Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Particulate matter.

Note: Incorporation by reference of the State Implementation Plan for the State of Arizona was approved by the Director of the Federal Register on July 1, 1982.

Dated: March 20, 1998.

Felicia Marcus,

Regional Administrator, Region IX.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401 *et seq.*

Subpart D—Arizona

2. Section 52.120 is amended by adding paragraph (c)(82)(i)(D) to read as follows:

§ 52.120 Identification of plan.

* * * * *

(c) * * *

(82) * * *

(i) * * *

(D) Rule 318 and Residential Woodburning Restriction Ordinance, adopted on October 5, 1994.

* * * * *

[FR Doc. 98–8414 Filed 3–30–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[CA 041–0067b; FRL–5983–9]

Approval and Promulgation of State Implementation Plans and Redesignation of California's Ten Federal Carbon Monoxide Planning Areas to Attainment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on maintenance plans and redesignation requests submitted by the California Air Resources Board (CARB) to redesignate ten of California's federal carbon monoxide planning areas from nonattainment to attainment for the National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO). They are: Bakersfield Metropolitan Area, Fresno Urbanized Area, Lake Tahoe South Shore Area, Sacramento Area, San Francisco-Oakland-San Jose Area, Chico Urbanized Area, Lake Tahoe North Shore Area, Modesto Urbanized Area, San Diego Area, and Stockton Urbanized Area. Under the Clean Air Act as amended in 1990 (CAA), designations can be revised if sufficient data is available to warrant such revisions. In this action, EPA is approving California's maintenance plans and redesignation requests because they meet the requirements set forth in the CAA. In addition, EPA is approving a related State Implementation Plan (SIP) submission by CARB, an Air Quality Attainment Plan for CO for Fresno.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should relevant adverse comments be filed.

DATES: This rule is effective June 1, 1998 without further notice unless the Agency receives relevant adverse comments by April 30, 1998. If the effective date is delayed timely notice will be published in the **Federal Register**.

ADDRESSES: As indicated in the parallel proposed rule, comments should be addressed to the EPA contact below. The rulemaking docket for this notice, Docket No. 98-XX, may be inspected and copied at the following location during normal business hours. A reasonable fee may be charged for copying parts of the docket.

Environmental Protection Agency, Region 9, Air Division, Air Planning Office (AIR–2), 75 Hawthorne Street, San Francisco, CA 94105–3901.

Environmental Protection Agency, Air Docket (6102), 401 ''M'' Street SW., Washington, DC 20460.

Copies of the SIP materials are also available for inspection at the addresses listed below:

California Air Resources Board, 2020 L Street, Sacramento, CA 92123–1095.

San Joaquin Valley Unified APCD, 1999 Tuolumne St., Suite 200, Fresno, CA 93721.

Placer County, DeWitt Center, 11464 B Avenue, Auburn, CA 95603.

Sacramento Metropolitan APCD, 8411 Jackson Road, Sacramento, CA 95826.

Bay Area Air, Quality Management District, 939 Ellis Street, San Francisco, CA 94109.

Butte County, 2525 Dominic Drive, Suite J, Chico, CA 95928–7184.

El Dorado County, 2850 Fairlane Ct., Bldg. C, Placerville, CA 95667–4100.

Yolo-Solano County, 1947 Galileo Ct., Suite 103, Davis, CA 95616–4882.

San Diego County, Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123–1095.

FOR FURTHER INFORMATION CONTACT: Larry A. Biland, Air Planning Office (AIR–2), Air Division, U.S. EPA, Region 9, 75 Hawthorne Street, San Francisco, CA, 94105–3901. Telephone: (415) 744–1227.

SUPPLEMENTARY INFORMATION:

I. Background

A. Areas Requesting Redesignation

The ten areas requesting redesignation were determined to be nonattainment for CO in the November 6, 1991, **Federal Register** (Vol. 56, No. 215, pp. 56723–56725). CARB's emission control programs, including strict motor vehicle emission standards and the clean fuels program, have reduced CO emissions. The decrease in emissions has improved CO air quality so that they now attain the National Ambient Air Quality Standard (NAAQS) and are therefore eligible for redesignation to attainment for the national CO standard. The ten areas are:

Bakersfield Metropolitan Area
Chico Urbanized Area
Fresno Urbanized Area
Lake Tahoe No. Shore Area [1]
Lake Tahoe So. Shore Area [2]
Modesto Urbanized Area
Sacramento Area [3]
San Diego Area [4]
San Francisco-Oakland-San Jose Area [5]
Stockton Urbanized Area

Eight of the areas were classified as moderate nonattainment, while two areas (Lake Tahoe No. Shore Area and Bakersfield Metropolitan Area) were unclassified. Moderate areas are those with an eight-hour average CO design

[1] Placer County part of Lake Tahoe Air Basin.

