aerodynamic diameter less than or equal to a nominal 10 micrometers (PM_{10}). The ''moderate'' area SIP was submitted by the State to satisfy certain Federal requirements in the Clean Air Act (CAA) for an approvable nonattainment area PM_{10} plan for the MLPA.

The intended effect of proposing approval of this plan is to regulate emissions of PM_{10} in accordance with the requirements of the CAA, as amended in 1990.

DATES: Comments on this proposed rule must be received in writing by July 24, 1996.

ADDRESSES: Comments should be submitted to Stephanie Valentine (A–2–2) at U. S. Environmental Protection Agency, Region 9, Air and Toxics Division, 75 Hawthorne Street, San Francisco, CA 94105.

Copies of the State's submittal and other information are contained in the docket for this rulemaking. The docket is available for inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105.

California Air Resources Board, 2020 L Street, P.O. Box 2815, Sacramento, CA 95814.

Great Basin Unified Air Pollution Control District, 157 Short Street, Suite 6, Bishop, CA 93514.

FOR FURTHER INFORMATION CONTACT: Stephanie G. Valentine (A–2–2), U.S. Environmental Protection Agency, Region 9, Air and Toxics Division, 75 Hawthorne Street, San Francisco, CA 94105, (415) 744–1178.

SUPPLEMENTARY INFORMATION: This document concerns the PM_{10} Plan for the Mammoth Lakes Planning Area, submitted to EPA on September 11, 1991 by the California Air Resources Board. For further information, please see the information provided in the Direct Final action which is located in the Rules Section of this Federal Register.

Authority: 42 U.S.C. 7401–7671q.

Dated: March 31, 1996.

Felicia Marcus,

Regional Administrator.

[FR Doc. 96–15906 Filed 6–21–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Parts 52 and 81

[TN–152–1–9636; FRL–5525–1]

Proposed Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of Tennessee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On November 14, 1994, the State of Tennessee, through the Tennessee Department of Environment and Conservation (TDEC), submitted a maintenance plan and a request to redesignate the Middle Tennessee area from moderate nonattainment to attainment for ozone (O_3). Subsequently on August 9, 1995, and January 19, 1996, the State submitted supplementary information which included revised contingency measures and emission projections. The Middle Tennessee O_3 nonattainment area consists of Davidson, Rutherford, Sumner, Williamson, and Wilson Counties. Under the Clean Air Act, designations can be changed if sufficient data are available to warrant such changes. In this action, EPA is proposing to approve the State of Tennessee's submittal because it will meet the maintenance plan and redesignation requirements. The approved maintenance plan will become a federally enforceable part of Tennessee's State Implementation Plan (SIP) for the moderate nonattainment area. In this action, EPA is also proposing to approve the State of Tennessee's 1990 baseline emissions inventory because it meets EPA's requirements regarding the approval on baseline emission inventories. EPA has analyzed the Tennessee SIP and determined which requirements have been met and for which requirements further action is required. In the instances where further action is required, SIP revisions meeting those requirements must be fully approved in order for EPA to find that all the applicable requirements of the Clean Air Act as amended in 1990 (CAA) have been met. Thus, final approval of this redesignation is contingent upon the final approval of the additional SIP submittals described in Part 2. of the Supplementary Information.

DATES: To be considered, comments must be received by July 24, 1996.

ADDRESSES: Written comments on this action should be addressed to Steven M. Scofield, at the EPA Regional Office listed below.

Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street, NE, Atlanta, Georgia 30365.

Tennessee Department of Environment and Conservation, 9th Floor, L & C Annex, 401 Church Street, Nashville, Tennessee, 37243–1531.

Bureau of Environmental Health Services, Metropolitan Health Department, 311—23rd Avenue, North, Nashville, Tennessee, 37203.

FOR FURTHER INFORMATION CONTACT: Steven M. Scofield, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30365. The telephone number is 404/347–3555 extension 4189. Reference file TN–152–1–9636.

SUPPLEMENTARY INFORMATION: On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. (Pub. L. 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q). Under section 107(d)(1)(C), EPA designated the Middle Tennessee area as nonattainment by operation of law with respect to O_3 because the area was designated nonattainment immediately before November 15, 1990. The area was classified as moderate.

