

C1. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title “COMMENTS”, “RECOMMENDATIONS FOR TERMS AND CONDITIONS”, “PROTEST”, OR “MOTION TO INTERVENE”, as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, State, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

**Lois D. Cashell,**

Secretary.

[FR Doc. 97-20123 Filed 7-30-97; 8:45 am]

BILLING CODE 6717-01-M

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-5866-4]

### Agency Information Collection Activities: Submission for OMB Review; Comment Request for the Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR) Programs

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

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the following continuing Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Information Collection Request for 40 CFR part 51 and 52 Prevention of Significant Deterioration and Nonattainment New Source Review: OMB No. 2060-0003, Exp. September 30, 1997. The ICR describes the nature of the information collection and its expected burden and cost.

**DATES:** Comments must be submitted on or before September 2, 1997.

**FOR FURTHER INFORMATION OR A COPY CALL:** Sandy Farmer at EPA, (202) 260-2740, and refer to EPA ICR No.1230.09.

#### SUPPLEMENTARY INFORMATION:

**Affected entities:** Entities potentially affected by this action are those which must submit an application for a permit to construct a new source or to modify an existing source of air pollution, permitting agencies which review the permit applications, and members of the public who are due the opportunity to comment on permitting actions.

**Title:** Information Collection Request for 40 CFR parts 51 and 52 Prevention of Significant Deterioration and Nonattainment New Source Review: OMB No. 2060-0003, Exp. September 30, 1997. This is a request for extension of a currently approved collection.

**Abstract:** Part C of the Clean Air Act (Act)—“Prevention of Significant Deterioration,” and Part D—“Plan Requirements for Nonattainment Areas,” require all States to adopt preconstruction review programs for new or modified stationary sources of air pollution. Implementing regulations for State adoption of these two New Source Review (NSR) programs into a State Implementation Plan (SIP) are promulgated at 40 CFR 51.160 through 51.166 and appendix S to part 51. Federal permitting regulations are promulgated at 40 CFR 52.21 for PSD areas that are not covered by a SIP program.

In order to receive a construction permit for a major new source or major modification, the applicant must conduct the necessary research, perform the appropriate analyses and prepare the permit application with documentation to demonstrate that their project meets all applicable statutory and regulatory NSR requirements. Specific activities and requirements are listed and described in the Supporting Statement for the ICR.

Permitting agencies, either State, local or Federal, review the permit application to affirm the proposed source or modification will comply with the Act and applicable regulations. The permitting Agency then provides for public review of the proposed project and issues the permit based on its consideration of all technical factors and public input. The EPA, more broadly, reviews a fraction of the total applications and audits the State and local programs for their effectiveness. Consequently, information prepared and submitted by the source is essential for the source to receive a permit, and for Federal, State and local environmental

agencies to adequately review the permit application and thereby properly administer and manage the NSR programs.

To facilitate adequate public participation, information that is submitted by sources as a part of their permit application, should generally be a matter of public record. See sections 165(a)(2) and 110(a)(2) (C), (D), and (F) of the Act. Notwithstanding, to the extent that the information required for the completeness of a permit is proprietary, confidential, or of a nature that it could impair the ability of the source to compete in the marketplace, that information is collected and handled according to EPA's policies set forth in title 40, chapter 1, part 2, subpart B—Confidentiality of Business Information (see 40 CFR part 2). See also section 114(c) of the Act.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** Notice required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on December 31, 1996 (61 FR 69090). The comments received are summarized in Appendix H to the Supporting Statement for the ICR, and are responded to in the appropriate sections of the Supporting Statement for the ICR. The Agency also notes that, in order to respond effectively to the comments received, the original expiration date for the existing ICR was extended from March 31, 1997 to September 30, 1997.

**Burden Statement:** The annual public reporting and recordkeeping burden for this collection of information is broken down as follows:

Type of permit action	Major PSD	Major part D	Minor
Number of sources .....	320	590	56,500
Burden Hours per Response:			
Industry .....	839	577	40
Permitting agency ....	272	109	30

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and

maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

*Respondents/Affected Entities:*

Industrial plants, State and Local permitting agencies.

*Estimated Number of Respondents:* (114,820).

*Frequency of Response:* (1 per respondent).

*Estimated Total Annual Hour Burden:* (4,715, 260) hours.

*Estimated Total Annualized Cost Burden:* \$(0).

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses.