[2] El Dorado County part of Lake Tahoe Air Basin.

[3] Urbanized parts of Sacramento, Placer, and Yolo Counties.

[4] Western part of County only.

[5] Urbanized parts of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties.

value between 9.1 and 16.4 parts per million (ppm) or less. (The design value is the highest of the second high eight-hour concentrations observed at any site in the area over eight consecutive quarters and is the value on which the determination of attainment or nonattainment is based.) An ''unclassified'' nonattainment area is one with data showing no violations but, because it had been designated as nonattainment prior to the 1990 CAA Amendments, was continued as nonattainment by operation of law until redesignation requirements are completed.

II. Evaluation Criteria

Section 107(d)(3)(E) of the 1990 Clean Air Act Amendments provides five specific requirements that an area must meet in order to be redesignated from nonattainment to attainment.

1. The area must have attained the applicable NAAQS;
2. The area must have a fully approved SIP under section 110(k) of CAA;
3. The air quality improvement must be permanent and enforceable;
4. The area must have a fully approved maintenance plan pursuant to section 175A of the CAA;
5. The area must meet all applicable requirements under section 110 and Part D of the CAA.

III. Review of State Submittal

EPA attempts to make completeness determinations within 60 days of receiving a submission. However, a submittal is deemed complete by operation of law if a completeness determination is not made by EPA six months after receipt of the submission. In this instance, a completeness determination was made by operation of law. The redesignation requests for Bakersfield Metropolitan Area, Fresno Urbanized Area, Lake Tahoe South Shore Area, Sacramento Area, San Francisco-Oakland-San Jose Area, Chico Urbanized Area, Lake Tahoe North Shore Area, Modesto Urbanized Area, San Diego Area, and Stockton Urbanized Area meet the five requirements of section 107(d)(3)(E), noted above. The following is a brief description of how the State has fulfilled each of these requirements.

1. Attainment of the CO NAAQS

The State and Local Air Monitoring Stations (SLAMS) form the network of monitoring stations that provide the data used to demonstrate attainment. This network is reviewed annually by the CARB and the U.S. EPA as part of the development of the State and Local Air Monitoring Network Plan, as required by Title 40, Code of Federal Regulations (CFR), Part 58. All CO data reviewed to confirm attainment were retrieved from the Aerometric Information Retrieval System (AIRS) maintained by U.S. EPA. These data were reviewed for completeness, especially for the winter months of November, December, and January, during which concentrations are highest. The data used to confirm attainment are the CO eight-hour design values. The design value is the highest of the second high eight-hour concentrations observed at any site in the area over eight consecutive quarters. Table 1 lists the design value for each nonattainment area. EPA has also reviewed the most recent years' data in AIRS as a further check that the air quality levels in these areas show no violations; these design values are provided in the final column of Table 1.

TABLE 1.—CARBON MONOXIDE DESIGN VALUES

Nonattainment area	Attainment period [6]	Design value (ppm)	1995—1996 Design value (ppm)
Bakersfield	[7] 1992–1994	6.1	5.6
Chico	[8] 1993–1995	5.4	5.3
Fresno	[9] 1993–1995	9.1	8.3
Lake Tahoe North Shore	1993–1994	3.8	[10] 3.2
Lake Tahoe South Shore	1993–1994	7.4	5.3
Modesto	1993–1994	6.6	5.6
Sacramento Area	1993–1995	9.1	7.1
San Diego	1993–1994	7.0	6.0
San Francisco-Oakland-San Jose	1993–1994	7.2	5.8
Stockton	1993–1994	7.5	6.7

[6] Except as otherwise noted, data are from calendar years 1993 and 1994.
[7] *Bakersfield:* The sites used for the attainment demonstration were closed during the third quarter of 1994. Therefore, the eight-hour design value was based on CO data from November 1992 through February 1993 and November 1993 through February 1994.
[8] *Chico:* The 1993–1994 period is missing two of the eight months that have potential for high CO values; therefore, the eight-hour design value was based on CO data from November 1993 through February 1994 and November 1994 through February 1995.
[9] *Fresno:* The site triggering the nonattainment designation, Fresno-Olive, was closed during 1990. Data supporting the attainment demonstration are from Fresno-Fisher, a site determined to be equivalent. CO data from the Fresno-Fisher site are for November 1993 through January of 1994 and December 1994 through February 1995.
[10] 1994–1995 data.

