

State's credits accordingly, and use this information to act on the State's permanent I/M program.

#### V. Further Requirements for Permanent I/M SIP Approval

At the end of the 18 month period, final approval of the State's plan will be granted based upon the following criteria:

1. The State has complied with all the conditions of its commitment to EPA,
2. EPA's review of the State's program evaluation confirms that the appropriate amount of program credit was claimed by the State and achieved with the interim program,
3. Final program regulations are submitted to EPA, and
4. The State I/M program meets all of the requirements of EPA's I/M rule, including those deficiencies found de minimis for purposes of interim approval.

#### VI. EPA's Evaluation of the Interim Submittal

EPA's review of this material indicates that Georgia is deficient in providing the details of the final ASM procedures, standards and specification requirements. EPA is proposing a conditional, interim approval of the Georgia SIP revision for the Inspection and Maintenance Program, which was submitted on March 27, 1996. EPA is soliciting public comments on the issues discussed in this notice 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.

#### Proposed Action

EPA is proposing to conditionally approve this revision to the Georgia SIP for an enhanced I/M program based on certain conditions. The conditions for approvability are as follows: Georgia must submit the required final ASM and gas cap test details that are acceptable to EPA.

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.

SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Clean Air Act forbids 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).

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 approval action proposed does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

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 approve or disapprove the SIP revision 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, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and Recordkeeping requirements.

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

Dated: November 12, 1996.

A. Stanley Meiburg,

*Acting Regional Administrator.*

[FR Doc. 96-31737 Filed 12-12-96; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Part 52

[TX76-1-7324; FRL-5664-7]

#### Approval and Promulgation of Extension of Temporary Section 182(f) and Section 182(b) Exemption to the Nitrogen Oxides (NO<sub>x</sub>) Control Requirements for the Houston/Galveston and Beaumont/Port Arthur Ozone Nonattainment Areas; Texas

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The EPA proposes to extend the temporary exemption from the NO<sub>x</sub> control requirements of sections 182(f) and 182(b) of the Clean Air Act (the Act) for the Houston/Galveston (HGA) and Beaumont/Port Arthur (BPA) ozone nonattainment areas. The State of Texas submitted a petition to EPA requesting the extension to permit additional time to complete Urban Airshed Modeling (UAM). A temporary NO<sub>x</sub> exemption was granted by EPA because preliminary photochemical grid modeling shows that reductions in NO<sub>x</sub> would be detrimental to attaining the National Ambient Air Quality Standards for ozone in these areas. Approval of the petition will extend the temporary exemption from the NO<sub>x</sub> requirements for NO<sub>x</sub> Reasonably Available Control Technology (RACT), New Source Review (NSR), Vehicle Inspection/

Maintenance (I/M), and conformity by one year to December 31, 1997, and the implementation date for NO<sub>x</sub> RACT by two years to May 31, 1999.

**DATES:** Comments on this proposed action must be received in writing on or before January 13, 1997.

**ADDRESSES:** Written comments on this action should be addressed to Mr. Thomas H. Diggs, Chief, Air Planning Section, at the EPA Regional Office listed below. Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Environmental Protection Agency,  
Region 6, Air Planning Section, 1445  
Ross Ave, Suite 1200, Mailcode 6PD-  
L, Dallas, TX 75202

Texas Natural Resource Conservation  
Commission, 12100 Park 35 Circle,  
PO Box 13087, Austin, Texas 78711-  
3087

**FOR FURTHER INFORMATION CONTACT:** Mr. Herbert R. Sherrow, Jr., Air Planning Section (6PD-L), Multimedia Planning and Permitting Division, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202. The telephone number is 214-665-7237.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

NO<sub>x</sub> are precursors to ground level (tropospheric) ozone, or urban "smog." When released into the atmosphere, NO<sub>x</sub> will react with volatile organic compounds (VOC) in the presence of sunlight to form ozone. Tropospheric ozone is an important contributor to the nation's urban air pollution problem.

The Act made significant changes to the air quality planning requirements for areas that do not meet the ozone standard. Subparts 1 and 2 of part D, title I of the Act contain the air quality planning requirements for ozone nonattainment areas. Title I includes new requirements to control NO<sub>x</sub> emissions in certain ozone nonattainment areas and ozone transport regions. Section 182(f) requires States to apply the same control requirements to major stationary sources of NO<sub>x</sub> as are applied to major stationary sources of VOC. Section 182(c) NO<sub>x</sub> requirements are RACT and nonattainment NSR. In addition, there are new NO<sub>x</sub> requirements under the conformity provisions of section 176(c). A 182(f) exemption would also relieve certain NO<sub>x</sub> requirements of the vehicle

I/M rule. This approval would temporarily extend the current exemption for the areas from the section 182(f) NO<sub>x</sub> RACT, NSR, I/M, and general conformity requirements (see the NO<sub>x</sub> Supplement to the General Preamble 57 FR 55620), and pursuant to section 182(b)(1) from the NO<sub>x</sub> "build/no build" and "less-than-1990 emissions" tests of the transportation conformity rules (60 FR 57179).

