

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

Mississippi Department of
Environmental Quality, Bureau of
Pollution Control, Air Quality
Division, P.O. Box 10385, Jackson,
Mississippi 39289-0385.

FOR FURTHER INFORMATION CONTACT: Mr.
Scott M. Martin, Regulatory Planning
and Development Section, Air Programs
Branch, Air Pesticides and Toxics
Management Division, Region 4
Environmental Protection Agency, 345
Courtland Street, NE, Atlanta, Georgia
30365. The telephone number is (404)
347-3555 ext. 4216.

SUPPLEMENTARY INFORMATION: For
additional information see the direct
final rule which is published in the
rules section of this Federal Register.

Dated: November 1, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 96-2963 Filed 2-9-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[NE-7-1-7154b; FRL-5399-6]

Approval and Promulgation of Implementation Plans; State of Nebraska

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the state of Nebraska for the purpose of fulfilling the requirements set forth in the EPA's General Conformity rule. The SIP was submitted by the state to satisfy the Federal requirements in 40 CFR 51.852 and 93.151. In the final rules' section of the Federal Register, the EPA is approving the state's SIP revision as a direct final rule without prior proposal, because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in

commenting on this document should do so at this time.

DATES: Comments on this proposed rule must be received in writing by March 13, 1996.

ADDRESSES: Comments may be mailed to Lisa V. Haugen, Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Lisa V. Haugen at (913) 551-7877.

SUPPLEMENTARY INFORMATION: See the information provided in the direct final rule which is located in the rules section of the Federal Register.

Dated: November 14, 1995.

Dennis Grams,

Regional Administrator.

[FR Doc. 96-2976 Filed 2-9-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[PA 70-1-7207b; FRL-5338-9]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of Source- Specific VOC and NOx RACT and Synthetic Minor Permit Conditions

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision establishes and requires reasonably available control technology (RACT) on one major source and establishes permit conditions to limit eight source's emissions to below major source levels. In the Final Rules section of this Federal Register, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule and the technical support document. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be amended to withdraw any permits that are the subject of adverse comments. Public comments will be addressed in a subsequent final rule based on this proposed rule. Only those permits for which EPA receives adverse comments will be addressed by this

subsequent rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by March 13, 1996.

ADDRESSES: Written comments on this action should be addressed to Marcia L. Spink, Associate Director, Air Programs, Mailcode 3AT00, U.S. 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, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; and the Pennsylvania Department of Environmental Resources Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Brian K. Rehn, (215) 597-4554, at the EPA Region III address above, or by E-mail at Rehn.Brian@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final rule of the same title which is located in the Rules and Regulations Section of this Federal Register.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

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

Dated: November 24, 1995.

W. Michael McCabe,

Regional Administrator, Region III.

[FR Doc. 96-2968 Filed 2-9-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[PA084-4018; FRL-5419-3]

Pennsylvania; Approval and Promulgation of Air Quality Implementation Plans; Revocation of Determination of Attainment of Ozone Standard by the Pittsburgh-Beaver Valley Ozone Nonattainment Area and Reinstatement of Applicability of Certain Reasonable Further Progress and Attainment Demonstration Requirements

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is providing notification of its determination that the Pittsburgh-Beaver Valley ozone nonattainment area is no longer attaining the National Ambient Air Quality Standard (NAAQS) for ozone, based on monitored violations of the standard during the 1995 ozone season. EPA is also reinstating the applicability of certain reasonable further progress (RFP) and attainment demonstration requirements, along with certain other related requirements, of Part D of Title I of the Clean Air Act (CAA) for the Pittsburgh-Beaver Valley nonattainment area because the area is no longer in attainment for ozone.

DATES: Comments must be received on or before March 13, 1996.

ADDRESSES: Comments may be mailed to Marcia L. Spink, Associate Director, Air Programs, Mailcode 3AT00, U.S. 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, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107.

