

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 52 and 81**

[WA51-7124a; FRL-5613-3]

Approval and Promulgation of Implementation Plans and Redesignation of Puget Sound, Washington for Air Quality Planning Purposes: Ozone**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Direct final rule.

SUMMARY: The EPA is announcing its determination that the Puget Sound (parts of King, Pierce, and Snohomish Counties) Ozone Nonattainment area has attained the public health-based National Ambient Air Quality Standard (NAAQS) for ozone (O₃). This determination is based upon three years of complete, quality-assured, ambient air monitoring data for the 1991 to 1993 ozone seasons that demonstrate that the ozone NAAQS has been attained. The EPA is also approving the redesignation to attainment of the Puget Sound Area and the associated maintenance plan.

DATES: This action will be effective November 25, 1996 unless adverse or critical comments are received by October 28, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be addressed to: Montel Livingston, SIP Manager, Office of Air Quality (OAQ-107), EPA, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Stephanie Cooper, Office of Air Quality, EPA Region 10, 1200 6th Avenue, Seattle, WA 98101, (206) 553-6917.

SUPPLEMENTARY INFORMATION:**I. Background**

On November 15, 1990, the Clean Air Act Amendments of 1990 (CAA) were enacted. (Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q.) Under section 107(d)(1) of the CAA, in conjunction with the Governor of Washington, EPA designated the Puget Sound Area as nonattainment because the area violated the ozone standard during the period from 1989-1991. The Puget Sound Area, which includes lands within the Puyallup, Tulalip, Muckleshoot, Stillaguamish, and Nisqually Reservations, was classified as "marginal" under section 181(a)(1) of the CAA.

The Puget Sound Area has ambient monitoring data that show no violations of the ozone NAAQS during the period

from 1991 to the present. On January 28, 1993 the State of Washington submitted a State Implementation Plan (SIP) for compliance with the ozone NAAQS. Public hearings were held respectively in Vancouver, SeaTac, and Spokane on November 9, 10, and 12, 1992. Also, the State submitted an Ozone Maintenance Plan and Redesignation Request on March 4, 1996. A public hearing was held in Seattle on October 26, 1995.

II. Review of the State Submittal

The Puget Sound redesignation request for the nonattainment areas meets the five requirements of section 107(d)(3)(E) of the CAA for redesignation to attainment. EPA also finds that information and requirements provided in the WDOE redesignation request and maintenance plan for the Puget Sound nonattainment area demonstrate that the 107(d)(3)(E) of the CAA requirements have been met for the affected tribal lands which include portions of the Stillaguamish Reservation, Nisqually Reservation, Tulalip Reservation, Puyallup Reservation and Muckleshoot Reservation. The Agency has not determined whether it is bound to follow the formal requirements of section 107(d)(3)(E) of the CAA when taking such redesignation actions for tribal lands. The action to redesignate tribal lands to attainment is being taken today without answering that question because information submitted by WDOE satisfies each required element for redesignation.

The following is a brief description of how each of the requirements of section 107(d)(3)(E) of the CAA is met. 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.

A. The Area Must Have Attained the O₃ NAAQS

The State of Washington's redesignation 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. The most recent ambient air quality monitoring data for calendar year 1991 through calendar year 1995 show an expected exceedance rate of less than 1.0 per year of the ozone NAAQS in the Puget Sound area. Because the Puget Sound area has complete quality-assured data showing no violations of the standard over the most recent consecutive three-calendar-year period, the area has met the first statutory criterion of attainment of the ozone NAAQS. There are four ambient

O₃ monitoring stations in the Puget Sound nonattainment area, and the State of Washington has committed to continue monitoring this area in accordance with 40 CFR part 58.

B. The Area Has Met All Applicable Requirements Under Section 110, and Part D of the Act**1. Section 110 Requirements**

Although section 110 was amended in 1990 (CAAA or the Act), the Washington SIP approved by EPA for the ozone marginal nonattainment areas 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.

2. Part D Requirements

Before the nonattainment areas may be redesignated to attainment, they 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 non-classifiable. Subpart 2 of part D establishes additional requirements for O₃ nonattainment areas classified under table 1 of section 181(a).