The moderate nonattainment area more recently has ambient monitoring data that show no violations of the O_3 NAAQS, during the period from 1992 through 1994. Therefore, in an effort to comply with the CAA and to ensure continued attainment of the NAAQS, on November 14, 1994, the State of Tennessee submitted an O_3 maintenance plan and requested redesignation of the area to attainment with respect to the O_3 NAAQS. On March 13, 1995, Region 4 determined that the information received from the State constituted a complete redesignation request under the general completeness criteria of 40 CFR part 51, appendix V, sections 2.1 and 2.2. Subsequently, on August 9, 1995, and January 19, 1996, the State submitted supplementary information which included revised contingency measures and emission projections.

The Tennessee redesignation request for the Middle Tennessee moderate O_3 nonattainment area meets the five requirements of section 107(d)(3)(E) for

redesignation to attainment. The following is a brief description of how the State of Tennessee has fulfilled each of these requirements. Because the maintenance plan is a critical element of the redesignation request, EPA will discuss its evaluation of the maintenance plan under its analysis of the redesignation request.

1. The Area Must Have Attained the O_3 NAAQS

The State of Tennessee's request is based on an analysis of quality assured ambient air quality monitoring data, which is relevant to the maintenance plan and to the redesignation request. Most recent ambient air quality monitoring data for calendar year 1992 through calendar year 1994 show an expected exceedance rate of less than 1.0 per year of the O_3 NAAQS in the nonattainment area (See 40 CFR 50.9 and Appendix H). The area has continued to demonstrate attainment to date. Because the nonattainment area has complete quality-assured data showing no violations of the O_3 NAAQS over a consecutive three calendar year period, the area has met the first component of attainment of the O_3 NAAQS. In addition, there have been no ambient air exceedances in 1995 or to date in 1996 for O_3. The State of Tennessee has also met the second component of attainment of the O_3 NAAQS by committing to continue monitoring the moderate nonattainment area in accordance with 40 CFR part 58.

2. The Area Has Met All Applicable Requirements Under Section 110 and Part D of the CAA

On August 13, 1980, and January 11, 1984, EPA fully approved Tennessee's SIP as meeting the requirements of section 110(a)(2) and part D of the 1977 CAA (45 FR 53809 and 49 FR 1342). The approved control strategy did not result in attainment of NAAQS for O_3 prior to the 1990 CAA. Additionally, the amended CAA revised section 182(a)(2)(A), 110(a)(2) and, under part D, revised section 172 and added new requirements for all nonattainment areas. Therefore, for purposes of redesignation, to meet the requirement that the SIP contain all applicable requirements under the CAA, EPA has reviewed the Tennessee SIP to ensure that it contains all measures due under the amended CAA prior to or at the time the State of Tennessee submitted its redesignation request.

Section 107(d)(3)(E) requires that, for an area to be redesignated, an area must have met all applicable requirements under section 110 and Part D. The EPA interprets section 107(d)(3)(E)(v) to mean that for a redesignation to be approved, the State must have met all requirements that applied to the subject area prior to or at the time of the submission of a complete redesignation request. Requirements of the CAA that come due subsequently continue to be applicable to the area at those later dates (see section 175A(c)) and, if the redesignation of the area is disapproved, the State remains obligated to fulfill those requirements.

A. Section 110 Requirements

Although section 110 was amended by the CAA, the Tennessee SIP for the moderate nonattainment area meets the requirements of amended section 110(a)(2). A number of the requirements did not change in substance and, therefore, EPA believes that the pre-amendment SIP met these requirements. EPA has analyzed the SIP and determined that it is consistent with the requirements of amended section 110(a)(2).