Air quality data show that the ten areas no longer violate the national eight-hour CO standard.

2. Fully Approved SIP Under Section 110(k) of the CAA

As set forth in the CAA, the applicable requirements for redesignation are found in sections 110, part D, and 211 (m)(1). The required SIP elements were submitted by CARB and are being approved below.

a. Attainment Demonstration for Fresno

The CAA requires an attainment demonstration for all CO nonattainment areas that have a design value greater than 12.7 ppm. The only nonattainment area of the ten included in this action that falls under this condition is the Fresno-Clovis urbanized area which had a design value of 13 ppm. The original CO attainment demonstration for the

Fresno Urbanized nonattainment area was submitted by California to EPA on December 28, 1992. Table 2 shows the Rollback Analysis for the Fresno Nonattainment Area. The demonstration uses a direct proportional rollback analysis which assumes a linear correlation between CO emissions and ambient concentrations of CO. The design value was chosen according to EPA's criteria which is the second highest recorded 8-hour concentration of CO during 1988 and 1989. The analysis used a design value of 13.0 ppm and a target of 9.0 ppm (the Federal standard). This analysis was done for the years 1988 through 1995 to compare target emissions levels and to allow for meteorological variations which may have impacted CO levels. Table 2 also lists the wintertime emissions estimates for 1988 through 1995 based on the 1987 base inventory. The analysis used the wintertime on-road mobile source inventory since there are no stationary CO sources near the monitoring sites. The design monitoring site is located in the urban core of the city (Shields and First) and there are no industrial CO sites that impact this location. The vehicle emission estimates, which are based on relatively new speed correction factors, assume the benefits of the CARB regulations prescribing the oxygenate content of gasoline. The estimates do not include the benefits of an Enhanced Inspection and Maintenance program for on-road motor vehicles or District proposed transportation control measures. Table 2 also includes the annual second high ambient CO concentrations for each year used in the rollback calculations and the resulting ''emission target''. The emission target is an estimate of the maximum amount of emissions that should provide for attainment.

TABLE 2.—ROLLBACK ANALYSIS

[(Data is from the 1992 SIP submittal) Fresno Carbon Monoxide Nonattainment Area [10]]

	1988	1989	1990	1991	1992	1993	1994	1995
On-road mobile emissions (t/d)	402	398	371	356	308	294	280	266
Second highest recorded value (ppm)	[11]13.0	[11]12.6	[12]8.8	[12]9.0	.....	.....	.....	.....
Emission Target (t/d){C=(A×9 ppm)÷B}	278	284	379	356	.....	.....	.....	.....

[10] Carbon monoxide wintertime emission estimates for motor vehicle emissions are calculated using factors (EMFAC7EPSCFCO) and the benefits of CARB's oxygenated fuel regulation.
[11] Monitoring site located at Olive Street.
[12] Monitoring site located at First Street.

The rollback analysis for Fresno projected that attainment would be achieved by 1995, based on a linear projection of reductions required to achieve attainment. The actual 1993–1995 design value for the entire nonattainment area was 9.1 ppm. EPA's review of the 1995–1996 air quality data entered into the AIRS data base indicates that the actual 1995–1996 design value for the Fresno, 1145 Fisher St. CO monitor was 8.3 ppm. This trend is consistent with evidence that the Fresno Area CO emissions continue to drop.

b. New Source Review (NSR) SIP Submittals

Consistent with the October 14, 1994 EPA guidance from Mary D. Nichols entitled ''Part D New Source Review (Part D NSR) Requirements for Areas Requesting Redesignation to Attainment,'' EPA is not requiring full approval of a Part D NSR program by California as a prerequisite to redesignation to attainment. Under this guidance, nonattainment areas may be redesignated to attainment notwithstanding the lack of a fully approved Part D NSR program so long as the program is not relied upon for maintenance. California has stated in their redesignation request that they have not relied on a NSR program for CO sources to maintain attainment.