(a). Subpart 1 of Part D. The State of Washington currently has a fully approved New Source Review (NSR) program which was last revised and approved June 2, 1995 (60 FR 28726). Upon redesignation of the Puget Sound area to attainment, the Prevention of Significant Deterioration (PSD) provisions contained in part C of title I are applicable. EPA's PSD regulations in 40 CFR 52.21 will apply to the Puget Sound area.

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. of 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 40 CFR § 51.396 of the transportation conformity rule, the WDOE 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, pursuant to 40 CFR 51.851 of the general conformity rule, the WDOE 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. The WDOE submitted its transportation conformity SIP revision to EPA on December 1, 1995. This SIP has not been fully approved by EPA. The WDOE has not submitted its general conformity SIP revision.

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, the 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, EPA has modified its national policy regarding the interpretation of the provisions of section 107(d)(3)(E) concerning the applicable requirements for purposes of reviewing an ozone redesignation request. (See 61 FR 2918, January 30, 1996). Under this policy, for the reasons just discussed, EPA believes that the ozone redesignation request for the Puget Sound area may be approved notwithstanding the lack of submitted and approved state transportation and general conformity rules.

(b) *Subpart 2 of Part D.* The CAA was amended on November 15, 1990, Public Law 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q. EPA was required to classify O₃ nonattainment areas according to the severity of their problem. The Puget Sound area (parts of King, Pierce, and Snohomish Counties) was designated as marginal O₃ nonattainment. Because this area is marginal, the area must meet the requirements of section 182(a) of the CAA. EPA has analyzed the SIP and determined that it is consistent with the requirements of amended section 182. Below is a summary of how the area has met the requirements of these sections.

(i) *Emissions Inventory.* The CAA required an inventory of all actual emissions from all sources, as described in section 172(c)(3) by November 15, 1992. As part of the redesignation request submitted on March 4, 1996, WDOE submitted a base year 1993 emission inventory for the Puget Sound area. With this notice, EPA is approving the base year inventory for the Puget Sound area.

(ii) *Reasonably Available Control Technology (RACT).* The CAA also amended section 182(a)(2)(A), in which Congress statutorily adopted the requirement that O₃ nonattainment areas fix their deficient Reasonably Available Control Technology (RACT) rules for O₃. 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-up requirement. The Puget Sound area was designated nonattainment after 1990, and therefore, this area is not subject to the RACT fix-up requirement.

(iii) *Emissions Statements.* 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

emissions each year. The WDOE submitted an Emission Statement program as part of its O₃ SIP on January 28, 1993, and EPA approved the program on November 14, 1994.

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

EPA has determined that Washington has a fully approvable O₃ SIP under section 110(k) for the ozone marginal nonattainment areas, which also meets the applicable requirements of section 110 and part D as discussed above.

D. The Air Quality Improvement Must Be Permanent and Enforceable

Several control measures have been put into place since the nonattainment area violated the O₃ NAAQS. One control measure is the improvement in tailpipe emissions associated with the Federal Motor Vehicle Control Program (FMVCP). This program reduces VOC and NO_x emissions as newer, cleaner vehicles replace older, high emitting vehicles. Additionally, in 1993 the state expanded and intensified its vehicle inspection and maintenance (I/M) program. Implementation of this control measure has led to additional reductions in emissions. This I/M program meets EPA's low enhanced performance standard.

In association with the emission inventory discussed below, the State of Washington has demonstrated that actual enforceable emission reductions are responsible for the recent air quality improvement.

E. The Area Must Have a Fully Approved Maintenance Plan Pursuant to Section 175A of the CAA

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 Washington's maintenance plan for the Puget Sound marginal nonattainment area because EPA finds that the submittal meets the requirements of section 175A.

1. Emissions Inventory—Base Year Inventory

Along with the submittal of the redesignation request and maintenance plan, Washington submitted comprehensive O₃ emission inventories for the base year and subsequent years for the Puget Sound area on March 4, 1996. The inventories included biogenic, area, stationary, and mobile sources using 1993 as the base year for calculations to demonstrate maintenance. The 1993 inventory is considered representative of attainment

conditions because the NAAQS was not violated during that year.