B. Part D Requirements

Before the moderate nonattainment area may be redesignated to attainment, the State must have fulfilled the applicable requirements of part D. 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 O_3 nonattainment areas classified under table 1 of section 181(a). As described in the General Preamble for the Implementation of title I, specific requirements of subpart 2 may override subpart 1's general provisions (57 FR 13501 (April 16, 1992)). The Middle Tennessee nonattainment area is classified as moderate (See 56 FR 56694, codified at 40 CFR 81.343). Therefore, in order to be redesignated to attainment, the State of Tennessee must meet the applicable requirements of subpart 1 of part D, specifically sections 172(c) and 176, and is also required to meet the applicable requirements of subpart 2 of part D, specifically sections 182(a) and (b).

a. Subpart 1 of Part D

Section 172(c) sets forth general requirements applicable to all nonattainment areas. Under section 172(b), the section 172(c) requirements are applicable as determined by the Administrator, but no later than 3 years after an area has been designated as nonattainment under the amended CAA. Furthermore, as noted above, some of these section 172(c) requirements are superseded by more specific requirements in subpart 2 of part D. In the case of the Tennessee nonattainment area, the State has satisfied all of the section 172(c) requirements necessary for the area to be redesignated upon the basis of the November 14, 1994, redesignation request.

EPA has determined that the section 172(c)(2) reasonable further progress (RFP) requirement (with parallel requirements for a moderate ozone nonattainment area under subpart 2 of part D, due November 15, 1993) was not applicable as the State of Tennessee submitted this redesignation request on November 14, 1994, which demonstrated that the Middle Tennessee area was monitoring attainment of the O_3 standard. Based on a memorandum dated May 10, 1995, from John S. Seitz, Director, Office of Air Quality Planning and Standards to the Regional Air Division Directors, entitled Reasonable Further Progress, Attainment Demonstration, and Related Requirements for Ozone Nonattainment Areas Meeting the Ozone National Ambient Air Quality Standard, EPA determined on June 22, 1995, effective August 7, 1995, that the Middle Tennessee area had attained the O_3 standard and that RFP and 15 percent plan requirements do not apply to the area for so long as the area does not monitor any violations of the O_3 standard.

The section 172(c)(3) emissions inventory requirement has been met by the submission of the 1990 baseline inventory required under subpart 2 of part D, section 182(a)(1), which EPA is proposing to approve in this action.

The State of Tennessee has a fully-approved NSR program meeting the requirements of section 182(b)(1). Therefore, the section 172(c)(5) requirement has been met.

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 states must be consistent with Federal conformity regulations that the CAA required EPA to promulgate. Congress provided for

the state revisions to be submitted one year after the date for promulgation of final EPA conformity regulations. When that date passed without such promulgation, EPA's General Preamble for the implementation of Title I informed states that its conformity regulations would establish a submittal date [see 57 FR 13498, 13557 (April 16, 1992)].

The EPA promulgated final transportation conformity regulations on November 24, 1993 (58 FR 62188), 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 § 51.396 of the transportation conformity rule and § 51.851 of the general conformity rule, the State of Tennessee is required to submit SIP revisions containing transportation and general conformity criteria and procedures consistent with those established in the Federal rule by November 25, 1994 and December 1, 1994, respectively. Because the deadlines for these submittals had not come due at the time of the submission of the redesignation request, they are not applicable requirements under section 107(d)(3)(E)(V) and, thus, do not affect approval of this redesignation request.

b. Subpart 2 of Part D—Section 182

The CAA was amended on November 15, 1990, Pub. L. 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. EPA was required to classify O_3 nonattainment areas according to the severity of their problem. On November 6, 1991 (56 FR 56694), the Middle Tennessee area was designated as moderate O_3 nonattainment. Because the Middle Tennessee area is a moderate O_3 nonattainment area, it is required to have met the requirements of sections 182(a), (b), and (f) of the CAA. EPA has analyzed the SIP and determined which requirements have been met and for which requirements further action is required. In the instances where further action is required, SIP revisions meeting those requirements must be fully approved in order for EPA to find that all the applicable requirements of the CAA have been met. Thus, final approval of this redesignation is contingent upon the final approval of the additional SIP submittals described below.

(1) Section 182(a)(1)—Emissions Inventory

Section 182(a)(1) of the CAA required an inventory of all actual emissions from all sources, as described in section 172(c)(3) to be submitted by November 15, 1992. On November 15, 1993, the State submitted an emission inventory for the Middle Tennessee area. EPA is proposing to approve the inventory in this document. Final approval of this redesignation is contingent on final approval of the emissions inventory.

