

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

(141) Revisions to the Maryland State Implementation Plan submitted on August 28, 1998 by the Maryland Department of the Environment.

(i) Incorporation by reference.

(A) Letter of August 28, 1998 from the Maryland Department of the Environment transmitting revisions to COMAR 26.11.19 pertaining to the control of VOCs from special processes. The revision adds a new regulation at COMAR 26.11.19.25 for the control of VOC compounds from explosives and propellant manufacturing adopted by the Secretary of the Environment on July 15, 1997 and effective August 11, 1997.

(B) Revisions to COMAR 26.11.19 entitled *Volatile Organic Compounds from Specific Processes*: The addition of new regulation COMAR 26.11.19.25 *Control of Volatile Organic Compounds from Explosives and Propellant Manufacturing*.

(ii) Additional Material: Remainder of August 28, 1998 Maryland State submittal pertaining to COMAR 26.11.19.25 to control VOCs from sources that manufacture explosives and propellants.

[FR Doc. 99-1762 Filed 1-25-99; 8:45 am]
BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 52 and 81****[MO 043-1043(a); FRL-6220-1]****Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of Missouri**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: In this action, the EPA is promulgating a redesignation request and State Implementation Plan (SIP) revision submitted by the state of Missouri on June 13, 1997. Additional material was sent on June 15, 1998. The request is to redesignate the portion of the St. Louis metropolitan area, currently a carbon monoxide (CO) nonattainment area, to a CO attainment area. Under the Clean Air Act (CAA) as amended in 1990, a redesignation to attainment may be promulgated if the state demonstrates full compliance with the redesignation requirements set forth in section 107(d)(3)(E). In this action, the EPA is also approving Missouri's

SIP revision regarding the state's CO maintenance plan.

DATES: This direct final rule is effective on March 29, 1999 without further notice, unless the EPA receives adverse comment by February 25, 1999. If adverse comment is received, the EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Comments may be mailed to Stanley Walker, Environmental Protection Agency, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

Copies of the documents relevant to this action are available for public inspection during normal business hours at the: Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Stanley Walker at (913) 551-7494.

SUPPLEMENTARY INFORMATION:**I. Background****A. The Redesignation Request**

The CAA provides a process whereby a state may request the EPA to redesignate a nonattainment area to an attainment area for CO. As set forth in the CAA, an area must meet the requirements outlined in section 107(d)(3)(E). These requirements and the EPA's analysis of Missouri's submission as it relates to the requirements, are detailed in section II, below.

Missouri has submitted a redesignation based on ambient monitoring data showing no violation of the standard since 1987.

B. Summary of the SIP Revision

On June 13, 1997, the state submitted a maintenance plan and requested that the EPA redesignate the St. Louis metropolitan area from nonattainment to attainment for CO in accordance with the requirements of the CAA. On June 15, 1998, the state submitted additional material to further support Missouri's redesignation request. The St. Louis CO nonattainment area includes the city of St. Louis and the portion of St. Louis County encompassed by Interstate 270 and the Mississippi River.

II. Analysis of the Redesignation Request and Maintenance Plan**A. Attainment of the CO National Ambient Air Quality Standard (NAAQS) (Section 107(d)(3)(E)(i))****EPA Analysis**

In accord with section 107(d)(3)(i) of the CAA, the state of Missouri showed that the area has attained, and continues to attain, the applicable NAAQS. Missouri used CO air quality data for the years 1994-1995 to form the basis of Missouri's request to redesignate St. Louis to attainment. Data collected in subsequent years confirm that no violations of the CO standard occurred and St. Louis continues to show attainment through 1998. The ambient air quality data are collected at ambient monitoring stations that are located in areas which are predicted to have high concentrations. These data are collected and quality assured in accordance with 40 CFR Part 58 and recorded in the Aerometric Information Retrieval System.

Criterion No. 1 has been met.

B. Fully Approved SIP Under Section 110(k) of the CAA (Section 107(d)(e)(ii))

The SIP for the area must be fully approved under section 110(k) and must satisfy all requirements that apply to the area.