c. Contingency Measures for VMT Exceedances

CAA Section 187(a)(2)(A) requires CO areas with a design value above 12.7 ppm to submit a forecast of vehicle miles traveled (VMT) through the attainment date, and to provide for annual updates. Fresno's ''Federal 1992 Air Quality Attainment Plan for CO'' includes the VMT projections through 1995 (Table 2) and a commitment to update the projections. The projections meet applicable EPA guidelines. CAA Section 187(a)(3) requires SIPs for CO areas with a design value above 12.7 ppm to contain contingency measures to be implemented if VMT projected levels are exceeded or the area fails to attain by its CAA deadline. Based on the measures included in the SIP, the Fresno area attained the CO NAAQS by its scheduled date and did not exceed its VMT projected levels through 1995. Therefore, EPA approves the SIP for Fresno with respect to the provisions of Sections 187(a)(2)(A) and 187(a)(3).

d. Improvement in Air Quality Due to Permanent and Enforceable Measures

Improvements in air quality must be shown not to have occurred as a result of temporary economic conditions or favorable meteorology. One approach to assessing whether economic conditions contributed to improved air quality is to review the VMT trends for each CO nonattainment area. Motor vehicle usage has been observed in the past to decrease with poor economic conditions. Because motor vehicles are the primary source of CO, any significant change in VMT should be reflected as changes in CO emissions. Table 3 shows VMT increased, on average, 14 percent, for the areas during the period in which CO air quality was improving. This supports a finding that CO emission reductions did not occur as a result of decreased VMT associated with an economic downturn.

TABLE 3.—VEHICLE MILES TRAVELED [13]

[Thousands]

Area	1990	1993	1995
Bakersfield Metropolitan Area (Kern Co.)	12606	13728	15196
Chico Urbanized Area (Butte Co.)	3988	4196	4394
Fresno Urbanized Area (Fresno Co.)	15150	16744	17897
Lake Tahoe No. Shore (Placer Co.)	383	434	451

TABLE 3.—VEHICLE MILES TRAVELED [13]—Continued

[Thousands]

Area	1990	1993	1995
Lake Tahoe So. Shore (El Dorado Co.)	811	897	923
Modesto Urbanized Area (Stanislaus Co.)	8478	9465	10121
Stockton Urbanized Area (San Joaquin Co)	11508	13084	14139
Placer Co (Sacramento Valley)	5700	6302	7040
Sacramento Co	22202	24811	26550
Yolo Co	3598	3990	4252
San Diego Area (San Diego Co.) [14]	61990	63272	64121
Alameda Co	25345	26601	27857
Contra Costa Co	15883	17146	17989
Marin Co	5201	5332	5420
Napa Co	1791	1965	2080
San Francisco Co	8347	8670	8886
San Mateo Co	12980	13483	13819
Santa Clara Co	28023	29229	30036
Solano Co	5880	6337	6643
Sonoma Co	4909	5265	5504

[13] CARB motor vehicle activity data (BURDEN7F); 1/19/94 run date.
[14] VMT estimates for San Diego based on data supplied by SANDAG in August 1994.

The improved air quality also must not have occurred solely because of favorable meteorology. Stable weather conditions characterized by cold temperatures, very low inversion layers, and very light to no winds contribute to higher CO levels. In contrast, unstable weather conditions characterized by medium to strong, gusty winds provide good mixing and dispersion which contribute to lower CO levels. An indicator that can be used to estimate unstable weather conditions during a season is the number of days with measurable precipitation (>0.01″). Therefore, one method for assessing favorable meteorology is to compare the historical average number of days with measurable precipitation in a CO season (November through February) with the number of days during the attainment period. Table 4 displays data comparing the historical (1961–1995) average number of days with measurable precipitation in a CO season with the number of days in the two CO seasons on which the attainment demonstration is based.