Please refer to EPA ICR No.1230.09 and OMB Control No. 2060-0003 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, OPPE Regulatory Information Division (2137), 401 M Street, SW., Washington, DC 20460 and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503

Dated: July 25, 1997.

**Joseph Retzer, Director,**

*Regulatory Information Division.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-5867-1]

### Change in Minimum Oxygen Content Requirement for Reformulated Gasoline

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice.

**SUMMARY:** EPA's reformulated gasoline (RFG) program contains various standards for RFG, including an oxygen content standard. The current per-gallon minimum standard for oxygen content in RFG is 1.5% by weight. Pursuant to the RFG regulations, EPA is increasing this standard to 1.6% by weight for

several of the RFG covered areas, because those areas failed a series of compliance surveys for oxygen content in 1996. This notice announces the increased standard, and describes the covered areas and parties that are subject to the increased standard. The increased standard will help ensure that all covered areas receive the full benefit of the oxygen content requirement in the RFG program.

**FOR FURTHER INFORMATION CONTACT:**

Stuart Romanow, Fuels and Energy Division, Office of Mobile Sources, Environmental Protection Agency, Washington DC (6406J) 202-233-9296.

**SUPPLEMENTARY INFORMATION:**

#### I. Regulatory Entities

Regulatory categories and entities potentially affected by this action include:

Category	Examples of affected entities
Industry .....	Refiners, importers, oxygenate blenders of reformulated gasoline.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. This table lists the types of entities that EPA is now aware could be potentially affected by this action. Other types of entities not listed in the table could also be affected. To determine whether your entity is affected by this action, you should carefully examine the existing provisions at 40 CFR 80.41. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

#### II. Background

Section 211(k) of the Clean Air Act requires that EPA establish standards for reformulated gasoline (RFG) to be used in specified ozone nonattainment areas (covered areas). The RFG requirements contain performance standards for reductions of emissions from motor vehicles of ozone forming volatile organic compounds and toxic pollutants.

Standards for RFG are contained in 40 CFR 80.41. Refiners and other parties subject to the standards can choose to comply on either a per-gallon basis or to comply on average. The standards for compliance on average ("averaged standards") are numerically more stringent than the per-gallon standards. The averaged standards for RFG that apply in 1996 are contained in

§ 80.41(b). These averaged standards include a per-gallon minimum requirement of 1.5 weight percent oxygen. This per-gallon minimum requirement is in addition to the requirement for 2.1 weight percent oxygen, on average. The average standard for oxygen must be met by a refiner or oxygenate blender for all of the RFG it produced at a refinery or blending facility, or for RFG imported by an importer, but these parties are not required to meet this standard for the RFG supplied to each covered area separately.

Any refiner, importer or oxygenate blender has the option of meeting the RFG standards on average or per gallon. If a party is subject to the averaged standards, then the requirement to conduct surveys, as specified in § 80.68, must be satisfied. In these surveys, RFG samples are collected at retail gasoline stations within covered areas and analyzed to determine if the RFG supplied to each covered area meets certain survey pass/fail criteria specified in § 80.68. An oxygen survey series failure occurs in a covered area if the annual average oxygen content for all of the samples is less than 2.00 weight percent. The purpose of the surveys and the tightened standards which result if a survey is failed is to ensure that averaging over a refiner's entire production as compared to separate averaging for each covered area does not lead to the reduced quality of RFG in any covered area.

Since the implementation of the RFG program in 1995, these surveys have been conducted by the RFG Survey Association, a not-for-profit association of refiners, importers and blenders, using an EPA-approved survey design plan as required in the regulations. By letter dated January 16, 1997, the RFG Survey Association reported to EPA the results of its surveys for 1996, indicating that several survey areas failed to meet the annual average requirements of 2.00% oxygen by weight.<sup>1</sup> After reviewing the data EPA determined that 8 areas did fail the survey series for oxygen content.<sup>2</sup>

The following covered areas failed the oxygen survey series:

1. Philadelphia-Wilmington-Trenton area [§ 80.70(e)]
2. Baltimore, MD area [§ 80.70(g)]

<sup>1</sup> Letter dated January 16, 1997 from Frank C. Lenski, President, RFG Survey Association, to Charles Freed, Director, Fuels and Energy Division, EPA.

<sup>2</sup> Letter dated January 31, 1997 from Charles Freed, EPA, to Frank Lenski, RFG Survey Association. Also see Memorandum dated April 29, 1997 from Stuart Romanow, Mechanical Engineer, Fuels and Energy Division to Charles Freed.