EPA Analysis

As required, a CO SIP was submitted by the Missouri Department of Natural Resources (MDNR) prior to the 1990 CAA. This SIP was approved under the pre-1990 CAA Amendments. The St. Louis area was designated as an unclassified nonattainment area under the 1990 CAA Amendments. Since 1990, several revisions to Missouri's SIP which target CO emissions have been fully approved by the EPA under section 110(k) of the CAA. Please see the Technical Support Document for a listing of these additional regulations. Further discussion of how the Missouri SIP for St. Louis meets the requirements of section 110 and Part D can be found in Section II(D).

Criterion No. 2 has been met.

C. Permanent and Enforceable Improvement in Air Quality

As required, the State of Missouri attributes the improvement in air quality to regulations which are permanent and enforceable.

EPA Analysis

Missouri estimated that reductions have occurred from the year that the design value was determined for designation and classification. Most of

these reductions were achieved from Federal national programs and SIP measures. Specifically, reductions occurred due to the Federal Motor Vehicle Control Program and National Emission Standards for nonroad engines. In addition, the permanence of the reductions is evidenced by the fact that no violations have occurred since 1988.

The EPA finds that the measures have resulted in permanent and enforceable CO emission reductions that have allowed St. Louis to attain the NAAQS.

Criterion No. 3 has been met.

D. Applicable Requirements Under Section 110 and Part D

Section 110(a)(2) and Part D requirements must be met prior to approval of the redesignation request. In general, the EPA evaluates the state's compliance with requirements that come due under the Act prior to the submittal of a complete redesignation request. Areas, such as St. Louis, that are unclassified, are subject to the provisions of subpart 1 of Part D. The EPA has reviewed the SIP to ensure that it contains all requirements of section 110(a)(2) and subpart 1 of Part D.

Section 110 Requirements

The EPA has analyzed the SIP and determined that it is consistent with the requirements as amended in section 110(a)(2) of the Act. The SIP revisions relevant to CO were adopted by the Missouri Air Conservation Commission after reasonable notice and public hearing. The SIP contains enforceable emission limitations adequate to produce attainment, and requires monitoring, compiling, and analyzing ambient air quality data. The SIP also provides for adequate funding, staff, and associated resources necessary to implement SIP requirements and has provisions for review of new sources, and requires stationary source emissions monitoring and reporting.

Part D Requirements

Under Part D, an area's classification determines the requirements to which it is subject. Subpart 1 of Part D sets forth the basic requirements applicable to all nonattainment areas. The requirements for CO areas in Subpart 3 are applicable to CO areas in the moderate and serious classifications. The St. Louis area is an unclassified nonattainment area, and the applicable Part D requirements are in subpart 1 of Part D.

Subpart 1 of Part D—Section 172(c) Plan Provisions

The most relevant subpart 1 requirements are in section 172(c).

These requirements include reasonably available control technology for existing sources, a new source review (NSR) program meeting the requirements of section 173, reasonable further progress (RFP) toward attainment of the applicable standard, an emission inventory of sources of the relevant pollutant, other measures as necessary for attainment, and a demonstration of attainment by the applicable attainment date. In the case of St. Louis, the state has satisfied all of the section 172(c) requirements necessary for redesignation.

Since St. Louis was subject to nonattainment plan requirements prior to the 1990 Amendments, many of the subpart 1 requirements had already been met. The requirements for RFP, identification of certain emission increases, and other measures needed for attainment have already been met, and there have been no violations of the NAAQS since 1987. In addition, the state already had reasonably available control technology (RACT) for major sources, and no new RACT requirements were triggered for unclassified areas. With respect to the section 172(c)(2) RFP requirements, since St. Louis has attained the CO NAAQS, no new RFP requirements apply.

The section 172(c)(3) emissions inventory requirements have been met by the inventory included in the maintenance plan. See discussion in section E of this document.

Section 172(c)(4) requires the state to demonstrate to the satisfaction of the Administrator that emissions quantified for the purpose of growth factors will be consistent with the achievement of RFP, and will not interfere with attainment of the applicable NAAQS by the attainment date. In the maintenance plan, the state demonstrates continued attainment through the year 2008. Growth factors were included in the state's analysis.

As for the section 172(c)(5) new source permitting requirements, the state revised its rule to meet the requirements of section 173 of the Act, and the EPA approved the revisions. (See 40 CFR section 52.1320(86).)