The State of Washington submittal contains the detailed inventory data and summaries by county and source category. This inventory was compiled in accordance with EPA guidance. A summary of the base year and projected maintenance year inventories are shown for VOCs and NO_x in the following tables.

2. Demonstration of Maintenance—Projected Inventories

On March 4, 1996, the State of Washington submitted the Central Puget

Sound Ozone Nonattainment Area 1993–2010 Emission Inventory Projections. Total VOC, NO_x, and CO emissions were projected from the 1993 base year out to 2010. These projected inventories were prepared in accordance with EPA guidance. Refer to EPA's Technical Support Document (TSD) (located in docket WA51–7124) prepared for this notice for more details regarding the projected inventory for the Puget Sound area.

PUGET SOUND VOC EMISSION INVENTORY SUMMARY
[Tons per summer day]

	1993 base year	1995	1998	2001	2005	2007	2010
On-road	248.20	222.22	191.42	174.05	165.31	164.00	159.83
Non-road	136.00	136.00	143.80	142.10	133.10	131.10	131.60
Stationary Area	148.63	118.68	121.47	124.18	128.46	131.20	134.32
Point	31.49	20.24	20.24	20.24	20.24	20.24	20.24
Biogenic	291.25	291.25	291.25	291.25	291.25	291.25	291.25
Totals	855.57	788.39	768.18	751.82	738.36	737.79	737.24

PUGET SOUND NO_x EMISSION INVENTORY SUMMARY
[Tons per summer day]

	1993 base year	1995	1998	2001	2005	2007	2010
On-road	279.30	266.03	245.24	235.91	228.26	223.13	217.67
Non-road	79.90	80.80	87.50	88.90	91.00	93.10	97.60
Stationary Area	19.26	19.55	18.41	17.61	17.62	17.75	17.85
Point	24.31	24.31	24.31	24.31	24.31	24.31	24.31
Totals	402.77	390.69	375.46	366.73	361.19	358.29	357.43

As indicated in the following table, an emissions decrease in VOCs and NO_x in the Puget Sound nonattainment area is projected throughout the maintenance period. EPA believes that these emissions projections demonstrate that the Puget Sound nonattainment area will continue to maintain the O₃ NAAQS.

VOC AND NO_x PROJECTED EMISSIONS CHANGES (1993–2010)
[In percent]

	VOCs	NO _x
Puget Sound	-13.80	-11.25

3. Verification of Continued Attainment

Continued attainment of the O₃ NAAQS in the marginal nonattainment areas depends, in part, on the State of Washington's efforts toward tracking

indicators of continued attainment during the maintenance period. On an annual basis the Department of Ecology will analyze the most recent three consecutive years of ambient ozone data to verify continued attainment of the NAAQS for ozone. Additionally, a First Implementation Phase Report will be published in 1998 to chronicle the results of in-use vehicle emissions projects and research activities related to the Maintenance Plan.

4. Contingency Plan

The level of VOC and NO_x emissions in the nonattainment area will largely determine its ability to stay in compliance with the O₃ NAAQS in the future. Despite the State of Washington's best efforts to demonstrate continued compliance with the NAAQS, the ambient air pollutant concentrations may exceed or violate the NAAQS.

Therefore, the State of Washington has provided contingency measures with a schedule for implementation in the event of a future O₃ air quality problem. The plan contains two tiers of contingency measures. The first tier involves improving the existing motor vehicle inspection and maintenance (I/M) program (within the current statutory authority of the Department of Ecology) to reduce VOC vehicle emissions. The I/M improvements will be triggered if the ozone standard is exceeded three times at any one permanent monitoring site over two consecutive calendar years, or in the event of a quality assured ozone standard violation. The measure will be implemented no later than June 15th of the year following the three exceedances or the violation.

The second tier contingency measure is a mandatory reduction in gasoline

volatility, which will decrease the emission of volatile organic compounds. The measure would be triggered pending a measured ozone violation. If triggered, the measure would require all gasoline made available for sale in King, Pierce, and Snohomish Counties between June 15 and September 15 to have a Reid Vapor Pressure (RVP) of 7.8 psi. If both triggers and hence both contingency measures are activated, the Ozone Maintenance Plan will be amended to include one or more new contingency measures.