The HGA area was designated nonattainment for ozone and classified as severe pursuant to sections 107(d)(4) and 181(a) of the Act, and has an attainment deadline of 2007. The HGA nonattainment area includes the cities of Houston and Galveston, and consists of the following eight counties: Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller. The BPA area was initially classified as a serious nonattainment area, but EPA corrected the classification to moderate on June 3, 1996 (61 FR 14496), and BPA now has an attainment deadline of 1996. The BPA nonattainment area includes the cities of Beaumont and Port Arthur, and consists of the following three counties: Hardin, Jefferson, and Orange. See 56 FR 56694 (November 6, 1991), codified for Texas at title 40 of the Code of Federal Regulations (CFR) in § 81.344).

On August 17, 1994, the Texas Natural Resource Conservation Commission (TNRCC) submitted to EPA a petition pursuant to section 182(f) which requested that the HGA and BPA nonattainment areas be temporarily exempted by EPA from the NO<sub>x</sub> control requirements of section 182(f) of the Act. The State based its petition on the use of a UAM demonstration showing, pursuant to EPA guidelines, that NO<sub>x</sub> reductions would not contribute to attainment in either area because the decrease in ozone concentrations resulting from VOC reductions alone is equal to or greater than the decrease obtained from NO<sub>x</sub> reductions or a combination of VOC and NO<sub>x</sub> reductions.

The petition for the temporary exemption was approved by EPA and published at 60 FR 19519 (April 19, 1995). The approval was granted on a temporary basis because TNRCC had planned to complete additional UAM modeling that would be a basis for re-evaluating the contributions of NO<sub>x</sub> reductions to attainment between November of 1995 and May of 1996 using the results of an intensive 1993 field study, the Coastal Oxidant Assessment for Southeast Texas (COAST). The data collected through the COAST study consist of hourly point source emissions, gridded typical

summer day on-road mobile source emissions, hourly air quality data, and detailed meteorological data for specific ozone exceedance episodes in the HGA/BPA domain. Because it is intended to be the most comprehensive data set available, it should result in greater accuracy in the modeling and therefore in the attainment control strategy. Since the modeling was expected to be completed by May of 1996, TNRCC requested only a temporary NO<sub>x</sub> exemption. The EPA granted the exemption until December of 1996 and established that, if warranted, NO<sub>x</sub> RACT compliance should be as expeditious as practicable, but no later than May 31, 1997. The exemption applied to NO<sub>x</sub> RACT, NSR, I/M, and general conformity. The exemption also applied to transportation conformity since, at that time, the transportation conformity rule cited section 182(f) as the appropriate authority for granting such relief. The transportation conformity rule was later amended to reference section 182(b)(1) for areas subject to 182(b)(1).

##### **II. Applicable EPA Guidance**

The Act specifies in section 182(f) that if one of the conditions listed below is met, the new NO<sub>x</sub> requirements would not apply:

1. In any area, the net air quality benefits are greater without NO<sub>x</sub> reductions from the sources concerned;
2. In a nontransport region, additional NO<sub>x</sub> reductions would not contribute to ozone attainment in the nonattainment area; or

3. In a transport region, additional NO<sub>x</sub> reductions would not produce net ozone benefits in the transport region.

In addition, section 182(f)(2) states that the application of the new NO<sub>x</sub> requirements may be limited to the extent that any portion of those reductions are demonstrated to result in "excess reductions" of NO<sub>x</sub>. The previously-described NO<sub>x</sub> provisions of the conformity rules would also not apply in certain areas that are granted a section 182(f)(3) or 182(b)(1) exemption (60 FR 57179). In addition, certain NO<sub>x</sub> provisions of the I/M rule would not apply in an area that is granted a section 182(f) exemption (57 FR 52989).

