

DEPARTMENT OF AGRICULTURE**Forest Service****36 CFR Part 223****Sale and Disposal of National Forest System Timber; Appraisal of Timber for Land Exchange, Right-of-Way, or Other Authorized Use****AGENCY:** Forest Service, USDA.**ACTION:** Final rule; technical amendment.

SUMMARY: The Forest Service is amending regulations for appraising the value of timber under special circumstances. These regulations were reviewed under phase II of the President's Regulatory Reinvention Initiative and were determined to be repetitive and in need of revision. The intended effect of this technical amendment is to remove ambiguity and improve the usefulness of the rules by consolidating the content of similar rules that provide the Chief of the Forest Service appropriate appraisal methods for determining fair market value of timber on land exchanges; right-of-ways, or other authorized use.

EFFECTIVE DATE: September 16, 1996.

FOR FURTHER INFORMATION CONTACT: Jim Naylor, Timber Management Staff, Forest Service, telephone: (202) 205-0858.

SUPPLEMENTARY INFORMATION:**Background**

The Organic Administration Act (16 U.S.C. 478) and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*) authorize the Secretary to allow occupancy and use of the national forests for egress or ingress, for right-of-ways, or other authorized uses.

The National Forest Management Act (16 U.S.C. 472a(a)) directs that all timber sold from National Forest System land be sold at not less than its appraised, or fair market, value. Therefore, all timber of merchantable size and quality sold in exchange for land or as timber cut for right-of-ways or for other authorized uses is appraised according to requirements set out in 36 CFR 223.60, Determining fair market value. Section 223.60 was amended February 14, 1996 (61 CFR 5684), to remove the residual value appraisal procedure as the primary method for determining fair market value. While the residual value appraisal method may still be used and currently is used by Region 10, it has been replaced primarily by the transaction evidence appraisal method used in other regions.

Currently, there are two rules that address the process for appraising the value of timber under special circumstances, one for exchange of timber—Section 223.65, and another for right-of-way or occupancy uses—Section 223.66. In this rulemaking, section 223.65 is being amended to include appraisal of timber for right-of-way or other authorized use, and § 223.66 is being removed.

When the residual value method was the primary method for appraising timber, direction was needed for the special circumstances of appraising the value of timber when an exchange of land, right-of-way, or other authorized use was granted. In order to ensure that the method of appraisal under these specific circumstances reflected fair market values, the rules at § 223.65 and § 223.66 included the following language: "Where residual value method is used, prices paid for comparable timber will be considered and the residual value adjusted accordingly." This statement allowed the use of transaction evidence (the prices paid for comparable timber) in determining the value of the timber. Since the amendment to § 223.60 states that "Valid methods to determine fair market value include, but are not limited to, transaction evidence appraisals, analytical appraisals, comparison appraisals, * * *" direction permitting the use of transaction evidence in determining the value of the timber is no longer needed in the revised § 223.65. Therefore, § 223.65 is being revised to state that "The value of the timber * * * is to be determined by the appraisal methods in § 223.60 of this part."

Regulatory Impact

This is a technical rule with no substantive effect; therefore, it is not subject to review under USDA procedures and Executive Order 12866 on Regulatory Planning and Review. As a technical amendment, this final rule also is exempt from further analysis under Executive Order 12630, Takings Implications; the Unfunded Mandates Reform Act of 1995; the Paperwork Reduction Act of 1995; or Executive Order 12778, Civil Justice Reform.

List of Subjects in 36 CFR Part 223

Exports, Government contracts, National forests, Reporting requirements, Timber sales.

Therefore, for the reasons set forth in the preamble, Part 223 of Title 36 of the Code of Federal Regulations is hereby amended as follows:

PART 223—SALE AND DISPOSAL OF NATIONAL FOREST SYSTEM TIMBER

1. The authority citation continues to read as follows:

Authority: 90 Stat. 2958, 16 U.S.C. 472a; 98 Stat. 2213, 16 U.S.C. 618; 104 Stat. 714-726, 16 U.S.C. 620-620h, unless otherwise noted.

§ 223.65 [Amended]

2. Revise § 223.65 to read as follows:

§ 223.65 Appraisal of timber for land exchange; right-of-way, or other authorized use.

