

resumption of Federal enforcement, and/or proceedings for withdrawal of plan approval.

§ 1952.156 Where the plan may be inspected.

A copy of the principal documents comprising the plan may be inspected and copied during normal business hours at the following locations:

Office of State Programs, Directorate of Federal-State Operations, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N3700, Washington, DC 20210;

Office of the Regional Administrator, Occupational Safety and Health Administration, U.S. Department of Labor, 1375 Peachtree Street, NE, Suite 587, Atlanta, Georgia 30367; and

North Carolina Department of Labor, Division of Occupational Safety and Health, 319 Chapanoke Road—Suite 105, Raleigh, North Carolina 27603-3432.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[ID5-2-7075a; FRL-5665-1]

Clean Air Act Promulgation of Reclassification of PM-10 Nonattainment Areas in Idaho

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: This action identifies those nonattainment areas in the State of Idaho which have failed to attain the National Ambient Air Quality Standards (NAAQS) for particulate matter with an aerodynamic diameter of less than or equal to ten micrometers (PM-10) by the applicable attainment date of December 31, 1995. This action also grants a second one-year extension to the attainment date for the Power-Bannock Counties PM-10 nonattainment in Idaho.

DATES: This action is effective on February 18, 1997, unless adverse or critical comments are received by January 17, 1997. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments on this action should be addressed to Montel Livingston, SIP Manager, EPA, Office of Air Quality, 1200 Sixth Avenue, Seattle Washington, 98101. Copies of the documents relevant to this action are available for public inspection during

normal business hours at the same address.

FOR FURTHER INFORMATION CONTACT: Steven K. Body, EPA, Office of Air Quality, 1200 Sixth Avenue, Seattle, Washington, 98101.

SUPPLEMENTARY INFORMATION:

I. Background

A. CAA Requirements Concerning Designation and Classification

Areas meeting the requirements of section 107(d)(4)(B) of the Act¹ were designated nonattainment for PM-10 by operation of law and classified "moderate" upon enactment of the 1990 Clean Air Act Amendments. See generally, 42 U.S.C. section 7407(d)(4)(B). These areas included all former Group I PM-10 planning areas identified in 52 FR 29383 (August 7, 1987) as further clarified in 55 FR 45799 (October 31, 1990), and any other areas violating the National Ambient Air Quality Standards (NAAQS) for PM-10 prior to January 1, 1989.² A Federal Register notice announcing the areas designated nonattainment for PM-10 upon enactment of the 1990 Amendments, known as "initial" PM-10 nonattainment areas, was published on March 15, 1991 (56 FR 11101) and a subsequent Federal Register notice correcting the description of some of these areas was published on August 8, 1991 (56 FR 37654). See 56 FR 56694 (November 6, 1991) and 40 CFR 81.313 (codified air quality designations and classifications for the State of Idaho). All initial moderate PM-10 nonattainment areas had the same applicable attainment date of December 31, 1994. Section 188(d) provides the Administrator the authority to grant two one-year extensions to the attainment date provided certain requirements are met as described below.

States containing initial moderate PM-10 nonattainment areas were required to develop and submit to EPA by November 15, 1991, a SIP revision providing for, among other things, implementation of reasonably available control measures (RACM), including reasonably available control technology (RACT), and a demonstration of whether attainment of the PM-10 NAAQS by the December 31, 1994 attainment date was practicable. See section 189(a).

¹The 1990 Amendments to the Clean Air Act made significant changes to the Act. See Public Law 101-549, 104 Stat. 2399. References herein are to the Clean Air Act as amended ("Act" or "CAA"), which is codified at 42 U.S.C. 7401 *et seq.*

²Many of these other areas were identified in footnote 4 of the October 31, 1990 Federal Register notice.