The EPA's Guideline for Determining the Applicability of Nitrogen Oxides Requirements under Section 182(f) (December 1993), and 2 revisionary memoranda signed by John S. Seitz, Director of the EPA Office of Air Quality Planning and Standards, dated May 27, 1994, and February 8, 1995, describe how the EPA will interpret the NO<sub>x</sub> exemption provisions of section 182(f). As described more fully in the Seitz

memoranda, petitions submitted under section 182(f)(3) are not required to be submitted as State Implementation Plan (SIP) revisions. Consequently, the State is not required under the Act to hold a public hearing in order to petition for an area-wide NO<sub>x</sub> exemption determination. Similarly, it is not necessary to have the Governor submit the petition.

The application of section 182(f) NO<sub>x</sub> waivers to certain NO<sub>x</sub> requirements of the transportation conformity rule is no longer appropriate. The EPA has revised the transportation conformity rule to ensure consistency with section 176(c) (60 FR 57179). This rule revision makes it clear that areas that are subject to section 182(b)(1) (moderate and above) must submit transportation conformity NO<sub>x</sub> exemption requests as revisions to the SIP. Because HGA is classified as severe and BPA is classified as moderate, the revision addressing 182(b)(1) must be submitted as a revision to the SIP. The state adopted the proposal through public notice, hearing, and comment, and submitted it as a SIP revision with the petition.

### III. State Submittal

On March 6, 1996, the State of Texas submitted a petition to EPA which requests that the HGA and BPA nonattainment areas be granted an extension to the temporary exemption from NO<sub>x</sub> control requirements of sections 182(f) and 182(b) of the Act. The State's petition was transmitted by a letter from George W. Bush, Governor, State of Texas, to Jane Saginaw, Regional Administrator of EPA Region 6. The petition was accompanied by the records of public hearing on the petition to satisfy the requirements of section 182(b). The petition requests an extension of one year, from December 31, 1996, to December 31, 1997, for the exemption and an extension of the NO<sub>x</sub> compliance date from May 31, 1997, to May 31, 1999. The petition was subjected to public notice on September 5, 1995, and hearing on October 2, 1995. Since the petition for extension went through the State's public participation procedures prior to submittal, EPA considers it to be submitted as a revision to the SIP and, thus meets the requirements of section 182(b).

The State based its petition on needing additional time to complete UAM modeling using data from the COAST study. The preliminary modeling showed that NO<sub>x</sub> reductions would not contribute to attainment in either area because domain-wide predicted maximum ozone concentrations are lowest when only VOC reductions are modeled. The

schedule submitted in the State's original section 182(f) petition was determined based on completion of the UAM COAST modeling for attainment demonstration purposes by May 31, 1996. The additional year extension would allow for UAM using COAST data to accommodate recent improvements in the modeling process. These improvements will allow the development of better substantiated control programs and minimize the possibility that earlier modeling could result in unnecessary or counterproductive control programs, particularly if NO<sub>x</sub> controls are detrimental. The petition also includes a description of the improvements in data quantity and quality which will result from the additional time to conduct UAM.

Some of the advantages of taking additional time to conduct the modeling are: (1) The use of the UAM, version V, which is an improved model over the UAM, version IV, previously used, particularly in the reduced use of national defaults; (2) the development of more detailed emissions inventory data; (3) the use of additional monitored data; and (4) the use of more refined meteorological data. The current modeling effort is estimated by the State to be an order of magnitude increase over that for the preliminary modeling, with an attendant increase in the quality-assurance effort required. Because of the large economic impact of the future ozone control strategy on the Texas Gulf Coast Region, it is essential that the modeling be based on the best available science and the most complete, quality assured data possible.

Also submitted with the petition was a revision to previously-adopted NO<sub>x</sub> RACT rules (30 TAC 117) which would extend the compliance dates from May 31, 1997, to May 31, 1999. The State first submitted the NO<sub>x</sub> RACT rules to EPA on December 6, 1993.

A revision to the Texas (Nonattainment) New Source Review rule (30 TAC section 116.150), adopted on October 11, 1995, temporarily extends the suspension of the NO<sub>x</sub> NSR requirements in HGA and BPA through December 31, 1997. This rule revision was submitted to EPA on November 1, 1995, and was not resubmitted with the petition.

### IV. Analysis of State Submittal

The petition requests an extension of the exemption previously approved by EPA which was based on preliminary UAM modeling indicating that VOC controls would be more effective than NO<sub>x</sub> controls. Since the technical basis for the original extension and this

extension is the same (i.e., preliminary modeling demonstrated that there would be more ozone reduction with VOC only controls through 1999), EPA is proposing to approve the extension. Please refer to the original extension notice (60 FR 19515) and the accompanying technical support document for details of the technical basis for the exemption.