The value of timber in land exchange or the value of timber required to be cut for occupancy of a right-of-way or other authorized use of National Forest System land for which payment will be made is to be determined by the appraisal methods in § 223.60 of this part.

§ 223.66 [Removed and Reserved]

3. Remove and reserve § 223.66.

Dated: September 3, 1996.

David G. Unger,
Associate Chief.

[FR Doc. 96-23480 Filed 9-13-96; 8:45 am]

BILLING CODE 3410-11-M

36 CFR Part 242**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 100****RIN 1018-AD42**

**Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D—1996-1997
Subsistence Taking of Fish and Wildlife Regulations; Correcting Amendments**

AGENCY: Forest Service, USDA. Fish and Wildlife Service, Interior.

ACTION: Correcting amendments.

SUMMARY: These corrections amend the Subsistence Management Regulations for Public Lands in Alaska (50 CFR part 100 and 36 CFR part 242, published in the Federal Register on July 30, 1996 (61 FR 39697)) implementing the subsistence priority for rural residents of Alaska under Title VIII of the Alaska National Interest Lands Conservation Act of 1980.

EFFECTIVE DATES: The amendments to § _____.24 are effective August 1, 1996. The amendments to § _____.25 are effective August 1, 1996, through June 30, 1997.

FOR FURTHER INFORMATION CONTACT: Thomas H. Boyd, Office of Subsistence

Management, U.S. Fish and Wildlife Service, telephone (907) 786-3864. For questions specific to National Forest System lands, contact Ken Thompson, Regional Subsistence Program Manager, USDA—Forest Service, Alaska Region, telephone (907) 586-7921.

SUPPLEMENTARY INFORMATION:

Background

Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111-3126) requires that the Secretary of the Interior and the Secretary of Agriculture (Secretaries) implement a joint program to grant a preference for subsistence uses of fish and wildlife resources on public lands, unless the State of Alaska enacts and implements laws of general applicability which are consistent with ANILCA, and which provide for the subsistence definition, preference, and participation specified in Sections 803, 804, and 805 of ANILCA. The State implemented a program that the Department of the Interior previously found to be consistent with ANILCA. However, in December 1989, the Alaska Supreme Court ruled in *McDowell v. State of Alaska* that the rural preference in the State subsistence statute violated the Alaska Constitution. The court's ruling in *McDowell* required the State to delete the rural preference from the subsistence statute, and therefore, negated State compliance with ANILCA. The Court stayed the effect of the decision until July 1, 1990.

As a result of the *McDowell* decision, the Department of the Interior and the Department of Agriculture (Departments) assumed, on July 1, 1990, responsibility for implementation of Title VIII of ANILCA on public lands. On June 29, 1990, the Temporary Subsistence Management Regulations for Public Lands in Alaska were published in the Federal Register (55 FR 27114-27170). Consistent with Subparts A, B, and C of these regulations, a Federal Subsistence Board (Board) was established to administer the Federal Subsistence Management Program. The Board's composition includes a Chair appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture; the Alaska Regional Director, U.S. Fish and Wildlife Service; the Alaska Regional Director, U.S. National Park Service; the Alaska State Director, U.S. Bureau of Land Management; the Alaska Area Director, U.S. Bureau of Indian Affairs; and the Alaska Regional Forester, USDA Forest Service. Through the Board, these agencies have participated in

development of regulations for Subparts A, B, and C, and the annual Subpart D regulations. All Board members have reviewed these corrections and agree with their substance. Because Subparts C and D relate to public lands managed by an agency or agencies in both the Departments of Agriculture and the Interior, identical correcting text will be incorporated into 36 CFR Part 242 and 50 CFR Part 100.

Proposed Subpart C regulations for customary and traditional use determinations and Subpart D regulations for the 1996-1997 seasons and bag limits, and methods and means were published on August 15, 1995, in the Federal Register (60 FR 42085). A 60-day comment period providing for public review of the proposed rule was advertised by mail, radio, and newspaper. Subsequent to that 60-day review period, the Board prepared a booklet describing all proposals for change. The public then had an additional 30 days in which to comment on the proposals for changes to the regulations. The Federal Subsistence Regional Advisory Councils met in regional centers, received public comments, and formulated recommendations to the Board on proposals for their respective regions. The final regulations, published on July 30, 1996 (61 FR 39697-39753) reflect Board review and consideration of Regional Council recommendations and public comments submitted to the Board during their April/May meeting. The Board heard public testimony and deliberated Requests for Reconsideration and Special Action in public forum on July 16, 1996, and August 14, 1996.