TABLE 4.—MEASURABLE PRECIPITATION (≥0.01″) DURING CO SEASON [15]

Station	35-year average	1992–1993	1993–1994
	Number of days	Number of days	Number of days
Bakersfield	22	30	20
Chico [16]	38	46	34
Fresno	27	32	20
Lake Tahoe [17]	.....	46	32
Modesto [18]	31	45	29
Sacramento	35	47	32
San Francisco	37	46	32
San Diego	23	38	23
Stockton	30	40	28

[15] Precipitation data were obtained from the National Oceanic and Atmospheric Administration.
[16] Chico precipitation data for 1961 through 1990 based on data gathered at Redding; Chico precipitation data were used for 1991–1995.
[17] Historical precipitation data for Lake Tahoe were not available.
[18] Modesto precipitation data for 1961 through 1990 based on data gathered at Stockton; Modesto precipitation data were used for 1991–1995.

As shown in Table 4, the 1992–1993 CO season had more days of measurable precipitation than the 35-year average, while the 1993–1994 CO season had, except for San Diego, fewer days of precipitation than the historical average for all the sites. Although it appears that CO concentrations during the 1992–1993 season may have been influenced by favorable meteorology, the decline in CO design values continued during the 1993–1994 CO season, despite less favorable meteorology. The data support a finding that favorable meteorology did not account solely for the lower CO levels during the attainment period.

e. Fully Approved Maintenance Plan Under Section 175A

Section 175A of the CAA sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. The plan must demonstrate continued attainment of the applicable NAAQS for at least ten years after the Administrator approves a redesignation to attainment. Eight years after the redesignation, the State must submit a revised maintenance plan which demonstrates attainment for the ten years following the initial ten-year period. In the event of a CO NAAQS violation, the maintenance plan must contain contingency measures, with a schedule for implementation adequate to assure prompt correction of any air quality problems. In this notice EPA is approving the State of California's maintenance plans for the: Bakersfield Metropolitan Area, Fresno Urbanized Area, Lake Tahoe South Shore Area, Sacramento Area, San Francisco-Oakland-San Jose Area, Chico Urbanized Area, Lake Tahoe North

Shore Area, Modesto Urbanized Area, San Diego Area, and Stockton Urbanized Area because EPA finds that California's submittal meets the requirements of section 175A.

(i). Emission Inventory. Clean Air Act sections 172(c)(3) and 187(a)(1) require that CO plans include comprehensive, accurate, and current inventories of actual emissions from all sources. EPA's guidance for preparing emission inventories is discussed and referenced in the General Preamble (57 FR 134988, April 16, 1992). California originally submitted its inventory to EPA on November 13, 1992. The maintenance plan submittal provides more current inventories for each area. See Attachment 2, ''Carbon Monoxide Winter Seasonal Emission Inventory (1990–2010). Motor vehicle emissions were determined using California's EMFAC7F, which EPA has accepted for purposes of the California SIP.

EPA is approving these updated CO emission inventories, rather than the initial submission, as meeting the CAA requirements for these areas. For further details on EPA's review of the inventories, the reader is referred to the Technical Support Document.

(ii). Oxygenated Gasoline. Motor vehicles are major contributors of CO emissions. An important measure toward reducing these emissions is the use of cleaner-burning oxygenated gasoline. Extra oxygen, contained within the oxygenate in the fuel, enhances fuel combustion and helps to offset fuel-rich operating conditions, particularly during vehicle starting, which are more prevalent in the winter. Section 211(m) of the CAA requires that CO nonattainment areas, with a design value of 9.5 ppm based on data for the 2-year period of 1988 and 1989, submit a SIP revision for an oxygenated fuel program for such area. The oxygenated fuel requirement must apply to all fuel refiners or marketers who sell or dispense gasoline in the Metropolitan Statistical Area (MSA) or Consolidated Statistical Area (CMSA) in which the nonattainment area is located. California submitted its motor vehicle fuels regulations on November 15, 1994. EPA approved the State's fuels regulations, including its requirements for oxygen content, on August 21, 1995 (60 FR 43379). Consistent with that action, EPA approves the SIP with respect to the requirements of sections 211(m) and 187(b)(3) for oxygen content of gasoline.