B. Attainment Determinations

All PM-10 nonattainment areas are initially classified "moderate" by operation of law when they are designated nonattainment. See section 188(a). Pursuant to sections 179(c) and 188(b)(2) of the Act, EPA has the responsibility of determining within six months of the applicable attainment date whether PM-10 nonattainment areas have attained the NAAQS. Determinations under section 179(c)(1) of the Act are to be based upon an area's "air quality as of the attainment date." Section 188(b)(2) is consistent with this requirement. Generally, EPA will determine whether an area's air quality is meeting the PM-10 NAAQS for purposes of section 179(c)(1) and 188(b)(2) based upon data gathered at established State and Local Monitoring Stations (SLAMS) in the nonattainment area and entered into the Aerometric Information Retrieval System (AIRS). Data entered into the AIRS has been determined by EPA to meet federal monitoring requirements (see 40 CFR 50.6 and appendix J, 40 CFR part 53, 40 CFR part 58 appendix A & B) and may be used to determine attainment status of areas. EPA will also consider air quality data from other air monitoring stations in the nonattainment area provided that it meets the federal monitoring requirements for SLAMS. All data will be reviewed to determine the area's air quality status in accordance with EPA guidance at 40 CFR part 50, appendix K.

Attainment of the annual PM-10 standard is achieved when the annual arithmetic mean PM-10 concentration over a three year period (for example, 1993, 1994, 1995 for areas with a December 31, 1995 attainment date) is equal to or less than 50 micrograms per cubic meter (ug/m³). Attainment of the 24-hour standard is determined by calculating the expected number of days in a year with PM-10 concentrations greater than 150 ug/m³. The 24-hour standard is attained when the expected number of days with levels above 150 ug/m³ (averaged over a three year period) is less than or equal to one (1.0). Three consecutive years of air quality data is generally necessary to show attainment of the 24-hour and annual standard for PM-10. See 40 CFR part 50 and appendix K.

C. Reclassification to Serious

A PM-10 nonattainment area may be reclassified to "serious," which requires new air quality planning obligations, in one of two ways. First, EPA has general discretion to reclassify a moderate PM-10 area to serious if at any time EPA

determines the area cannot practicably attain the PM-10 standard by the applicable attainment date. See section 188(b)(1). EPA bases its decisions to reclassify an area as serious before the attainment date on special facts or circumstances related to the affected nonattainment area which demonstrate that the area cannot practicably attain the standard by the applicable attainment date.

Second, under section 188(b)(2) of the Act, a moderate area will be reclassified as serious by operation of law if EPA finds that the area is not in attainment by the applicable attainment date. Pursuant to section 188(b)(2)(B) of the Act, EPA must publish a Federal Register notice within six months after the applicable attainment date identifying those areas which have failed to attain the standard and are reclassified to serious by operation of law. See section 188(b)(2); see also section 179(c)(1).

D. Extension of the Attainment Date

The Act provides the Administrator the discretion of granting a one-year extension to the attainment date for a moderate PM-10 nonattainment area provided certain criteria are met. See section 188(d). If an area does not have the necessary number of consecutive years of clean data to show attainment of the NAAQS, a State may apply for up to two one-year extensions of the attainment date for such area. The statute sets forth two criteria a moderate nonattainment area must satisfy in order to obtain an extension: (1) The State has complied with all the requirements and commitments pertaining to the area in the applicable implementation plan; and (2) the area has no more than one exceedance of the 24-hour PM-10 standard in the year preceding the extension year, and the annual mean concentration of PM-10 in the area for the year preceding the extension year is less than or equal to the standard. See section 188(d).

The authority delegated to the Administrator to extend attainment dates for moderate PM-10 nonattainment areas is discretionary. Section 188(d) of the Act provides that the Administrator "may" extend the attainment date for areas that meet the minimum requirements specified above. The provision does not dictate or compel that EPA grant extensions to such areas.

In exercising this discretionary authority for PM-10 nonattainment areas, EPA will examine the air quality planning progress made in the moderate area. EPA will be disinclined to grant an attainment date extension unless a State

has, in substantial part, addressed its moderate PM-10 nonattainment area planning obligations. In order to determine whether the State has substantially met these planning requirements the EPA will review the States application for the attainment date extension to determine whether the State has: (1) Adopted and substantially implemented control measures that represent RACM/RACT in the moderate nonattainment area; and (2) demonstrated that the area has made emission reductions amounting to reasonable further progress (RFP) toward attainment of the PM-10 NAAQS as defined in section 171(1) of the Act. RFP for PM-10 nonattainment areas is defined in section 171(1) of the Act as annual incremental emission reductions to ensure attainment of the applicable NAAQS (PM-10) by the applicable attainment date.