The state will maintain an ambient monitoring network to ensure that the NAAQS continues to be met.

As discussed in section 172(c), the state provides a discussion of its contingency measures in section E.5 pertaining to maintenance plans. The area has met its RFP requirements and attained the standard before the attainment date. In accord with the EPA's "Technical Support Document to Aid States with the Development of

Carbon Monoxide State Implementation Plan," nonclassified CO areas such as St. Louis are not required to have contingency measures as defined under 172(c). The EPA believes it is appropriate not to apply the requirement for contingency measures for areas under the de minimis approach.

Criterion No. 4 has been met.

E. Approved Limited Maintenance Plan

Section 107(d)(3)(E)(iv) states that an area must have a maintenance plan meeting the requirements of section 175A.

1. Limited Maintenance Plan Option

The EPA provided national guidance regarding the Limited Maintenance Plan option in an October 6, 1995, memorandum from Joseph W. Paisie, Group Leader, Integrated Policy and Strategies Group, to Air Branch Chief, entitled "Limited Maintenance Plan Option for Nonclassifiable CO Nonattainment Areas." In accord with the aforementioned memorandum, the CO design value for the area, based on eight consecutive quarters (two years of data) used to demonstrate attainment, must be at or below 7.65 parts per million (ppm) (85 percent of the exceedance levels of the CO NAAQS). In addition, the design value for the area must continue to be at or below 7.65 ppm until the time of final EPA action on the redesignation. To assess whether an unclassified area meets the applicability cutoff for the limited maintenance plan, a separate design value must be developed for every monitoring site. If the area design value is at or below 7.65 ppm, the state may select the limited maintenance plan option for the first ten-year maintenance period under section 175A. As discussed below, the design value for the St. Louis CO nonattainment area is below 7.65 ppm, qualifying it for the limited maintenance plan option.

2. Attainment Inventory

The maintenance plan contains a comprehensive emissions inventory of CO emissions for the years 1994 to 1995 which establishes the amount of emission reductions that were necessary to reach attainment with the CO NAAQS.

The state developed an attainment emissions inventory to identify a level of emissions in the area which are sufficient to attain the NAAQS. This inventory is consistent with the EPA's most recent guidance on emissions inventories for nonattainment areas and represents emissions during the time period associated with the monitoring

data showing attainment. The inventory is based on actual "typical winter day" (tpwd) emissions of CO.

A baseline inventory for the year 1993 was used versus 1990 baseline because the state believed the 1993 base year was a better approximation of actual emissions. The emission inventory contains attainment year inventories for 1993 through April 1998 and projected inventories for 1998 through 2008 for the maintenance period. The inventories include point, area, on-road mobile, and nonroad mobile source categories; growth projections; action line determination; emission projection methodologies; and sample calculations for point and area sources. The highway mobile source inventory information includes vehicle miles traveled (VMT) growth projections, and Mobile 5.0 model inputs and outputs.

The state has met the required inventory criterion.

3. Demonstration of Maintenance of the CO NAAQS

The Maintenance Demonstration. The maintenance demonstration requirement is considered to be satisfied for nonclassifiable areas if the monitoring data show that the area is meeting the air quality criteria for limited maintenance areas (7.65 ppm or 85 percent of the CO NAAQS). There is no requirement to project emissions over the maintenance period. The EPA believes if the area begins the maintenance period at or below 85 percent of exceedance levels, the air quality along with the continued applicability of prevention of significant deterioration or NSR requirements, any control measures already in the SIP, and Federal measures, should provide adequate assurance of maintenance over the initial ten-year maintenance period.

EPA Evaluation. Total CO emissions were projected from 1993 through the year 2008. Using the 1994 and 1995 monitoring, the state calculated a design value of 5.7 ppm which is well below the design value for attainment. All emissions are reported in tpwd.