These correcting amendments are a result of Requests for Reconsideration of some of the Board's decisions in April/May and some requests for Special Action as a result of resource concerns. Below are summaries of each action.

Subpart D

Units 6, 7, 11, 13, 14, 15 (B) and (C), and 16—Lynx—The Board acted on a request from the Alaska Department of Fish and Game (ADF&G) to open the trapping season in Units 6, 7, 14, 16, and 15 (B) and (C) and to lengthen the season in Units 11 and 13. This follows the Board's previous agreement to follow a harvest tracking strategy where possible. The strategy calls for shortening or closing trapping seasons when lynx numbers are low and lengthening or opening seasons when lynx are abundant. The Regional Councils for the affected areas supported this action to protect the

viability of the lynx populations in those Units.

Unit 13—Caribou—Upon receipt of a request for Special Action the Board, at its July 16, 1996, meeting lengthened the caribou season in Unit 13. The caribou herd continues to increase significantly raising concerns about deteriorating range conditions. The Board concurs with the Alaska Department of Fish and Game's management strategy to encourage additional harvest to prevent significant population declines in the future. A similar action was taken last year when the State extended the season and the Board approved a matching extension on Federal lands.

Unit 15(A)—Moose—Upon receipt of a Request for Reconsideration of an action taken at the April meeting and as a result of a judicial order, the Board deliberated the customary and traditional use determination for moose in Unit 15(A). As a result, the Board determined that four communities have customary and traditional use for Unit 15(A) and established a subsistence season of August 18 to September 20. This action was again the subject of a Request for Reconsideration that the Board heard on August 14, 1996. The Board upheld its previous decision to afford four communities a positive customary and traditional determination and to establish a subsistence moose season in Unit 15(A).

Only the items described above are being changed; but for clarity, the entire table section for the pertinent species in each Unit is reproduced.

The above actions were supported by the Regional Councils in the affected areas. Notice of the Board meeting and the subjects to be considered were widely circulated and the public had an opportunity to comment and participate.

The Board finds that additional public notice and comment requirements under the Administrative Procedures Act (APA) for this final rule are impracticable, unnecessary, and contrary to the public interest. A lapse in regulatory control could seriously affect the continued viability of wildlife populations, adversely impact future subsistence opportunities for rural Alaskans, and would generally fail to serve the overall public interest. Therefore, the Board finds good cause pursuant to 5 U.S.C.553(b)(B) to waive the public notice and comment procedures prior to publication of this rule. The Board finds good cause under 5 U.S.C.553(d)(3) to make this rule effective August 1, 1996.

Conformance With Statutory and Regulatory Authorities

National Environmental Policy Act Compliance

A Draft Environmental Impact Statement (DEIS) that described four alternatives for developing a Federal Subsistence Management Program was distributed for public comment on October 7, 1991. That document described the major issues associated with Federal subsistence management as identified through public meetings, written comments and staff analysis and examined the environmental consequences of the four alternatives. Proposed regulations (Subparts A, B, and C) that would implement the preferred alternative were included in the DEIS as an appendix. The DEIS and the proposed administrative regulations presented a framework for an annual regulatory cycle regarding subsistence hunting and fishing regulations (Subpart D). The Final Environmental Impact Statement (FEIS) was published on February 28, 1992.

Based on the public comment received, the analysis contained in the FEIS, and the recommendations of the Federal Subsistence Board and the Department of the Interior's Subsistence Policy Group, it was the decision of the Secretary of the Interior, with the concurrence of the Secretary of Agriculture, through the U.S. Department of Agriculture—Forest Service, to implement a modified Alternative IV as identified in the DEIS and FEIS (Record of Decision on Subsistence Management for Federal Public Lands in Alaska (ROD), signed April 6, 1992). The DEIS and the selected alternative in the FEIS defined the administrative framework of an annual regulatory cycle for subsistence hunting and fishing regulations. The final rule for Subsistence Management Regulations for Public Lands in Alaska, Subparts A, B, and C (57 FR 22940–22964) implements the Federal Subsistence Management Program and includes a framework for an annual cycle for subsistence hunting and fishing regulations.