If the State does not have the requisite number of years of clean air quality data to show attainment and does not apply or qualify for an attainment date extension, the area will be reclassified to serious by operation of law under section 188(b)(2) of the Act. If an extension to the attainment date is granted, at the end of the extension year EPA will again determine whether the area has attained the PM-10 NAAQS. If the requisite three consecutive years of clean air quality data needed to determine attainment are not met for the area, the State may apply for a second one-year extension of the attainment date. In order to qualify for the second one-year extension of the attainment date, the State must satisfy the same requirements listed above for the first extension. EPA will also consider the State's PM-10 planning progress for the area in the year for which the first extension was granted. If a second extension is granted and the area does not have the requisite three consecutive years of clean air quality data needed to demonstrate attainment at the end of the second extension, no further extensions of the attainment date can be granted and the area will be reclassified serious by operation of law. See section 188(d).

II. Summary of Today's Action

In today's action, EPA is announcing its determination that the Power-Bannock Counties PM-10 nonattainment area has failed to attain the PM-10 NAAQS by the applicable attainment date of December 31, 1995. As discussed below, this determination is based upon air quality data which has revealed violations of the PM-10 NAAQS during the period from 1993 to 1995.

This action also serves to announce that the State of Idaho has requested a second one-year extension to the PM-10 attainment date for the Power-Bannock Counties PM-10 nonattainment area. EPA has reviewed the extension request and is, with this notice, granting the second one-year extension of the attainment date for the Power-Bannock Counties nonattainment area. As discussed below, this determination is based upon available air quality data and a review of the State's continuing progress in implementing the planning requirements that apply to moderate PM-10 nonattainment areas.

A. Power-Bannock Counties PM-10 Nonattainment Area

The Power-Bannock Counties PM-10 nonattainment area is comprised of State lands within portions of both Power and Bannock Counties and both trust and fee lands within a portion of the exterior boundaries of the Fort Hall Indian Reservation. The State of Idaho operates four PM-10 SLAMS monitoring sites in the Power-Bannock Counties PM-10 nonattainment area, all of which are on State lands. Data from these State sites have been deemed valid by EPA and have been submitted by the State of Idaho to be included in the AIRS operated by EPA. The Shoshone-Bannock Tribes established a monitoring station in February 1995, but validated data is not available at this time.

On May 6, 1996 EPA granted a one year extension to the attainment date for the Power-Bannock Counties PM-10 nonattainment area based on a request by the State of Idaho (61 FR 20730, May 6, 1996). The applicable attainment date for the Power-Bannock Counties PM-10 nonattainment area is, therefore, December 31, 1995.

1. Air Quality Data

Whether an area has attained the PM-10 NAAQS is based exclusively upon measured air quality levels over the most recent and complete three calendar year period. See 40 CFR part 50 and appendix K. For areas with an attainment date of December 31, 1995, this three year period covers calendar years 1993, 1994 and 1995. Data from calendar year 1995 is also used in determining whether an area, with a December 31, 1995 attainment date, meets the air quality criteria for granting a second one-year extension to the attainment date under section 188(d).

A review of the data reported for these SLAMS sites for the calendar years 1993, 1994 and 1995 shows no violations of the annual PM-10 standard at any of the SLAMS sites in the Power-

Bannock Counties PM-10 nonattainment area. A violation of the 24-hour NAAQS was recorded at two monitoring sites on January 7, 1993. As a result of the one-in-every six day sampling frequency at each of these sites, the expected exceedance for the 1993 calendar year at the SLAMS sites is 6.0. No measured values above the level of the 24-hour NAAQS were reported in 1994 or 1995. Therefore, the three year average (1993, 1994, 1995) expected exceedance rate at the SLAMS sites is 2.0.

Private industry in the Power-Bannock Counties PM-10 nonattainment area funded and operated a seven station monitoring network in a portion of the nonattainment. The monitoring stations were located to measure maximum impacts from the phosphate industry and were located adjacent to the "industrial complex". Several monitoring sites were also established to assess population exposure and background concentrations. This network collected PM-10 air quality data for one year, from October 1, 1993 through September 30, 1994.

Data from this special purpose network has been submitted to EPA to support the air pathways risk assessment for the Eastern Michaud Flats (EMF) Superfund site. All of the EMF superfund monitoring sites are located within the Power-Bannock Counties PM-10 nonattainment area.