Missouri demonstrated that emissions for CO through the year 2008 will remain below the 1993 base year levels because of permanent and enforceable measures, while allowing for growth in population and VMT.

a. Monitoring Network/Verification of Continued Attainment. As required under the limited maintenance plan option, Missouri verified the attainment status of the area over the maintenance period; the maintenance plan contains provisions for continued operation of an appropriate EPA approved air quality

monitoring network, in accordance with 40 CFR Part 58.

b. Contingency Plan. Section 175A of the Act requires that a maintenance plan include contingency provisions, as necessary, to promptly correct any violation of the NAAQS that occurs after redesignation of the area. The contingency plan is considered to be an enforceable part of the SIP and should ensure that contingency measures are adopted expeditiously once they are triggered by a specific event. The contingency plan should identify the measures to be promptly adopted and provide a schedule and procedure for adoption and implementation of the measures. The state should also identify specific indicators, or triggers, which will be used to determine when the contingency measures need to be implemented.

Missouri meets the above requirement by committing to expeditiously implement contingency provisions in response to future emission increases in CO emissions or violation of the CO emission standards. Missouri has identified an action line which would trigger contingency controls for the scenario with no recorded violations of the CO NAAQS. Also, the state requires additional CO controls for future year emissions that exceed the contingency action line.

c. Conformity Determination Under Limited Maintenance Plans. The transportation conformity rule (58 FR 62188; November 24, 1993) and the general conformity rule (58 FR 63214; November 30, 1993) apply to nonattainment areas and maintenance areas operating under maintenance plans. Under either rule, one means of demonstrating conformity of Federal actions is to indicate that expected emissions from planned actions are consistent with the emissions budget for the area. Emissions budgets in limited maintenance plan areas may be treated as essentially not constraining for the length of the initial maintenance period, because it is unreasonable to expect that such an area will experience so much growth in that period that a violation of the CO NAAQS would result. Therefore, in areas with approved limited maintenance plans, Federal actions requiring conformity determinations under the transportation conformity rule could be considered to satisfy the necessary requirements. Similarly, in these areas, Federal actions subject to the general conformity rule could be considered to satisfy the requirements specified in section 93.158(a)(5)(i)(A) of the rule.

As required by section 176 of the CAAA, MDNR has developed

transportation/air quality conformity procedures (10 CSR 10-5.480) and general conformity procedures (10 CSR 10-6.300) that are consistent with Federal conformity regulations. The state demonstrates conformity of Federal actions by indicating that expected emissions from the planned actions are consistent with the emissions budget for the area. As discussed above, the state meets the emissions budget criteria as required.

III. Final Action

The EPA is taking action to approve the St. Louis area maintenance plan because it meets the requirements set forth in section 175(A) in the CAA and in the aforementioned memorandum entitled "Limited Maintenance Plan Option for Nonclassifiable CO Nonattainment Areas." In addition, the Agency is approving the state of Missouri's request to redesignate the St. Louis CO area to attainment, because Missouri has demonstrated compliance with section 107(d)(3)(E) for redesignation.

The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, the EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should relevant adverse comments be filed. This rule will be effective March 29, 1999 without further notice unless the Agency receives relevant adverse comments by February 25, 1999.

If the EPA receives such comments, then the EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this rule. Only parties interested in commenting on this rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on March 29, 1999 and no further action will be taken on the proposed rule.

IV. Administrative Requirements

A. Executive Order (E.O.) 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866, entitled "Regulatory Planning and Review."

B. E.O. 12875

Under E.O. 12875, Enhancing the Intergovernmental Partnership, the EPA

may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal Government provides the funds necessary to pay the direct compliance costs incurred by those governments, or the EPA consults with those governments. If the EPA complies by consulting, E.O. 12875 requires the EPA to provide to OMB a description of the extent of the EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires the EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create a mandate on state, local, or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. E.O. 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997) applies to any rule that: (1) is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that the EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

D. E.O. 13084

Under E.O. 13084, Consultation and Coordination with Indian Tribal Governments, the EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal Government provides the funds

necessary to pay the direct compliance costs incurred by the tribal governments, or the EPA consults with those governments. If the EPA complies by consulting, E.O. 13084 requires the EPA to provide to OMB, in a separately identified section of the preamble to the rule, a description of the extent of the EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, E.O. 13084 requires the EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian tribes. Accordingly, the requirements of Section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because 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 create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids the EPA to base its actions concerning SIPs on such grounds. *Union Electric Co., v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, the EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to state, local, or tribal governments in the aggregate; or to private sector, of \$100 million or more. Under Section 205, the 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 the EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual 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 preexisting requirements under state or local law, and imposes no new requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the U.S. Comptroller General prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 29, 1999. 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).]