(iii). Vehicle Inspection and Maintenance (I/M). CAA Section 187(a)(4) requires basic vehicle I/M programs in CO nonattainment areas with design values equal to or less than 12.7 ppm; Section 187(a)(6) requires enhanced I/M programs for CO nonattainment areas with design values above 12.7 ppm. California submitted SIP revisions on June 30, 1995 and January 22, 1996 for both basic and enhanced I/M programs. On January 8, 1997, EPA approved the California I/M regulations for basic and enhanced I/M programs (62 FR 1150). Only Fresno is required to have Enhanced I/M for CO, since at the time of classification Fresno had a design value greater than 12.7 ppm (56 FR 56694, November 16, 1991). Fresno does not rely on emission reductions for CO from Enhanced I/M; however, the State's enhanced I/M Program has received interim approval to satisfy the enhanced I/M requirements of section 187(a)(6). I/M is not required in the Lake Tahoe Air Basin since it did not have an existing I/M program prior to enactment of the 1990 CAA Amendments (section 187(a)(4)).

(iv). Conformity. EPA interprets the conformity requirements as not being an applicable requirement for purposes of evaluating the redesignation request under section 1079d). The rationale for this is based on a combination of two factors. First, the requirement to submit SIP revisions to comply with the conformity provisions of the Act continues to apply to areas after redesignation to attainment. Therefore, the State remains obligated to adopt the transportation and general conformity rules even after redesignation and would risk sanctions for failure to do so. While redesignation of an area to attainment enables the area to avoid further compliance with most requirements of section 110 and Part D, since those requirements are linked to the nonattainment status of an area, the conformity requirements apply to both nonattainment and maintenance areas. Second, EPA's federal conformity rules require the performance of conformity analyses in the absence of State-adopted rules. Therefore, a delay in adopting State rules does not relieve an area from the obligation to implement conformity requirements. Because areas are subject to the conformity requirements regardless of whether they are redesignated to attainment and must implement conformity under Federal rules if State rules are not yet adopted, EPA believes it is reasonable to view these requirements as not being applicable requirements for purposes of evaluating a redesignation request. Under this policy, EPA believes that the CO redesignation request for the: Bakersfield Metropolitan Area, Fresno Urbanized Area, Lake Tahoe South Shore Area, Sacramento Area, San Francisco-Oakland-San Jose Area, Chico Urbanized Area, Lake Tahoe North Shore Area, Modesto Urbanized Area, San Diego Area, and Stockton Urbanized Area may be approved notwithstanding the lack of approved State transportation and general conformity rules.

(v). Demonstration of Maintenance-Projected Inventories. Maintenance of the standard can be shown by comparing the emissions inventory for the period during which an area attained the standard to emission inventory projections for at least ten years beyond the date of approval by the EPA (see Table 6). The emissions inventory comparison, which includes the years 1990, 1993, 1995, 2000, 2005, and 2010, shows emissions will continue to decline for all ten redesignation areas.

TABLE 6.—CARBON MONOXIDE WINTER SEASONAL EMISSION INVENTORY TRENDS [19]

[Tons per day]

CO nonattainment area	1990	1993	1995	2000	2005	2010
Bakersfield [20]	423	356	348	329	304	286
Chico	229	189	183	167	155	153
Fresno	511	436	414	362	328	321
Lake Tahoe North Shore	32	28	26	22	19	18
Lake Tahoe South Shore	100	89	86	76	66	64
Modesto	311	282	270	239	216	212
Sacramento Area [21]	1214	1026	971	822	690	635
San Diego	1927	1492	1345	1062	904	832
San Francisco-Oakland-San Jose [22]	3731	3019	2786	2268	1896	1716

TABLE 6.—CARBON MONOXIDE WINTER SEASONAL EMISSION INVENTORY TRENDS [19]—Continued

[Tons per day]

CO nonattainment area	1990	1993	1995	2000	2005	2010
Stockton	463	400	380	334	297	285

[19] CARB 1993 base year emission inventory (10/3/95 run date—based on EMFAC7F). Except where noted, emissions data reflect county totals.
[20] Reflects corrected Kern County emission inventory (1/29/96 run date).
[21] Combined emission inventory for Sacramento, Placer, and Yolo Counties.
[22] Emission inventory for San Francisco Bay Area Air Basin.

(vi) Contingency Plan. Maintenance plans for attainment areas must include contingency provisions, or extra measures beyond those needed for attainment, to offset any unexpected increase in emissions and ensure that the standard is maintained (175(A)(d)). Typically, contingency measures are held in reserve and implemented only if an area violates the standard in the future. However, California claims its on-going motor vehicle program creates a unique situation and allows CARB to offer, as contingency, several regulations that will be implemented, regardless of monitored CO levels.