Compliance With Section 810 of ANILCA

The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations. A Section 810 analysis was completed as part of the FEIS process. The final Section 810 analysis

determination appears in the April 6, 1992, ROD which found that the Federal Subsistence Management Program, under a modified Alternative IV with an annual process for setting hunting and fishing regulations, had no significant possibility of a significant restriction of subsistence uses.

Paperwork Reduction Act

These rules contain information collection requirements subject to Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1995. They apply to the use of public lands in Alaska. The information collection requirements described below have been submitted to OMB for approval. This collection of information will not be required until it has been approved by OMB.

The collection of information will be achieved through the use of the Federal Subsistence Hunt Permit Application. This collection information will establish whether the applicant qualifies to participate in a Federal subsistence hunt on public land in Alaska and will provide a report of harvest and location of harvest.

The likely respondents to this collection of information are rural Alaska residents who wish to participate in specific subsistence hunts on Federal land. The collected information is necessary to determine harvest success and harvest location in order to make management decisions relative to the conservation of healthy wildlife populations. The annual burden of reporting and recordkeeping is estimated to average 0.25 hours per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. The estimated number of likely respondents under this rule is less than 500, yielding a total annual reporting and recordkeeping burden of 125 hours or less.

Direct comments on the burden estimate or any other aspect of this form to: Information Collection Officer, U.S. Fish and Wildlife Service, 1849 C Street, NW, MS 224 ARLSQ, Washington, D.C. 20240; and the Office of Management and Budget, Paperwork Reduction Project (Subsistence), Washington, D.C. 20503.

Economic Effects

This rule was not subject to OMB review under Executive Order 12866. The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small

businesses, organizations or governmental jurisdictions. The Departments have determined that this rulemaking will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

This rulemaking will impose no significant costs on small entities; the exact number of businesses and the amount of trade that will result from this Federal land-related activity is unknown. The aggregate effect is an insignificant positive economic effect on a number of small entities, such as ammunition, snowmachine, and gasoline dealers. The number of small entities affected is unknown; but, the fact that the positive effects will be seasonal in nature and will, in most cases, merely continue preexisting uses of public lands indicates that they will not be significant.

In general, the resources harvested under this rule will be consumed by the local harvester and do not result in a dollar benefit to the economy. However, it is estimated that 2 million pounds of meat are harvested State-wide by the local subsistence users annually and, if given a dollar value of \$3.00 per pound, would equate to \$6 million State wide.

Title VIII of ANILCA requires the Secretaries to administer a subsistence preference on public lands. The scope of this program is limited by definition to certain public lands. Likewise, these regulations have no potential takings of private property implications as defined by Executive Order 12630.

The Service has determined and certifies pursuant to the Unfunded Mandates Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of \$100 million or more in any given year on local or state governments or private entities.

The Service has determined that these final regulations meet the applicable standards provided in Sections 3(a) and 3(b)(2) of Executive Order 12988.

Drafting Information. These regulations were drafted by William Knauer under the guidance of Thomas H. Boyd, of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Additional guidance was provided by Peggy Fox, Alaska State Office, Bureau of Land Management; Sandy Rabinowitch, Alaska Regional Office, National Park Service; Ida Hildebrand, Alaska Area Office, Bureau of Indian Affairs; and Ken Thompson, USDA—Forest Service.

List of Subjects

36 CFR Part 242

Administrative practice and procedure, Alaska, Fish, National

Forests, Public Lands, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 100

Administrative practice and procedure, Alaska, Fish, Public Lands, Reporting and recordkeeping requirements, Subsistence, Wildlife.

For the reasons set out in the preamble, Title 36, Part 242, and Title 50, Part 100, of the Code of Federal Regulations, are amended as set forth below.