Data from this special purpose monitoring network have been reviewed by EPA for compliance with federal monitoring requirements and for reported PM-10 levels. The data are valid. There were no reported 24-hour concentrations above the level of the 24-hour NAAQS during the year the network was in operation. One of the sites in the network, EMF Site #2, is located at the site predicted to have the maximum industrial air quality impact. This maximum impact site was determined from the dispersion modeling conducted to support the State, EPA and Tribal Clean Air Act PM-10 planning efforts. This site is located immediately adjacent to the industrial complex on State lands, but less than 300 feet from the Reservation boundary. Data from EMF Site #2 reported an annual concentration greater than the 50 $\mu\text{g}/\text{m}^3$ level of the annual NAAQS for the one year period the network was in operation. In addition, several reported PM-10 concentrations at EMF Site #2 are at or near the level of the 24-hour PM-10 NAAQS, although the standard was not, in fact exceeded.

2. Attainment of the PM-10 NAAQS

The Power-Bannock Counties PM-10 nonattainment area does not meet the 24 hour PM-10 NAAQS. The PM-10 concentrations reported at two SLAMS monitoring stations on January 7, 1993, exceeded the level of the 24-hour NAAQS. Because of the sampling frequency (one in every six days), the expected exceedance rate for the three year period from 1993 through 1995 is 2.0, which represents a violation of the 24-hour NAAQS. Therefore, the Power-Bannock Counties PM-10 nonattainment area does not attain the PM-10 NAAQS.

3. Extension of Attainment Date

As discussed above, the CAA authorizes the Administrator to grant a second one-year extension of the attainment date for moderate PM-10 nonattainment areas, provided the State demonstrates it has complied with all requirements and commitments pertaining to the affected area in the applicable implementation plan and the area had no more than one measured exceedance of the 24-hour NAAQS (150 $\mu\text{g}/\text{m}^3$) in the year preceding the extension year, and the annual mean concentration of PM-10 in the year preceding the extension year is less than or equal to annual NAAQS (50 $\mu\text{g}/\text{m}^3$). See section 188(d). For the reasons discussed below, EPA is granting the State's request for a second one-year extension to the attainment date, from December 31, 1995 to December 31, 1996, for the Power-Bannock Counties PM-10 nonattainment area.

a. Compliance with Applicable SIP. Based on information available to EPA, EPA believes that the State of Idaho is in compliance with all requirements and commitments in the applicable implementation plan that pertain to the Power-Bannock Counties PM-10 nonattainment area. EPA provides oversight of the Idaho air program, including implementation of the Idaho State Implementation Plan (SIP). EPA conducts annual oversight inspections of sources throughout the State of Idaho. Results from these inspections indicate that the State is meeting the requirements and commitments of the statewide SIP.

Although the State has submitted its moderate PM-10 nonattainment plan for the Power-Bannock Counties nonattainment area as a SIP revision, EPA has not yet taken action on that plan. Therefore, this plan is not yet an "applicable implementation plan" for the Power-Bannock Counties PM-10 nonattainment area.

b. Air Quality Data. As discussed above, there were no measured levels above the 24-hour NAAQS at any of the SLAMS monitoring sites or any of the EMF monitoring sites during calendar year 1995. In addition, the annual mean concentration of PM-10 at each of the SLAMS monitoring sites during calendar year 1995 was below the level of the annual NAAQS.

As also discussed above, however, EMF Site #2 recorded an annual average of 55.7 $\mu\text{g}/\text{m}^3$ for the one year period from October 1, 1993 to September 30, 1994. EPA believes that the recorded PM-10 levels at several stations in the EMF monitoring network, particularly EMF Site #2, indicate that air quality problems continue in the Power-Bannock Counties PM-10 nonattainment area and that additional controls will likely be necessary to bring the area into attainment. As EPA discussed at length in granting the first extension, however, EPA does not believe that the data recorded at EMF Site #2 during the period from October 1, 1993 to September 30, 1994, precluded EPA from granting the State's request for the first one-year extension of the attainment date under section 188(d) of the Act. For the same reasons, EPA believes that the data from EMF Site #2 does not preclude EPA from granting the second one-year extension to the attainment date.