The current request also seeks to extend the NO<sub>x</sub> RACT compliance implementation date for 2 years, until May 31, 1999. This is based on the fact that the schedule previously proposed in August 1994, for completing the modeling has been displaced by as much as 15 months, until March 1997, to allow time for analysis of the COAST data before input to the model. Texas has indicated that if this modeling shows NO<sub>x</sub> reductions are beneficial in controlling ozone, specific modeling sensitivity analyses, to be completed by March 1997, would be performed which simulate various reductions required to attain the ozone standard. As further indicated by the State, the additional time needed for documenting model results, holding public hearings, and taking action by TNRCC adds 4 to 6 months to the process before industry will have the information needed to proceed with rule implementation. Since industry has to budget for control equipment and set implementation dates to coincide with equipment scheduled outages, which usually have annual or longer time frames, a two-year extension beyond the May 1997 compliance date in the original submittal is necessary. This two-year extension is also consistent with the two-year lead time originally requested by Texas (59 FR 64641).

In summary, approval of the petition would permit the State to improve the UAM. Moreover, the demonstration that was based on the original modeling showed that NO<sub>x</sub> controls through 1999 would not be beneficial, and thus, would also support the one-year extension to December 31, 1997. Also, the requested compliance date extension is consistent with the original lead time considered reasonable for implementation. Therefore, EPA believes that the extension requests contained in the petition are reasonable.

### V. Proposed Rulemaking Action

In today's action, EPA proposes to approve the petition submitted by the State of Texas requesting an extension of the temporary NO<sub>x</sub> exemption for the HGA and BPA ozone nonattainment areas. The extension, if granted, will expire on December 31, 1997, without further notice from EPA. The extension

applies to NO<sub>x</sub> RACT, NSR, I/M, general and transportation conformity requirements.

The State had previously adopted and submitted to EPA complete NO<sub>x</sub> RACT, NSR, I/M, and conformity rules. Along with the exemption extension submittal, NO<sub>x</sub> RACT rules providing for extending the current implementation date, were resubmitted. During the extension of the temporary exemption period, EPA will not act upon the State's NO<sub>x</sub> RACT rules. The EPA plans to act upon the State's NO<sub>x</sub>, NSR, I/M, and general and transportation conformity provisions in separate rulemaking actions because those provisions are contained in broader rules that also control VOC emissions.

Upon the expiration of the extension to the temporary exemption on December 31, 1997, the State is required to either; (1) have received an additional extension to the temporary NO<sub>x</sub> exemption or a permanent exemption from EPA prior to that time, or (2) begin implementing the State's NO<sub>x</sub> RACT, NSR, I/M, general and transportation conformity requirements, with NO<sub>x</sub> RACT compliance required as expeditiously as practicable but no later than May 31, 1999. The EPA will begin rulemaking on the NO<sub>x</sub> RACT SIP upon the expiration of the extension to the temporary exemption if the State has not received an additional temporary extension or a permanent exemption by that time.

Since the original temporary exemption and this temporary exemption is based on preliminary modeling, and additional time is being granted to allow for conducting modeling with improved data from the COAST study, any future petition for an extension of the temporary exemption or contingent exemption must be accompanied by UAM modeling based on the COAST data, as stated in the petition. Preliminary modeling cannot be used as a basis for any further extensions or a contingent exemption. It is technically insufficient to support a second extension or a contingent exemption. In addition, a further two-year extension of the NO<sub>x</sub> RACT compliance date based on the preliminary modeling would not be possible since it would extend the date beyond 1999, the last year included in the preliminary modeling.

Other specific requirements that would reapply upon expiration are: (1) Any NSR permits that had not been deemed complete prior to January 1, 1998, must comply with the NO<sub>x</sub> NSR requirements, consistent with the policy set forth in the EPA's NSR Supplemental Guidance memo dated

September 3, 1992, from John Seitz, Director, EPA's Office of Air Quality Planning and Standards; (2) any conformity determination (for either a new or revised transportation plan and Transportation Improvement Program) made after January 1, 1998 must comply with the NO<sub>x</sub> conformity requirements; and (3) any I/M vehicle inspection made after January 1, 1998, must comply with the I/M NO<sub>x</sub> requirements.

The EPA requests comments on all aspects of this proposal. Therefore, as indicated at the beginning of this action, EPA will consider any comments received by January 13, 1997.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

#### VI Administrative Requirements

##### A. Executive Order (E.O.) 12866

This action has been classified as a Table 1 action for signature by the 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 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. See 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.