(2) Section 182(a)(2), 182(b)(2)—Reasonably Available Control Technology (RACT)

The 1990 CAA amended section 182(a)(2)(A), and Congress statutorily adopted the requirement that O_3 nonattainment areas correct their deficient RACT rules for O_3 (RACT Fix-ups). Areas designated nonattainment before amendment of the CAA and which retained that designation and were classified as marginal or above as of enactment are required to meet the RACT Fix-ups requirement. Under section 182(a)(2)(A), those areas were required by May 15, 1991, to correct RACT regulations as required under pre-amendment guidance.[1] The SIP call letters interpreted that guidance and indicated corrections necessary for specific nonattainment areas. The Middle Tennessee area was previously subject to RACT requirements for ozone. Therefore, this area is subject to the RACT Fix-ups requirement and the May 15, 1991, deadline. The State submitted revisions to the Tennessee SIP addressing the RACT Fix-ups to EPA on June 25, 1992, and March 22, 1993. EPA approved these revisions on April 18, 1994 (59 FR 18310).

The 1990 CAA also amended section 182(b)(2) which required RACT on all major sources of VOCs for O_3 nonattainment areas designated moderate and above (RACT Catch-ups) by November 15, 1992. The RACT Catch-ups provision required the State to submit a revision to the SIP to implement RACT on: (1) Each category of VOC sources in the area covered by a control technique guideline (CTG) document issued between the enactment of the 1990 CAA and the date of attainment (which is not an applicable requirement for purposes of this redesignation since the due date for these rules is November 15, 1994, a date after the submission of the redesignation request); (2) all VOC sources in the area covered by any CTG issued before the date of the 1990 CAA; and (3) all other major stationary sources of VOCs that are located in the area.

Tennessee submitted SIP revisions to correct deficiencies in the VOC regulations to EPA on May 18, 1993. The approval of these SIP revisions, including several revisions that were conditionally approved, was published in the Federal Register on February 27, 1995 (60 FR 10504). The approval became effective on April 28, 1995. Action to give final approval of the Tennessee RACT Catch-up provisions must be taken at the time or prior to final approval of this redesignation.

(3) Section 182(a)(3)—Emissions Statements

Section 182(a)(3) of the CAA required that the SIP be revised by November 15, 1992, to require stationary sources of oxides of nitrogen (NO_x) and VOCs to provide the State with a statement showing actual emission each year. Tennessee submitted SIP revisions to EPA on May 18, 1993, regarding the VOC emissions statements that were conditionally approved on February 27, 1995, and a pre-hearing revision regarding the NO_X emissions statements on October 17, 1994. The State has officially submitted revisions for approval in the Tennessee SIP that will satisfy the NO_X and VOC emissions statements requirement upon approval under a separate action. Final action regarding the Tennessee Emissions Statements regulations must be taken at the time or prior to final approval of this redesignation. Approval of this redesignation is contingent upon approval of the emissions statements regulations.

(4) Section 182(b)(1)—15% Progress Plans

Section 182(b)(1) of the CAA required states to submit a revision to the SIP by November 15, 1993, to provide for VOC emission reductions by November 15, 1996, of at least 15% from baseline emissions accounting for any growth in emissions after the date of enactment of the CAA. The State submitted a plan on November 12, 1993, which was found to be incomplete by EPA on April 1, 1994. However, the State of Tennessee submitted this redesignation request on November 14, 1994, which demonstrated that the Middle Tennessee area was monitoring attainment of the O_3 standard. Based on

[1] Among other things, the pre-amendment guidance consists of the VOC RACT portions of the Post-87 policy, 52 FR 45044 (Nov. 24, 1987); the Bluebook, ''Issues Relating to VOC Regulation Cutpoints, Deficiencies and Deviations, Clarification to Appendix D of November 24, 1987 Federal Register Notice'' (of which notice of availability was published in the Federal Register on May 25, 1988); and the existing Control Technology Guidelines (CTGs).

a memorandum dated May 10, 1995, from John S. Seitz, Director, Office of Air Quality Planning and Standards to the Regional Air Division Directors, entitled Reasonable Further Progress, Attainment Demonstration, and Related Requirements for Ozone Nonattainment Areas Meeting the Ozone National Ambient Air Quality Standard, EPA determined on June 22, 1995, effective August 7, 1995, that the Middle Tennessee area had attained the O_3 standard and that RFP and 15 percent plan requirements do not apply to the area for so long as the area does not monitor any violations of the O_3 standard.