c. Substantial Implementation of Control Measures. The State of Idaho, along with several local agencies, has developed and implemented several significant control measures on sources located on State lands within the Power-Bannock Counties PM-10 nonattainment area during calendar year 1993. The State submitted these control measures to EPA as a SIP revision in May and December 1993. These measures consist of a comprehensive residential wood combustion program, including a mandatory woodstove curtailment program; stringent controls on fugitive road dust, including controls on winter road sanding controls and a limited unpaved road paving program; and a revised operating permit that represents reasonably available control technology (RACT) for the J.R. Simplot facility, the only major stationary source of particulate matter under the regulatory jurisdiction of the State in the nonattainment area.³ EPA has conducted a preliminary review of these

³ On June 12, 1996, EPA published a Federal Register notice that corrected the boundary of the Power-Bannock Counties PM-10 nonattainment area and removed a small area that included the City of Inkom and the Ash Grove Cement facility from the Power-Bannock Counties PM-10 nonattainment area (see 61 FR 29667).

measures and believe that they substantially meet EPA's guidance for RACM, including RACT, for sources of primary particulate for the purposes of granting the extension under section 188(d).

After the State submitted its moderate area SIP in May of 1993, the State learned that PM-10 precursors contribute significantly to wintertime violations of the PM-10 standard under certain meteorological conditions. In cooperation with the Tribes and EPA, the State developed a work plan for developing an emission inventory of sources of PM-10 precursors in the nonattainment area and controls for such sources. The State is moving forward on this precursor plan and expects to have controls in place on major stationary sources for PM-10 precursors by December 1998. EPA believes that the State's schedule for addressing the contribution of precursors is expeditious and that the State is making progress on the workplan. Because the contribution of precursors came to light only late in the planning process, EPA does not believe that the State's failure to have actually implemented controls on sources of PM-10 precursors on State lands within the nonattainment area is grounds, in and of itself, for denying the State's request for a one-year extension.

With respect to PM-10 sources located on Tribal lands within the nonattainment area, a gap in planning responsibilities for these sources exists. In developing its control strategy, the State did not seek to impose controls on any sources located within the Reservation portion of the nonattainment area or attempt to demonstrate to EPA that it had the authority to issue and enforce such controls on Reservation sources. As EPA has previously stated, EPA does not believe a Clean Air Act program submitted by the State should be disapproved because it fails to address air resources within the exterior boundary of an Indian Reservation. See 59 FR 43556, 43982 (August 25, 1994) (proposed rule implementing section 301(d)).

Nor does EPA currently have the authority to recognize as Federally enforceable controls that the Shoshone-Bannock Tribes have imposed or could impose on PM-10 sources located on Reservation lands within the nonattainment area. Although the Clean Air Act Amendments of 1990 greatly expanded the role of Indian Tribes in implementing the provisions of the Clean Air Act on Reservation lands, EPA has not yet issued the final rules necessary for EPA to recognize Tribal air

programs as Federally enforceable. See section 301(d); 59 FR 43956.

EPA is currently working on a proposed rule imposing controls on sources of PM-10 on the Tribal portion of the nonattainment area. EPA believes that it would be unfair to burden the State and the Pocatello area with new serious area planning requirements because of the gap in planning responsibilities and the resulting in the lack of Federally enforceable controls at this time on sources located on the Reservation. Accordingly EPA believes that the State has adequately demonstrated, for proposes of an extension under section 188(d) of the Act, that it has adopted and substantially implemented control measures representing RACT/RACM in the nonattainment area.

d. Emission Reduction Progress. On March 30, 1995, the State of Idaho submitted to EPA the milestone report as required by section 189(c)(2) of the Act to demonstrate annual incremental emission reductions and reasonable further progress. In that report, the State discusses implementation of control measures adopted as part of the control strategy in the SIP. As stated above, the control strategy in the State's moderate area SIP consists of a wood smoke control program with a mandatory wood smoke curtailment element, aggressive control requirements to reduce emissions associated with winter road sanding, and a new operating permit for the major source located on State lands that establishes RACT for this source.

The effect of these control measures on air quality can be seen in reported ambient measurements at the SLAMS monitoring sites, most of which have been operating for more than seven years. Data from these sites show no violations of either the annual or the 24-hour standard since 1992 attributable to primary particulate. This is further evidence that the State's implementation of control measures on sources of primary particulate on State lands has resulted in emission reductions amounting to reasonable further progress in the Power-Bannock Counties PM-10 nonattainment area.