FOR FURTHER INFORMATION CONTACT: Kathleen Henry, (215) 597-0545, at the EPA Region III office, or via e-mail at henry.kathleen@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:

I. Background

In a memorandum dated May 10, 1995, from John Seitz, Director, Office of Air Quality Planning and Standards, to the Regional Air Division Directors, entitled "Reasonable Further Progress, Attainment Demonstration, and Related Requirements for Ozone Nonattainment Areas Meeting the Ozone National Ambient Air Quality Standard", EPA stated that it is reasonable to interpret provisions regarding reasonable further progress (RFP) and attainment demonstrations, along with certain other related provisions, so as not to require certain SIP submissions if an ozone nonattainment area subject to those requirements is monitoring attainment of the ozone standard.

On the basis of this memo, EPA determined, in a direct final rule (DFR) published on May 26, 1995 (60 FR 27893), that the Pittsburgh-Beaver Valley and Reading ozone nonattainment areas had attained the standard and that the requirements of

section 182(b)(1) concerning the submission of a 15% RFP plan and ozone attainment demonstration and the requirements of section 172(c)(9) concerning contingency measures no longer applied, so long as these areas did not violate the ozone standard. In addition, EPA determined that the sanctions clocks started on January 18, 1994, for these areas for failure to submit the RFP requirements were stopped since the deficiencies for which they were commenced no longer applied.

At the same time that EPA published the DFR, a separate notice of proposed rulemaking (NPR) was published in the Federal Register (60 FR 27945) in the event that adverse comments were filed which would require EPA to withdraw the DFR. EPA received adverse comments within 30 days of publication of the proposed rule and withdrew the DFR on June 13, 1995 (60 FR 31081).

On July 19, 1995, EPA published a final determination (60 FR 37015) that the Pittsburgh-Beaver Valley and Reading ozone nonattainment areas had attained the ozone standard and that the SIP requirements for reasonable further progress and attainment demonstrations no longer applied so long as these areas did not violate the ozone standard. The notice also stated that the sanctions clocks started on January 18, 1994, for these areas for failure to submit the RFP requirements were stopped. (The effective date of the final determination occurred one day after the sanction clocks expired and these areas were, in fact, under the offset sanction at the time of EPA's final determination. However, the sanctions were lifted as a result of EPA's final determination for the same reason that the final determination would have stopped the sanctions clocks).

The specific rationale and air quality analysis EPA used to determine that the Pittsburgh-Beaver Valley and Reading ozone nonattainment areas had attained the NAAQS for ozone and were not required to submit SIP revisions for RFP, attainment demonstration and related requirements were explained in the May 26, 1995, DFR and will not be restated here. Regarding the consequences of subsequent violations, however, that DFR stated that if either of these areas violated the standard, the basis for the determination that the area need not make the pertinent SIP revisions would no longer exist. Furthermore, such a determination of nonattainment would mean that the area would have to address the pertinent SIP requirements within a reasonable amount of time. In fact, the DFR stated that a determination that an area need

not submit these SIP requirements is, in effect, a suspension of these requirements for so long as the area continues to attain the standard. For both the Pittsburgh-Beaver Valley and Reading nonattainment areas, a final determination that a violation occurred would cause sanctions to be reinstated one day into the 2:1 offset sanction period.

II. 1995 Violation of the NAAQS for Ozone in the Pittsburgh-Beaver Valley Area

EPA has reviewed the 1995 ambient air quality data (consistent with the requirements contained in 40 CFR part 58 and recorded in AIRS) for the Pittsburgh-Beaver Valley ozone nonattainment area, and determined that the area is no longer in attainment. During the 1995 ozone season two monitors in the Pittsburgh area recorded violations of the ozone NAAQS. In addition, ambient air quality monitors in the Pittsburgh-Beaver Valley area recorded 17 exceedances of the ozone standard. The current design value for the Pittsburgh-Beaver Valley nonattainment area, computed using the ozone monitoring data for 1993 through 1995, is 133 parts per billion (ppb). The average annual number of expected exceedances is 8.2 for that same time period. An area is considered in nonattainment when the average annual number of expected exceedances is greater than 1.0. A more detailed summary of the ozone monitoring data for the area is provided in the Technical Support Document for this notice.