(5) Section 182(b)(1)—New Source Review (NSR)

The CAA required all classified nonattainment areas to meet several requirements regarding NSR, including provisions to ensure that increased emissions of VOCs compounds will not result from any new or major source modifications and a general offset rule. The State submitted a NSR rule on August 17, 1994, to incorporate VOC and NO_X permit review requirements for new and modified sources in Tennessee's O_3 nonattainment areas. The revised permit requirements meet new offset ratios and additional provisions for moderate O_3 nonattainment areas. EPA approved this rule on February 10, 1995 (60 FR 7913), giving Tennessee a fully approved NSR program. (EPA notes that under the policy announced in the memorandum, ''Part D New Source Review (part D NSR) Requirements for Areas Requesting Redesignation to Attainment,'' dated October 14, 1994, from Mary D. Nichols to Air Division Directors 1–10, approval of the NSR submittal is not necessarily required for approval of a redesignation.)

In addition, EPA provided comments regarding proposed revisions to Tennessee's prevention of significant deterioration (PSD) rule on April 25, 1994. However, the State has not officially submitted these revisions for approval in the Tennessee SIP. Final action regarding the Tennessee PSD rule must be taken at the time or prior to final approval of this redesignation. Approval of this redesignation is contingent upon approval of the PSD rule.

(6) Section 182(b)(3)—Stage II

Section 182(b)(3) of the CAA required moderate areas to implement Stage II gasoline vapor recovery systems unless and until EPA promulgated onboard vapor recovery (OBVR) regulations. On January 24, 1994, EPA promulgated the OBVR rule. As section 202(a)(6) of the CAA provides that once the rule is promulgated, moderate areas are no longer required to implement Stage II. Thus, the Stage II vapor recovery requirement of section 182(b)(3) is no longer an applicable requirement. However, Tennessee submitted Stage II vapor recovery rules to EPA which were approved on February 9, 1995, with an effective date of April 10, 1995.

(7) Section 182(b)(4)—Motor Vehicle Inspection and Maintenance (I/M)

The CAA required all moderate and above areas to revise the SIP to include provisions necessary to provide for a vehicle inspection and maintenance (I/M) program. The State has the required legal authority for I/M, and EPA approved the program on July 28, 1995, with an effective date of September 26, 1995.

(8) Section 182(f)—Oxides of Nitrogen (NO_X) Requirements

Section 182(f) of the CAA requires states with areas designated nonattainment for O_3 and classified as moderate and above to impose the same control requirements for major stationary sources of NO_X as apply to major stationary sources of volatile organic compounds (VOCs). These control requirements, NO_X RACT and NO_X NSR, were to be submitted to EPA in a SIP revision by November 15, 1992. Tennessee submitted a request for an exemption from the 182(f) requirements on March 21, 1995. EPA is in the process of approving this exemption. Final action regarding the Tennessee 182(f) exemption must be taken at the time or prior to final approval of this redesignation. Approval of this redesignation is contingent upon approval of the 182(f) exemption.

In addition, NO_X reductions were obtained from two sources prior to the Middle Tennessee area attaining the O_3 standard. The State must submit the permits for approval by EPA, as well as any other permits or regulations from which the area obtained reductions in order to attain the O_3 standard or project maintenance of the standard. Final action regarding the Tennessee NO_X permits and regulations must be taken at the time or prior to final approval of this redesignation. Approval of this redesignation is contingent upon approval of the NO_X permits and regulations.

3. The Area Has a Fully Approved SIP Under Section 110(k) of the CAA

Based on the approval of provisions under the pre-amended CAA and EPA's prior approval of SIP revisions under the amended CAA, EPA has determined that Tennessee will have a fully approved O_3 SIP under section 110(k) for the moderate nonattainment area if EPA approves SIP submissions regarding the emissions inventory, emissions statements, VOC RACT catch-ups, and NO_X 182(f) exemption, permits, and regulations. Final action will be taken prior to or at the same time as final approval of this redesignation.