In summary, EPA is granting the State's request for a second one-year extension of the attainment date, from December 31, 1995 to December 31, 1996, for the Power-Bannock Counties PM-10 nonattainment area.

III. Implications of This Action

Upon the effective date of this action, the attainment date for the Power-Bannock Counties PM-10 nonattainment area will be December 31, 1996. The area will thus remain a

moderate PM-10 nonattainment area and avoid the additional planning requirements that apply to serious PM-10 nonattainment areas. No further extensions to the attainment date are available. Should the area experience a violation of the PM-10 NAAQS in calendar year 1996, the area will not have attained the standard by the attainment date and the area will be reclassified to serious by operation of law.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. However, in a separate document in this Federal Register publication, the EPA is proposing this extension to the attainment date should adverse or critical comments be filed. This action will be effective February 18, 1997 unless by January 17, 1997 adverse or critical comments are received.

If EPA receives such comments, this action will be with drawn before the effective date by publishing a subsequent document that will withdraw the final 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 this action will be effective February 18, 1997.

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.

Determinations of nonattainment areas under section 188(b)(2) of the CAA and extensions under Section 188(d) of the Act do not create any new requirements. Therefore, because these actions do not impose any new requirements, I certify that it does not have a significant impact on 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 imposes no new 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 February 18, 1997. Filing a petition for reconsideration by the Administrator of this 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(1b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Particulate matter, Intergovernmental relations.

Dated: December 5, 1996.

Chuck Clarke,

Regional Administrator.

Part 52, 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: 52 U.S.C. 7401-7671q.

Subpart N—Idaho

2. Section 52.691 is amended by designating the existing paragraph as "(a)" and adding paragraph (b) to read as follows:

52.691 Extensions.

* * * * *

(b) The Administrator, by authority delegated under section 188(d) of the Clean Air Act, as amended in 1990, hereby grants a second one-year extension (until December 31, 1996) to the attainment date for the Power-Bannock Counties PM-10 nonattainment area.

[FR Doc. 96-32054 Filed 12-17-96; 8:45 am]

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40 CFR Part 52

[Region II Docket No. 144, NJ22-1-7069(c); FRL-5665-3]

Approval and Promulgation of Implementation Plans; New Jersey; Withdrawal of Direct Final Rule Regarding Transportation Control Measures

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; withdrawal.

SUMMARY: On October 15, 1996, EPA published direct final approvals of State Implementation Plan (SIP) revisions submitted by New Jersey (61 FR 53692 and 61 FR 53624). These SIP revisions incorporate transportation control measures (TCMs) as part of the State's effort to attain the national ambient air quality standard for ozone and demonstrate that emissions from growth in vehicle miles traveled will not increase motor vehicle emissions and, therefore, offsetting measures are not necessary. This action was published without prior proposal because EPA anticipated no adverse comments. Because New Jersey submitted adverse comments requesting withdrawal of EPA's document, EPA is withdrawing direct final approval of New Jersey's request to revise the SIP, announced on October 15, 1996.

EFFECTIVE DATE: This action is effective December 18, 1996.

FOR FURTHER INFORMATION CONTACT:

Matthew B. Cairns, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, New York, New York 10007-1866, (212) 637-3895 or cairns.matthew@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: On October 15, 1996, EPA published direct final approval of revisions to New Jersey's SIP for ozone submitted by New Jersey on November 15, 1992 and November 15, 1993 (61 FR 53624). The intended effects of this action were to incorporate TCMs as part of New Jersey's effort to attain the national ambient air quality standard for ozone and to demonstrate that emissions from growth in vehicle miles traveled will not increase motor vehicle emissions and, therefore, offsetting measures are not necessary. EPA published this direct final rulemaking without prior proposal because the Agency viewed the revisions as noncontroversial and anticipated no adverse comments. The direct final rule was published in the Federal Register with a provision for a 30-day comment period.

EPA announced that the direct final rule would be withdrawn in the event that adverse comments were submitted to EPA within 30 days of publication of the rule in the Federal Register (61 FR 53692). EPA received adverse comments from the State of New Jersey: New Jersey indicated it was in the process of amending both the list of TCMs and its calculations for determining whether growth in vehicle miles traveled causes growth in motor vehicle emissions. EPA expects New Jersey to submit these changes shortly as part of its revised 15