PART _____—SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

1. The authority citation for both 36 CFR Part 242 and 50 CFR Part 100 continues to read as follows:

Authority: 16 U.S.C. 3, 472, 551, 668dd, 3101–3126; 18 U.S.C. 3551–3586; 43 U.S.C. 1733.

2. Section _____.24(a)(1) is amended in the table by removing the two entries for “Unit 15(A) Moose” and “Unit 15 (B) and (C) Moose” and adding one new entry in their place to read as follows:

§ _____.24 Customary and traditional use determinations.

- (a) * * *
- (1) * * *

Area	Species	Determination
* * *	* * *	* * *
15	Moose	Residents of Ninilchik, Nanwalek, Port Graham, and Seldovia.
* * *	* * *	* * *

3. Section _____.25(k)(6)(iii)(B) is amended in the table under “Trapping” by adding, after the entry for “Fox, Red” an entry for Lynx to read as follows:

§ _____.25 Subsistence taking of wildlife.

* * * * *

- (k) * * *
- (6) * * *
- (iii) * * *
- (B) * * *

Harvest limits	Open season
* * *	* * *
Trapping	
* * *	* * *
Lynx:	
No limit	Jan. 1–Jan. 31.
* * *	* * *

* * * * *

4. Section _____.25.25(k)(7)(iii) is amended in the table under “Trapping”

by adding, after the entry for “Fox, Red” an entry for Lynx to read as follows:

- * * * * *
- (k) * * *
- (7) * * *
- (iii) * * *

Harvest limits	Open season
* * *	* * *
Trapping	
* * *	* * *
Lynx:	
No limit	Jan. 1–Jan. 31.
* * *	* * *

* * * * *

5. Section _____.25(k)(11)(i) is amended in the table under “Trapping” by revising the entry for “Lynx” to read as follows:

- * * * * *
- (k) * * *
- (11) * * *
- (i) * * *

Harvest limits	Open season
* * *	* * *
Trapping	
* * *	* * *
Lynx:	
No limit	Dec. 1–Jan. 15.
* * *	* * *

* * * * *

6. Section _____.25(k)(13)(iii) is amended in the table under “Hunting” by revising the entry for “Caribou” to read as follows:

- * * * * *
- (k) * * *
- (13) * * *
- (iii) * * *

Harvest limits	Open season
* * *	* * *
Hunting	
* * *	* * *
Caribou:	
2 caribou by Federal registration permit only. Hunting within the Trans-Alaska Oil Pipeline right-of-way is prohibited. The right-of-way is identified by an area occupied by the pipeline (buried or above ground) and the cleared area 25 feet on either side of the pipeline.	Aug. 1–Sept. 30. Oct. 21–Mar. 31.
* * *	* * *
* * *	* * *

7. Section _____.25(k)(13)(iii) is amended in the table under “Trapping” by revising the entry for “Lynx” to read as follows:

- * * * * *
- (k) * * *
- (13) * * *
- (iii) * * *

Harvest limits	Open season
* * *	* * *
Trapping	
* * *	* * *
Lynx:	
No limit	Dec. 1–Jan. 15.
* * *	* * *

* * * * *

8. Section _____.25(k)(14)(iii) is amended in the table under “Trapping” by adding, after the entry for “Fox, Red” an entry for Lynx to read as follows:

- * * * * *
- (k) * * *
- (14) * * *
- (iii) * * *

Harvest limits	Open season
* * *	* * *
Trapping	
* * *	* * *
Lynx:	
No limit	Dec. 15–Jan. 15.
* * *	* * *

* * * * *

9. Section _____.25(k)(15)(iii)(D) is amended in the table under “Hunting” by revising the entry for “Moose” to read as follows:

- * * * * *
- (k) * * *
- (15) * * *
- (iii) * * *
- (D) * * *

Harvest limits	Open season
* * *	* * *
Hunting	
* * *	* * *
Moose:	
Unit 15(A) excluding Skilak Loop Wildlife Management Area—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only.	Aug. 18–Sept. 20.
Unit 15(A) Skilak Loop Wildlife Management Area.	No open season.