4. The Air Quality Improvement Must Be Permanent and Enforceable

Several control measures have come into place since the Middle Tennessee nonattainment area violated the O_3 NAAQS. Of these control measures, the reduction of fuel volatility to 9.5 psi in 1989, and finally to 7.8 psi beginning with the summer of 1992, as measured by the Reid Vapor Pressure (RVP), and fleet turnover due to the Federal Motor Vehicle Control Program (FMVCP) produced the most significant decreases in VOC emissions. The reduction in VOC emissions due to the mobile source regulations from 1990 to 1994 was 27.14 tons per day (28.6%).

In association with its emission inventory discussed below, the State of Tennessee has demonstrated that actual enforceable emission reductions are responsible for the air quality improvement and that the VOC emissions in the base year are not artificially low due to local economic downturn. EPA finds that the combination of existing EPA-approved state and federal measures contribute to the permanence and enforceability of reduction in ambient O_3 levels that have allowed the area to attain the NAAQS.

5. 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 document, EPA is proposing approval of the State of Tennessee's maintenance plan for the Middle Tennessee nonattainment area because

EPA finds that Tennessee's submittal meets the requirements of section 175A.

A. Emissions Inventory—Base Year Inventory

On November 15, 1993, the State of Tennessee submitted comprehensive inventories of VOC, NO_X, and CO emissions from the Middle Tennessee area. The inventories include biogenic, area, stationary, and mobile sources for 1990.

The State submittal contains the detailed inventory data and summaries by county and source category. Finally, this inventory was prepared in accordance with EPA guidance. However, Tennessee had not attained the O_3 standard during 1990. Therefore, 1994 will be used as the base year for this redesignation. A summary of the 1990 baseline inventories as well as the 1994 base year and projected maintenance year inventories is included in this document. This document proposes approval of the 1990 baseline inventory and the 1994 base year inventory for the Middle Tennessee area.

SUMMARY OF VOC EMISSIONS

[Tons per day]

	1990	1994	1996	1999	2002	2006
Point	45.87	41.48	38.34	40.98	43.60	47.08
Area	67.67	50.46	43.91	46.11	48.31	51.24
Non-Road	27.83	28.74	29.09	29.39	29.68	30.08
Mobile	94.77	67.63	56.27	53.43	52.90	53.17
Total	263.14	188.31	167.61	169.91	174.49	181.57

SUMMARY OF NO_X EMISSIONS

[Tons per day]

	1990	1994	1996	1999	2002	2006
Point	111.79	124.96	73.45	78.99	84.50	94.25
Area	15.12	14.56	15.03	15.78	16.54	17.54
Non-Road	29.24	30.19	30.67	31.44	32.20	33.22
Mobile	111.34	120.53	102.20	98.79	96.25	96.60
Total	267.49	290.24	221.35	225.00	229.31	241.61

SUMMARY OF CO EMISSIONS

[Tons per day]

	1990	1994	1996	1999	2002	2006
Point	20.43	21.54	22.12	23.13	24.13	25.43
Area	35.94	11.75	16.97	17.48	18.00	18.68
Non-Road	188.69	194.80	197.93	202.86	207.78	214.35
Mobile	720.68	614.24	458.63	413.08	401.31	407.97
Total	965.74	842.33	695.65	656.55	651.22	666.43

B. Demonstration of Maintenance—Projected Inventories

Total VOC and NO_X emissions were projected from 1990 out to 2006, with interim years of 1994, 1996, 1999, and 2002. These projected inventories were prepared in accordance with EPA guidance. The projections show that VOC and NO_X emissions are not expected to exceed the level of the base year inventory during this time period.

C. Verification of Continued Attainment

Continued attainment of the O_3 NAAQS in the Middle Tennessee area depends, in part, on the State's efforts toward tracking indicators of continued attainment during the maintenance period. The State has also committed to complete periodic inventories of VOC and NO_X emissions every five years. The contingency plan for the Middle Tennessee area is triggered by three indicators; a violation of the O_3 NAAQS, the monitored ambient levels of O_3 exceed 0.12 parts per million (ppm) more than once in any year at any site in the nonattainment area, or the level of total VOC or NO_X emissions has increased above the attainment level in 1994 by ten percent or more.