PROPOSED ACTION: Due to the monitored violations of the ozone standard, EPA has determined that the air quality in the Pittsburgh-Beaver Valley moderate ozone nonattainment area is no longer attaining the ozone standard. As a consequence, EPA is proposing to reinstate the requirements of section 182(b)(1) concerning the submission of the 15% RFP plan and ozone attainment demonstration and the requirements of section 172(c)(9) concerning contingency measures. In order to provide a reasonable time for the State to develop and submit these SIP elements, EPA is proposing August 15, 1996, as the effective date for revoking the determination of attainment, reinstating these SIP requirements, and reinstating sanctions and the sanctions period in effect as of July 19, 1995. Thus, the offset sanction would go back into effect on that day and the highway sanction clock would be reinstated where it was stopped on July 19, 1995 (i.e., with approximately 6 months remaining). Sanctions will not be

imposed if the Commonwealth submits a 15% plan, attainment demonstration and related contingency measures for the Pittsburgh-Beaver Valley nonattainment area that EPA finds complete prior to August 15, 1996, since the deficiency for which sanctions were imposed will no longer exist. If the Commonwealth fails to make these submittals before the proposed effective date, sanctions will be imposed until EPA receives the submittals and deems them complete.

EPA believes that, under the circumstances presented here, setting an effective date of August 15, 1996, would provide the Commonwealth a reasonable amount of time to submit a 15% RFP plan, ozone attainment demonstration and contingency measures.

EPA's belief is based on the fact that by August 15, 1996, more than a year will have passed since the occurrence of violations that resulted in reinstatement of these requirements. EPA's May 26, 1995, DFR and July 19, 1995, final determination put the Commonwealth on notice that these requirements would be reinstated if a violation occurred. Since the Commonwealth has been aware of the violations and their consequences since last summer, EPA believes that August 15, 1996, constitutes sufficient time for the Commonwealth to prepare to meet the reactivated requirements.

EPA is soliciting public comments on the issues discussed in this document or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA Regional office listed in the ADDRESSES section of this document.

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.

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. Today's determination does not create any new requirements, but reinstates previously applicable requirements that had been suspended. Therefore, because this document does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected.

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 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 proposed action 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 Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

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.

The Administrator's decision to determine that the Pittsburgh-Beaver Valley ozone nonattainment area is no longer attaining the NAAQS for ozone will be based on whether it meets the requirements of section 110(a)(2)(A)-(K) and part D of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

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

Dated: January 30, 1996.

Stanley L. Laskowski,

Acting Regional Administrator, Region III.

[FR Doc. 96-2973 Filed 2-9-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[WI60-01-7136b; FRL-5324-6]

Approval and Promulgation of Implementation Plan; Wisconsin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve a revision to the Wisconsin State Implementation Plan (SIP) for ozone that was submitted on June 14, 1995. This revision consists of a volatile organic compound (VOC) regulation to control emissions from autobody refinishing operations in ozone nonattainment areas classified as moderate or worse. In the final rules of this Federal Register, the EPA is approving this action as a direct final rule without prior proposal because EPA views this as a noncontroversial action and anticipates no adverse comments. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this document should do so at this time.

DATES: Comments on this proposed action must be received by March 13, 1996.

ADDRESSES: Written comments should be sent to: Carlton T. Nash, Chief, Regulation Development Section, Air Toxics and Radiation Branch (AT-18J), EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590.

SUPPLEMENTARY INFORMATION: For additional information, see the Direct Final notice which is located in the Rules section of this Federal Register. Copies of the request and the EPA's analysis are available for inspection at the following address: (Please telephone Douglas Aburano at (312) 353-6960 before visiting the Region 5 office.) EPA, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590.