EPA finds that the contingency measures provided in the State of Washington's submittal meet the requirements of section 175A(d) of the CAA.

5. Subsequent Maintenance Plans Revisions

In accordance with section 175A(b) of the CAA, the State of Washington is required to submit a revised maintenance SIP eight years after the marginal nonattainment areas redesignate to attainment. Such a revised SIP will provide for an additional ten years maintenance.

III. Final Action

EPA is approving the Puget Sound nonattainment area's O₃ maintenance plan because it meets the requirements of section 175A of the CAA. The EPA is redesignating the Puget Sound O₃ nonattainment area to attainment for O₃ because the State of Washington has demonstrated compliance with the requirements of section 107(d)(3)(E) of the CAA for redesignation. In addition, EPA, after consultation with the affected tribal governments, is redesignating to attainment those areas in the Puget Sound ozone nonattainment area that are located within the Tulalip Reservation, the Stillaguamish Reservation, the Puyallup Reservation, the Nisqually Reservation, and the Muckleshoot Reservation. The Agency believes that the redesignation requirements are effectively satisfied here because of information provided by WDOE and requirements contained in the WDOE SIP and Maintenance Plan. Additionally, EPA is approving the 1993 base year emission inventory for the Puget Sound nonattainment area.

The O₃ SIP is designed to satisfy the requirements of part D of the CAA and to provide for attainment and maintenance of the O₃ NAAQS. This final redesignation should not be interpreted as authorizing the State of Washington to delete, alter, or rescind any of the VOC or NO_x emission limitations and restrictions contained in the approved O₃ SIP. Changes to O₃ SIP

VOC 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(b) of the CAA) and in a SIP deficiency call made pursuant to section 110(a)(2)(H) of the CAA.

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 November 25, 1996 unless, by October 28, 1996, 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 notice that will withdraw the final action. All public comments received will 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 November 25, 1996.

Nothing in this action should be construed as permitting or 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.

IV. Administrative Requirements

A. Executive Order 12866

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

B. Regulatory Flexibility Act

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

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

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. I certify that the approval of the redesignation request will not affect a substantial number of small entities.

C. Unfunded Mandates

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

EPA has determined that the 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.

D. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

E. Petitions for Judicial 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 November 25, 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 action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2), 42 U.S.C. 7607(b)(2)).

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Ozone, Volatile organic compounds.

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Note: Incorporation by reference of the Implementation Plan for the State of Washington was approved by the Director of the Office of Federal Register on July 1, 1982.

Dated: September 16, 1996.

Chuck Clarke,
Regional Administrator.

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 WW—Washington

2. Section 52.2470 is amended by adding paragraph (c)(66) to read as follows:

§ 52.2470 Identification of plan.

* * * * *

(c) * * *

(66) On March 4, 1996 the Director of WDOE submitted to the Regional Administrator of EPA a revision to the Ozone State Implementation Plan for the Puget Sound area requesting the Puget Sound Nonattainment Area be reclassified to attainment and containing a maintenance plan that demonstrates continued attainment of

the NAAQS for ozone. The emission inventory projections are included in the maintenance plan.

(i) Incorporation by reference.

(A) Letter submitted on March 4, 1996 from the Washington State Department of Ecology requesting the redesignation and submitting the maintenance plan; Central Puget Sound Region Redesignation Request and Maintenance Plan for the National Ambient Ozone Standard adopted on February 6, 1996.

(ii) Additional material.

(A) Appendices to the Central Puget Sound Region Redesignation Request and Maintenance Plan for the National Ambient Ozone Standard, November 1995: Appendix A, Technical Analysis Protocol; Appendix B, Ozone Air Quality Monitoring Site Network; Appendix C, Ambient Ozone Monitoring Data; Appendix D, Historical and Projected Puget Sound Region VMT and Employment; Appendix E, 1993-2010 Emission Inventory Projection; Appendix F, Transportation Conformity Process; Appendix G, Outline of Puget Sound Tropospheric Ozone Research Plan; and Appendix H, Prospective Vehicle Inspection and Maintenance (Vehicle I/M) Program Evaluation Outline.