The SIP approvals under section 110 and subchapter I, part D of the Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a flexibility analysis would constitute Federal inquiry into

the economic reasonableness of State action. The Act forbids EPA to base its actions concerning SIPs on such grounds. See *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

##### 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 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.

The EPA's proposed action relieves requirements otherwise imposed under the Act and, hence, does not impose any federal intergovernmental mandates, as defined in section 101 of the Unfunded Mandates Act. This action will also not impose a mandate that may result in estimated costs of \$100 million or more to either state, local, or tribal governments, in the aggregate, or the private sector. Since this action will not significantly impact any small governments, EPA is not required to establish a plan pursuant to section 203.

##### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental Relations, Nitrogen dioxide, Ozone, Volatile Organic Compounds.

Dated: December 6, 1996.

Carol M. Browner,  
Administrator.

40 CFR part 52 is proposed to be amended as follows:

#### PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

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

##### Subpart SS—Texas

2. Section 52.2308 is amended by adding paragraph (e) to read as follows:

##### § 52.2308 Area-wide nitrogen oxides (NO<sub>x</sub>) exemptions.

\* \* \* \* \*

(e) The TNRCC submitted to EPA on March 6, 1996, a petition requesting that the Houston/Galveston and Beaumont/Port Arthur ozone nonattainment areas be granted an extension to a previously-granted temporary exemption from the NO<sub>x</sub> control requirements of sections 182(f) and 182(b) of the Clean Air Act. The temporary exemption was granted on April 19, 1995. The current petition is based on the need for more time to complete UAM to confirm the need for, and the extent of, NO<sub>x</sub> controls required. On December 6, 1996, EPA approved the State's request for an extension to the temporary exemption. The temporary extension automatically expires on December 31, 1997, without further notice from EPA. Upon expiration of the extension, the requirements pertaining to NO<sub>x</sub> RACT, NSR, I/M, general and transportation conformity will become applicable, except that the NO<sub>x</sub> RACT compliance date shall be implemented as expeditiously as practicable, but no later than May 31, 1999, unless the State has received a contingent NO<sub>x</sub> exemption from the EPA prior to that time.

[FR Doc. 96-31705 Filed 12-12-96; 8:45 am]

BILLING CODE 6560-50-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 96-244, RM-8936]

#### Radio Broadcasting Services; Madison, IN

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rule making filed on behalf of Edward E. Guinn requesting the allotment of Channel 266A to Madison, Indiana, as that community's second local FM service. Coordinates used for this proposal are 38-49-15 and 85-18-46.

**DATES:** Comments must be filed on or before January 27, 1997, and reply comments on or before February 11, 1997.

**ADDRESSES:** Secretary, Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Harry F. Cole, Esq., Bechtel & Cole, 1901 L Street, N.W., Suite 250, Washington, D.C. 20036.

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 96-244, adopted November 29, 1996, and released December 6, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96-31659 Filed 12-12-96; 8:45 am]

BILLING CODE 6712-01-P

### 47 CFR Part 73

[MM Docket No. 96-241, RM-8928]

#### Radio Broadcasting Services; Minden and Natchitoches, Louisiana

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition by Ninety-Five Point Seven, Inc., assignee of Station KASO (FM), Channel 239A, Minden, Louisiana, and Bundrick Communications, Inc., licensee of Station KZBL (FM), Channel 240A, Natchitoches, Louisiana, requesting the substitution of Channel 239C2 for Channel 239A at Minden, Louisiana, and the modification of Station KASO

(FM)'s authorization to specify the higher powered channel. Petitioners also request the substitution of Channel 264A for Channel 240A at Natchitoches, Louisiana, and modification of Station KZBL (FM)'s license to reflect the new channel. Channel 239C2 and Channel 264A can be allotted to Minden and Natchitoches, respectively, in compliance with Commission's minimum distance separation requirements. Channel 239C2 can be allotted to Minden with a site restriction of 9.2 kilometers (5.7 miles) northwest. Channel 264A can be allotted to Natchitoches at the transmitter site specified in Station KZBL (FM)'s license. See Supplemental Information, *infra*.

**DATES:** Comments must be filed on or before January 27, 1997, and reply comments on or before February 11, 1997.

**ADDRESSES:** Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: William J. Pennington, III, Post Office Box 403, Westfield, Massachusetts 01086 (Counsel for petitioners).

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 96-241, adopted November 29, 1996, and released December 6, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

The coordinates for Channel 239C2 at Minden are 32-39-06 and 93-22-15. The coordinates for Channel 264A at Natchitoches are 31-48-18 and 93-01-29. In accordance with Section 1.420(g) of the Commission's Rules, we will not accept competing expressions of interest for the use of Channel 239C2 at Minden or require petitioner to demonstrate the availability of an additional equivalent class channel.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission