingency measure for the Baltimore area.

**C. Conformity**

Under section 176(c) of the CAA, states were required to submit revisions to their SIPs that include criteria and procedures to ensure that Federal actions conform to the air quality planning goals in the applicable SIPs. 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 all other Federal actions ("general conformity"). Congress provided for the State revisions to be submitted one year after the date of promulgation of final EPA conformity regulations. EPA promulgated final transportation conformity regulations on November 24, 1993 (58 FR 62188) and final general conformity regulations on November 30, 1993 (58 FR 63214). These conformity rules require that the 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 § 51.396 of the transportation conformity rule and § 51.851 of the general conformity rule, the State of Maryland 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, Maryland 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. Maryland submitted transportation conformity SIP revisions to EPA on May 16, 1995. Furthermore, Maryland submitted, on May 15, 1995, SIP revisions for general conformity.

Although this redesignation request was submitted to EPA after the due dates for the SIP revisions for transportation conformity (58 FR 62188) and general conformity (58 FR 63214) rules, EPA believes it is reasonable to interpret the conformity requirements as not being applicable requirements for purposes of evaluating the redesignation request under section 107(d). The rationale for this is based on a combination of two factors. First, the requirement to submit SIP revisions to comply with the conformity provisions of the Act continues to apply to areas after redesignation to attainment. Therefore, the State remains obligated to adopt the transportation and general conformity rules even after redesignation and would risk sanctions for failure to do so. While redesignation of an area to attainment enables the area to avoid further compliance with most requirements of section 110 and part D, since those requirements are linked to the nonattainment status of an area, the conformity requirements apply to both nonattainment and maintenance areas. Second, EPA's federal conformity rules require the performance of conformity analyses in the absence of state-adopted rules. Therefore, a delay in adopting State rules does not relieve an area from the obligation to implement conformity requirements.

Because areas are subject to the conformity requirements regardless of whether they are redesignated to attainment and must implement conformity under Federal rules if State rules are not yet adopted, EPA believes it is reasonable to view these requirements as not being applicable requirements for purposes of evaluating a redesignation request.

Therefore, with this notice, EPA is modifying its national policy regarding

the interpretation of the provisions of section 107(d)(3)(E) concerning the applicable requirements for purposes of reviewing a carbon monoxide redesignation request. Under this new policy, for the reasons just discussed, EPA believes that the CO redesignation request for the Baltimore area may be approved notwithstanding the lack of approved state transportation and general conformity rules.

### 3. Improvement in Air Quality Due to Permanent and Enforceable Measures

EPA approved Maryland's CO SIP under the 1977 CAA. Emission reductions achieved through the implementation of control measures contained in that SIP are enforceable. Maryland cites the Federal Motor Vehicle Control Program (FMVCP) as the major source of reductions that led to attainment of the CO standard. Stationary sources have also been required to improve combustion efficiency through the Best Available Control Technology (BACT) requirements. Both of these measures are considered permanent and enforceable.

As discussed above, the State initially attained the NAAQS in 1989 with monitored attainment through 1994. This indicates that the improvements are due to the permanent and enforceable measures contained in the 1982 CO SIP.

Maryland has demonstrated that actual enforceable emission reductions are responsible for the air quality improvement and that the CO emissions in the base year are not artificially low due to local economic downturn. EPA finds that the combination of certain existing EPA-approved SIP and federal measures contribute to the permanence and enforceability of reduction in ambient CO levels that have allowed the area to attain the NAAQS.

### 4. Fully Approved Maintenance Plan Under Section 175A

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 attainment 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. In this notice, EPA is approving the State of Maryland's maintenance plan for the Baltimore area because EPA finds that Maryland's submittal meets the requirements of section 175A.

#### A. Attainment Emission Inventory

As previously noted, on March 24, 1994, Maryland submitted a 1990 base year emissions inventory to EPA for review and approval. The inventory includes emissions from area, stationary, and mobile sources using 1990 as the base year for calculations.

The State submittal contains the detailed inventory data and summaries by county and source category. The comprehensive base year emissions inventory was submitted in the National Emission Data System format. This inventory was prepared in accordance with EPA guidance.

The 1990 inventory can be considered representative of attainment conditions because the CO NAAQS was not violated during 1990. Maryland established the 1990 inventory as the attainment inventory, and forecasted future emissions out to the year 2007 in its redesignation request. The State projected emissions for the end of the maintenance period using appropriate growth factors, consistent with EPA guidance. To project future emissions from mobile sources, MOBILE5a was used to assess the benefits gained from federally mandated control measures. Maryland assumed the following control programs, when projecting the inventory: FMVCP, the 1992 Reid Vapor Pressure Program, Tier 1 controls on new vehicles, Evaporative Emissions Control Program, Federal Reformulated Gasoline, Enhance Inspection & Maintenance, Low Emission Vehicles, Stage II Vapor Recovery, and On-Board Controls. Since these programs are either a) federal measures that are currently adopted or will be adopted in the future under the CAA, or b) state regulations which are currently approved into the SIP, they constitute appropriate assumptions for future modeling scenarios. Stationary source emissions and off-road mobile source emissions were projected using the 1990 base year inventory and multiplying with appropriate projection factors. The area source future emissions were projected using the 1990 base year inventory and multiplying the inventory with household, population, and employment growth factors from the Round 5 Cooperative forecasting process conducted by the Baltimore Metropolitan Council.

#### B. Demonstration of Maintenance-Projected Inventories

Total CO emissions were projected from 1990 base year out to 2005 and 2010, and then interpolated for the maintenance plan's projection year, 2007. These projected inventories were prepared in accordance with EPA guidance. Maryland will not implement the oxygenated fuel program in the Baltimore MSA unless a violation of the standard triggers the program for the following CO season.

The projections show that calculated CO emissions, assuming no oxygenated fuels program, are not expected to exceed the level of the base year inventory during this time period. Therefore, it is anticipated that the Baltimore area will maintain the CO standard without the program, and the oxygenated fuel program will not need to be implemented following redesignation, except as a contingency measure.

#### C. Verification of Continued Attainment

Continued attainment of the CO NAAQS in the Baltimore area depends, in part, on the State's efforts toward tracking indicators of continued attainment during the maintenance period. In addition, comprehensive reviews will be conducted periodically of the factors used to develop the attainment inventories and those used to project CO emissions levels for 2007. If any of the localities find significant differences between actual and projected growth, updated emission inventories will be developed to compare with the projections.

#### D. Contingency Plan

The level of CO emissions in the Baltimore area will largely determine its ability to stay in compliance with the CO NAAQS in the future. Despite the State's best efforts to demonstrate continued compliance with the NAAQS, the ambient air pollutant concentrations may exceed or violate the NAAQS. Section 175(A)(d) of the CAA requires that the contingency provisions include a requirement that the State implement all measures contained in the SIP prior to redesignation. Therefore, Maryland has provided for oxygenated fuels as a contingency measure in the event of a future CO air quality problem. The plan contains an acceptable triggering mechanism (a violation of the CO standard) to determine when the contingency measure is needed.

Maryland has changed its oxygenated fuel rule, through emergency rulemaking procedures, to require oxygenated gasoline as a contingency

measure for the purposes of redesignation. Maryland has also provided a schedule to EPA for the permanent adoption of the oxygenated fuel regulation change. EPA finds this an acceptable contingency measure which fulfills the requirements of section 175(A)(d).

#### E. Subsequent Maintenance Plan Revisions

In accordance with section 175A(b) of the CAA, the State must submit a revised maintenance SIP eight years after the area is redesignated to attainment. Such a revised SIP will provide for maintenance for an additional ten years.

#### 5. Meeting Applicable Requirements of Section 110 and Part D

In Section III.2. above, EPA sets forth the basis for its conclusion that Maryland has a fully approved SIP which meets the applicable requirements of Section 110 and Part D of the CAA.

EPA is approving this SIP revision without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective December 15, 1995, unless, by November 30, 1995, adverse or critical comments are received.

If 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. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on December 15, 1995.

#### Final Action

EPA is approving the Baltimore area CO maintenance plan because it meets the requirements set forth in section 175A of the CAA. In addition, the Agency is approving the request and redesignating the Baltimore CO nonattainment area to attainment, because the State has demonstrated compliance with the requirements of section 107(d)(3)(E) for redesignation. EPA is also approving Maryland's 1990 base year CO emissions inventory for

the Baltimore MSA, as found in the State's redesignation request and maintenance plan. The EPA is publishing this action without prior proposal because the Agency 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. This action will be effective December 15, 1995, unless, by November 30, 1995, adverse or critical comments are received. If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective December 15, 1995.

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

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, 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.

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with

statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

Redesignation of an area to attainment under section 107(d)(3)(E) of the CAA does not impose any new requirements on small entities. Redesignation is an action that affects the status of a geographical area and does not impose any regulatory requirements on sources. The Administrator certifies that the approval of the redesignation request will not affect a substantial number of small entities.

The CO SIP is designed to satisfy the requirements of part D of the CAA and to provide for attainment and maintenance of the CO NAAQS. This final redesignation should not be interpreted as authorizing the State to delete, alter, or rescind any of the CO emission limitations and restrictions contained in the approved CO SIP. Changes to CO SIP regulations rendering them less stringent than those contained in the EPA approved plan cannot be made unless a revised plan for attainment and maintenance is submitted to and approved by EPA. Unauthorized relaxations, deletions, and changes could result in both a finding of non-implementation (section 179(a) of the CAA) and in a SIP deficiency call made pursuant to sections 110(a)(2)(H) and 110(k)(2) of the CAA.

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, it does not have any economic impact on any small entities. Redesignation of an area to attainment under section 107(d)(3)(E) of the CAA does not impose any new requirements on small entities.

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 E.O. 12866 review.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 2, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This rulemaking redesignating the Baltimore CO nonattainment area to attainment, approving the maintenance plan submitted by the Maryland Department of the Environment on September 20, 1995, and approving the CO emissions inventory submitted on March 24, 1994 may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

40 CFR Part 81

Air pollution control.

Dated: September 29, 1995.

W. Michael McCabe,  
Regional Administrator, Region III.

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 V—Maryland**

2. Section 52.1070 is amended by adding paragraph (c)(117) to read as follows:

**§ 52.1070 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(117) The carbon monoxide redesignation request and maintenance plan for the Baltimore Carbon Monoxide nonattainment area, submitted by the Maryland Department of the Environment on September 20, 1995, as part of the Maryland SIP. The emission inventory projections are included in the maintenance plan.

(i) Incorporation by reference.

(A) Letter of September 20, 1995 from the Maryland Department of the Environment requesting the redesignation and submitting the maintenance plan.

(B) The ten year carbon monoxide maintenance plan for the Baltimore

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Carbon Monoxide nonattainment area adopted on August 31, 1995.

(ii) Additional material.

(A) Remainder of September 20, 1995 State submittal.

3. Section 52.1075 is added to read as follows:

**§ 52.1075 1990 base year emission inventory for carbon monoxide.**

EPA approves as a revision to the Maryland State Implementation Plan the 1990 base year emission inventory for the Baltimore Metropolitan Statistical Area, submitted by the Secretary, Maryland Department of the Environment, on September 20, 1995. This submittal consists of the 1990 base year stationary, area, off-road mobile and on-road mobile emission inventories in the Baltimore Metropolitan Statistical Area for the pollutant, carbon monoxide (CO).

**PART 81—[AMENDED]**

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

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

**Subpart C—Section 107 Attainment Status Designations**

2. In § 81.321, the table for “Maryland-Carbon Monoxide” is amended by revising the entry for “Baltimore Area Baltimore City (part) Regional Planning District No. 118” to read as follows:

**§ 81.321 Maryland.**

\* \* \* \* \*

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Baltimore Area Baltimore city (part) Regional Planning District No. 118 (generally corresponding to the Central Business District).	[insert date 45 days after publication date].	Attainment	.....	.....
*	*	*	*	*

<sup>1</sup> This date is November 15, 1990, unless otherwise noted.

\* \* \* \* \*  
[FR Doc. 95-26959 Filed 10-30-95; 8:45 am]  
BILLING CODE 6560-50-P

**40 CFR Part 55**

[FRL-5227-3]

**Outer Continental Shelf Consistency Update for Florida**

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

**ACTION:** Final rule, consistency update.

**SUMMARY:** EPA is finalizing the update to a portion of the Outer Continental Shelf (“OCS”) Air Regulations. Requirements applying to OCS sources located within 25 miles of states’ seaward boundaries must be updated periodically to remain consistent with the requirements of the corresponding onshore area (“COA”), as mandated by section 328(a)(1) of the Clean Air Act (“the Act”), the Clean Air Act Amendments of 1990, the applicable requirements for certain areas for Air Pollution from OCS Activities. The

portion of the OCS air regulation that is being updated pertains to the requirements for OCS sources for which the State of Florida will be the designated COA. This final action incorporates the requirements contained in “State of Florida Requirements Applicable to OCS Sources” (January 11, 1995).

**EFFECTIVE DATE:** This action is effective November 30, 1995.

**ADDRESSES:** Copies of the documents relevant to this action are available for public inspection during normal