PART 81—[AMENDED]

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

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

2. In § 81.348, the table for "Washington-Ozone" is amended by revising the entry for Seattle-Tacoma Area to read as follows:

§ 81.348 Washington.

* * * * *

WASHINGTON—OZONE

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type

* * * * *
Seattle-Tacoma Area:

WASHINGTON—OZONE—Continued

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
The following boundary includes all of Pierce County, and all of King County except a small portion on the north-east corner and the western portion of Snohomish County: Starting at the mouth of the Nisqually river extend northwesterly along the Pierce County line to the southernmost point of the west county line of King County; thence northerly along the county line to the southernmost point of the west county ling of Snohomish County; thence northerly along the county line to the intersection with SR 532; thence easterly along the north line of SR 532 to the intersection of I-5, continuing east along the same road now identified as Henning Rd., to the intersection with SR 9 at Bryant; thence continuing easterly on Bryant East Rd. and Rock Creek Rd., also identified as Grandview Rd., approximately 3 miles to the point at which it is crossed by the existing BPA electrical transmission line; thence southeasterly along the BPA transmission line approximately 8 miles to point of the crossing of the south fork of the Stillaguamish River; thence continuing in a southeasterly direction in a meander line following the bed of the River to Jordan Road; southerly along Jordan Road to the north city limits of Granite Falls; thence following the north and east city limits to 92nd St. N.E. and Menzel Lake Rd.; thence south-southeasterly along the Menzel Lake Rd. and the Lake Roesiger Rd. a distance of approximately 6 miles to the northernmost point of Lake Roesiger; thence southerly along a meander line following the middle of the Lake and Roesiger Creek to Woods Creek; thence southerly along a meader line following the bed of the Creek approximately 6 miles to the point the Creek is crossed by the existing BPA electrical transmission line; thence easterly along the BPA transmission line approximately 0.2 miles; thence southerly along the BPA Chief Joseph-Covington electrical transmission line approximately 3 miles to the north line of SR 2; thence southeasterly along SR 2 to the intersection with the east county line of King County; thence south along the county line to the northernmost point of the east county line of Pierce County; thence along the county line to the point of beginning at the mouth of the Nisqually River.	[Insert date 60 days from date of publication]	Attainment		
*	*	*	*	*

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

[FR Doc. 96-24529 Filed 9-25-96; 8:45 am]
BILLING CODE 6560-50-P

40 CFR Part 300

[FRL-5614-7]

National Oil and Hazardous Substance Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of the McChord AFB (Wash Rack/Treatment) site located in Pierce County, Tacoma, Washington, from the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the McChord AFB (Wash Rack/Treatment) site, located in Pierce County, Tacoma, Washington, from the National Priorities List. The NPL is

Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Contingency Plan (NCP) which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended (CERCLA). EPA and the State of Washington have determined that no further cleanup under CERCLA is appropriate and that the selected remedy has been protective of public health, welfare and the environment.

EFFECTIVE DATE: September 26, 1996.

FOR FURTHER INFORMATION CONTACT: Kathleen Stryker, Site Manager, U.S. Environmental Protection Agency, Region 10, 1200 6th Avenue, ECL-115, Seattle, WA 98101, (206) 553-1171.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: McChord AFB (Wash Rack/Treatment), Pierce County, Tacoma, Washington.

A Notice of Intent to Delete for the site was published July 22, 1996 (61 FR 37877). The closing date for comments was August 21, 1996. McChord Air Force base received three inquiries regarding the delisting. Responses to these inquiries are documented in a responsiveness summary which is available in the public information repositories.

EPA identifies sites which appear to present a significant risk to public health, welfare and the environment and it maintains the NPL as the list of those sites. Any site deleted from the NPL remains eligible for remedial actions in the unlikely event that conditions at the site warrant such action. Deletion of a site from the NPL does not affect responsible party liability or impede Agency efforts to recover costs associated with response efforts.