Harvest limits	Open season
Unit 15(B) and (C)—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only.	Aug. 10–Sept. 20.
* * *	* *

10. Section _____.25(k)(15)(iii)(D) is amended in the table under "Trapping" by adding, after the entry for "Fox, Red" an entry for Lynx to read as follows:

(k) * * *
(15) * * *
(iii) * * *
(D) * * *

Harvest limits	Open season
Trapping	
Lynx:	
Unit 15(B) and (C)—No limit.	Jan. 1–Jan. 31.
Unit 15(C)	No open season.
* * *	* *

11. Section _____.25(k)(16)(iii) is amended in the table under "Trapping" by adding, after the entry for "Fox, Red" an entry for Lynx to read as follows:

(k) * * *
(16) * * *
(iii) * * *

Harvest limits	Open season
Trapping	
Lynx:	
No limit	Dec. 15–Jan. 15.
* * *	* *

Dated: August 22, 1996.

Thomas H. Boyd,

Acting Chair, Federal Subsistence Board.

Dated: August 26, 1996.

James A. Caplan,

Acting Regional Forester, USDA-Forest Service.

[FR Doc. 96–23413 Filed 9–13–96; 8:45 am]

BILLING CODE 3410–11–P; 4310–55–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[VA016–5917a; FRL–5603–3]

Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia—1990 Base Year Emission Inventory

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a revision to the Virginia State Implementation Plan (SIP) which pertains to the 1990 base year ozone emission inventory for the Richmond-Petersburg, Norfolk-Virginia Beach, and Smyth County ozone nonattainment areas. These areas were classified by EPA as moderate (Richmond-Petersburg area) and marginal (Norfolk-Virginia Beach area and Smyth County). The SIP was submitted by the Commonwealth of Virginia Department of Environmental Quality (VDEQ) for the purpose of establishing the 1990 baseline emissions contributing to ozone nonattainment problems in these three areas. This action is being taken under section 110 of the Clean Air Act.

DATES: This action is effective November 15, 1996, unless notice is received on or before October 16, 1996, that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Comments may be mailed to David Arnold, Section Chief, Ozone/CO & Mobile Sources Section, Mailcode 3AT21, Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Rose Quinto, (215) 566–2182, at the EPA Region III office, or via e-mail at quinto.rose@epamail.epa.gov. While information may be requested via e-mail, comments must be submitted in writing to the above Region III address.

SUPPLEMENTARY INFORMATION:

Background

Under the 1990 Clean Air Act Amendments (CAAA), states have the responsibility to inventory emissions contributing to NAAQS nonattainment, to track these emissions over time, and to ensure that control strategies are being implemented that reduce emissions and move areas towards attainment. The CAAA requires ozone nonattainment areas designated as moderate, serious, severe, and extreme to submit a plan within three years of 1990 to reduce VOC emissions by 15 percent within six years after 1990 (15% plan). The baseline level of emissions, from which the 15 percent reduction is calculated, is determined by adjusting the 1990 base year inventory to exclude biogenic emissions and to exclude certain emission reductions not creditable towards the 15% plan. The 1990 base year emissions inventory is the primary inventory from which the periodic inventory, the Reasonable Further Progress (RFP) projection inventory, and the modeling inventory are derived. Further information on these inventories and their purpose can be found in the "Emission Inventory Requirements for Ozone State Implementation Plans," Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina, March 1991. The base year inventory may also serve as part of statewide inventories for purposes of regional modeling in transport areas. The 1990 base year inventory plays an important role in modeling demonstrations for areas classified as moderate and above that are located outside transport regions.

The air quality planning requirements for marginal to extreme ozone nonattainment areas are set out in section 182(a)–(e) of Title I of the CAAA. EPA has issued a General Preamble describing EPA's preliminary views on how EPA intends to review SIP revisions submitted under Title I of the CAAA, including requirements for the preparation of the 1990 base year inventory [see 57 FR 13502; April 16, 1992 and 57 FR 18070; April 28, 1992]. Because EPA is describing its interpretations here only in broad terms, the reader should refer to the General Preamble for a more detailed discussion of the interpretations of Title I advanced in today's proposal and the supporting rationale. In today's rulemaking action on the Virginia ozone 1990 base year emissions inventory, EPA is applying its interpretations taking into consideration the specific factual issues presented.