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: January 7, 1999.
William Rice,
Acting Regional Administrator, Region VII.
 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 *et seq.*

Subpart AA—Missouri

2. Subpart AA is amended by adding § 52.1340 to read as follows:

* * * * *

§ 52.1340 Control strategy: Carbon monoxide.

Approval—A maintenance plan and redesignation request for the St. Louis,

Missouri, area was submitted by the Director of the Missouri Department of Natural Resources on June 13, 1997. Additional information was received on June 15, 1998. The maintenance plan and redesignation request satisfy all applicable requirements of the Clean Air Act.

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:
Authority: 42 U.S.C. 7401–7671q.

Subpart AA—Missouri

2. In § 81.326 the table for Missouri carbon monoxide is revised to read as follows:

§ 81.326 Missouri.
 * * * * *

MISSOURI—CARBON MONOXIDE

Designated Area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
St. Louis Area:				
St. Louis City	Attainment.		
St. Louis County (part):				
The area encompassed by the I-270 and the, Mississippi River..	Attainment.		
AQCR 137 Northern Missouri Intrastate:				
Pike County	Unclassifiable/Attainment.		
Ralls County	Unclassifiable/Attainment.		
AQCR 137 Northern Missouri Intrastate (Remainder of)	Unclassifiable/Attainment.		
Adair County				
Andrew County				
Atchison County				
Audrain County				
Boone County				
Caldwell County				
Callaway County				
Carroll County				
Chariton County				
Clark County				
Clinton County				
Cole County				
Cooper County				
Daviess County				
De Kalb County				
Gentry County				
Grundy County				
Harrison County				
Holt County				
Howard County				
Knox County				
Lewis County				
Lincoln County				
Linn County				
Livingston County				
Macon County				
Marion County				
Mercer County				
Moniteau County				
Monroe County				
Montgomery County				
Nodaway County				
Osage County				
Putnam County				
Randolph County				
Saline County				

MISSOURI—CARBON MONOXIDE—Continued

Designated Area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
Schuyler County				
Scotland County				
Shelby County				
Sullivan County				
Warren County				
Worth County				
Rest of State	Unclassifiable/Attainment.		
Barry County				
Barton County				
Bates County				
Benton County				
Bollinger County				
Buchanan County				
Butler County				
Camden County				
Cape Girardeau County				
Carter County				
Cass County				
Cedar County				
Christina County				
Clay County				
Crawford County				
Dade County				
Dallas County				
Dent County				
Douglas County				
Dunklin County				
Franklin County				
Gasconade County				
Greene County				
Henry County				
Hickory County				
Howell County				
Iron County				
Jackson County				
Jasper County				
Jefferson County				
Johnson County				
Laclede County				
Lafayette County				
Lawrence County				
Madison County				
Maries County				
McDonald County				
Miller County				
Mississippi County				
Morgan County				
New Madrid County				
Newton County				
Oregon County				
Ozark County				
Pemiscot County				
Perry County				
Pettis County				
Phelps County				
Platte County				
Polk County				
Pulaski County				
Ray County				
Reynolds County				
Ripley County				
Scott County				
Shannon County				
St. Charles County				
St. Clair County				
St. Francis County				
St. Louis County (part) Remainder of County				
Ste. Genevieve County				
Stoddard County				
Stone County				

MISSOURI—CARBON MONOXIDE—Continued

Designated Area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
Taney County Texas County Vernon County Washington County Wayne County Webster County Wright County				

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

[FR Doc. 99-1332 Filed 1-25-99; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[FRL-6224-6]

RIN 2060-AG12

Protection of Stratospheric Ozone: Listing MT-31 as an Unacceptable Refrigerant Under EPA's Significant New Alternatives Policy (SNAP) Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final rule.