D. Contingency Plan

The level of VOC and NO_X emissions in the Middle Tennessee area will largely determine its ability to stay in compliance with the O_3 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. Therefore, Tennessee has provided contingency measures with a schedule for implementation in the event of a future O_3 air quality problem. In the case of a violation of the O_3 NAAQS, the plan contains a contingency to implement additional control measures such as lower Reid Vapor Pressure for gasoline, lowering the threshold of applicability for major stationary VOC and NO_X sources from 100 tons per year (tpy) to 50 tpy, and application of RACT on sources covered by new CTG categories. A complete description of these contingency measures and their triggers can be found in the State's submittal. EPA finds that the contingency measures provided in the State submittal meet the requirements of section 175A(d) of the CAA.

E. Subsequent Maintenance Plan Revisions

In accordance with section 175A(b) of the CAA, the State of Tennessee has agreed to submit a revised maintenance SIP eight years after the area is redesignated to attainment. Such

revised SIP will provide for maintenance for an additional ten years.

Proposed Action

EPA proposes approval of the State of Tennessee's request to redesignate to attainment the Middle Tennessee O3 nonattainment area, and the Middle Tennessee and maintenance plan contingent upon a full and final approval of the outstanding requirements discussed above (emissions inventory, RACT catch-ups, emissions statements, and NO_X requirements). EPA also proposes to approve the 1990 baseline inventory and the 1994 base year inventory for the Middle Tennessee nonattainment area.

The OMB has exempted these actions from review under Executive Order 12866.

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a 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.

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 state implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under section 107(d)(3)(E) of the CAA. These rules may bind State, local and tribal governments to perform certain actions and also require the private sector to perform certain duties. EPA has examined whether the rules being proposed for approval by this action would impose any new requirements. Since such sources are already subject to these regulations under State law, no new requirements are imposed by this proposed approval. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action, and therefore there will be no significant impact on a substantial number of small entities.

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *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.

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.

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: June 13, 1996.

A. Stanley Meiburg,

Acting Regional Administrator.

[FR Doc. 96–16022 Filed 6–21–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 70

[MI001; FRL–5524–6]

Proposed Interim Approval of the Operating Permits Program; Michigan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed interim approval.

SUMMARY: The EPA proposes interim approval of the Operating Permits Program submitted by the State of Michigan for the purpose of complying with Federal requirements for an approvable State program to issue operating permits to all major stationary sources, and to certain other sources, with the exception of sources on Indian lands.

DATES: Comments on this proposed action must be received in writing by July 24, 1996.

ADDRESSES: Written comments should be addressed to: Robert Miller, Chief, Permits and Grants Section (AR–18J), EPA, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State's submittal and other supporting information used in developing the proposed interim approval are available for inspection during normal business hours at the following location: EPA Region 5, Air and Radiation Division (AR–18J), 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Beth Valenziano, Permits and Grants Section (AR–18J), EPA, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–2703. E-mail address: valenziano.beth@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

A. Introduction

As required under title V of the Clean Air Act (Act) as amended (1990), EPA has promulgated rules which define the minimum elements of an approvable State operating permits program and the corresponding standards and procedures by which EPA will approve, oversee, and withdraw approval of State operating permits programs. See 57 FR 32250 (July 21, 1992). These rules are codified at 40 Code of Federal Regulations (CFR) part 70. Title V requires States to develop, and submit to EPA, programs for issuing these operating permits to all major stationary sources and to certain other sources.

The Act requires that States develop and submit these programs to EPA by November 15, 1993, and that EPA act to approve or disapprove each program within 1 year after receiving the submittal. If the State's submission is materially changed during the 1-year review period, 40 CFR 70.4(e)(2) allows EPA to extend the review period for no more than 1 year following receipt of the additional material. The EPA received material changes to Michigan's May 16, 1995 submittal on July 20, 1995, and therefore considers EPA's review period to begin from the latter date.

The EPA's program review occurs pursuant to section 502 of the Act and the part 70 regulations, which together outline criteria for approval or disapproval. Where a program substantially, but not fully, meets the requirements of part 70, EPA may grant the program interim approval for a period of up to 2 years. If EPA has not fully approved a program by 2 years after the November 15, 1993 date, or by the end of an interim program, it must establish and implement a Federal program.