SUMMARY: With this action, EPA's Significant New Alternatives Policy (SNAP) program lists as unacceptable for all refrigeration and air-conditioning end-uses the refrigerant blend known by the trade name MT-31. This refrigerant blend was previously listed as an acceptable substitute for CFC-12 and HCFC-22 in various end-uses within the refrigerant and air-conditioning sector. After June 3, 1997, the date on which EPA published the Notice of Acceptability that listed MT-31 as acceptable, EPA became aware of toxicity data concerning one of the chemicals contained in the MT-31 blend that present significant concerns about risks to human health that may arise as a result of the use of this chemical, either alone or in a blend, in the refrigeration and air-conditioning sector. Today, therefore, EPA is removing MT-31 from the list of acceptable substitutes, and is listing MT-31 as unacceptable in all refrigeration and air-conditioning end-uses.

DATES: *Effective Date:* This action is effective January 26, 1999. *Comments:* EPA will consider all written comments received by February 25, 1999 to

determine whether any change to this action is necessary.

ADDRESSES: Information relevant to this notice is contained in Air Docket A-91-42, Central Docket Section, South Conference Room 4, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, telephone: (202) 260-7548. The docket may be inspected between 8:00 a.m. and 5:30 p.m. weekdays. As provided in 40 CFR Part 2, a reasonable fee may be charged for photocopying. Those wishing to notify EPA of their intent to submit adverse comments on this action should contact Kelly Davis, U.S. EPA, Stratospheric Protection Division, Office of Atmospheric Programs, Office of Air and Radiation (6205-J), 401 M Street, S.W., Washington, DC 20460, (Docket # A-91-42), (202)-564-2303.

FOR FURTHER INFORMATION CONTACT: Kelly Davis, U.S. EPA, Stratospheric Protection Division, Office of Atmospheric Programs, Office of Air and Radiation (6205-J), 401 M Street, S.W., Washington, DC, 20460, (202)-564-2303 or electronically at davis.kelly@epa.gov. General information about EPA's SNAP program can be found by calling EPA's Stratospheric Ozone Protection Hotline at (800) 296-1996 or by viewing EPA's SNAP Program world wide web site at www.epa.gov/ozone/title6/snap/snap.html.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Section 612 Program
 - A. Statutory Requirements
 - B. Regulatory History Background
 - C. Listing of Substitutes
 - D. Necessity for Interim Final Rule
- II. Listing of MT-31 as Unacceptable
- III. Summary of Supporting Analyses
 - A. Unfunded Mandates Reform Act and Regulatory Flexibility Act
 - B. Executive Order 12866: Review of Significant Regulatory Actions by OMB
 - C. Paperwork Reduction Act
 - D. Executive Order 12875: Enhancing Intergovernmental Partnerships
 - E. Submission to Congress and the General Accounting Office

F. Executive Order 13045: Children's Health Protection

G. Executive Order 13084: Consultation and Coordination With Indian Tribal Governments

IV. Additional Information

I. Section 612 Program

A. Statutory Requirements

Section 612 of the Clean Air Act authorizes EPA to develop a program for evaluating alternatives to ozone-depleting substances. EPA refers to this program as the Significant New Alternatives Policy (SNAP) program. The major provisions of section 612 are:

- *Rulemaking*—Section 612(c) requires EPA to promulgate rules making it unlawful to replace any class I (chlorofluorocarbon, halon, carbon tetrachloride, methyl chloroform, methyl bromide, and hydrobromofluorocarbon) or class II (hydrochlorofluorocarbon) substance with any substitute that the Administrator determines may present adverse effects to human health or the environment where the Administrator has identified an alternative that (1) reduces the overall risk to human health and the environment, and (2) is currently or potentially available.

- *Listing of Unacceptable/Acceptable Substitutes*—Section 612(c) also requires EPA to publish a list of the substitutes unacceptable for specific uses. EPA must publish a corresponding list of acceptable alternatives for specific uses.

- *Petition Process*—Section 612(d) grants the right to any person to petition EPA to add a substance to or delete a substance from the lists published in accordance with section 612(c). The Agency has 90 days to grant or deny a petition. Where the Agency grants the petition, EPA must publish the revised lists within an additional six months.

- *90-day Notification*—Section 612(e) requires EPA to require any person who produces a chemical substitute for a class I substance to notify the Agency not less than 90 days before new or existing chemicals are introduced into