Table 7 shows fully adopted CARB regulations with multi-pollutant benefits which ''come on line'' from 1996 through 2003.

TABLE 7.—CONTINGENCY MEASURES

Date(s)	Implementation regulation
1996	Improved Basic Inspection and Maintenance Program (Bay Area, Chico, North and South Shore Lake Tahoe) [23]
1996	Enhanced Inspection and Maintenance Program (Bakersfield, Fresno, Modesto, Sacramento Area, San Diego, Stockton)
1996	On-Board Diagnostics II (Statewide).
1996	California Cleaner-Burning Gasoline (Statewide).
1997	Off-Highway Recreational Vehicles (Statewide).
1999	Lawn and Garden Equipment—Tier II (Statewide).
1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003 and later.	Low-Emission Vehicles and Clean Fuels—Post 1995 Standards (Statewide).

[23] Inspection required upon change of ownership only. There is no biannual vehicle inspection in these areas.

California maintains that these adopted regulations will generate new reductions in CO emissions, above and beyond those needed for attainment and provide sufficient reductions in future years to guarantee an ample margin of safety to ensure maintenance of the standard and to provide adequate additional reductions to cover the contingency requirements. EPA agrees with California's claims and approves its contingency plan.

(vii) Subsequent Maintenance Plan Revisions. In accordance with section 175A(b) of the CAA, the State has agreed to submit a revised maintenance SIP eight years after the area is redesignated to attainment. Such revised SIP will provide for maintenance for an additional ten years.

f. Meeting Applicable Requirements of Section 110 and Part D

In Section III.2. above, EPA sets forth the basis for its approval of California's SIP as meeting the applicable requirements of Section 110 and Part D of the CAA. EPA is approving this action without prior proposal because the Agency views this as noncontroversial and anticipates no adverse comments. However, if EPA receives relevant adverse comments by April 30, 1998, then EPA will publish a document that withdraws only those portions of the action on which EPA received the adverse comments, informing the public that those portions of the action did not take effect. EPA will then address those comments in a final action based upon this proposed rule. EPA will not institute a second comment period on the proposed rule. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this rule will be effective on June 1, 1998 and no further action will be taken on the proposed rule.

Final Action

EPA is approving Fresno's attainment plan, a maintenance plan for California's federal carbon monoxide (CO) planning areas, and a request to redesignate these areas. They are: Bakersfield Metropolitan Area, Fresno Urbanized Area, Lake Tahoe South Shore Area, Sacramento Area, San Francisco-Oakland-San Jose Area, Chico Urbanized Area, Lake Tahoe North Shore Area, Modesto Urbanized Area, San Diego Area, and Stockton Urbanized Area. Under the 1990 amendments of the Clean Air Act (CAA) designations can be revised if sufficient data is available to warrant such revisions. In this action, EPA is approving California's request because it meets the maintenance plan and redesignation requirements set forth in the CAA. This action is being taken under sections 107 and 110 of the CAA. Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future 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.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should relevant adverse comments be filed. If EPA receives relevant adverse comments by April 30, 1998, then EPA will publish a document that withdraws only those portions of the action on which EPA received the adverse comments, informing the public that those portions of the action are withdrawn. EPA will then address those comments in a final action based upon this proposed rule. EPA will not institute a second comment period on the proposed rule. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this rule will be effective on June 1, 1998 and no further action will be taken on the proposed rule.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) 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. 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 and redesignation to attainment under sections 107, 110, and subchapter I, part D of the Clean Air Act do not create any new requirements. Therefore, because the Federal SIP approval and redesignation to attainment do not impose any new requirements, the Administrator certifies that the actions do 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).

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.

EPA has determined that the approval and redesignation action promulgated 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 redesignates areas to attainment, 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.

D. Submission to Congress and the General Accounting Office

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

E. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 1, 1998. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Transportation.

40 CFR Part 81

Air pollution control, National parks.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Dated: March 4, 1998.

Felicia Marcus,

Regional Administrator, Region IX.

Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401 *et seq.*

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c)(252) and (253) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(252) Air Quality Management Plan for the following APCD was submitted on December 28, 1992, by the Governor's designee.

(i) Incorporation by reference. (A) San Joaquin Valley Unified Air Pollution Control District.

(*1*) Federal 1992 Air Quality Attainment Plan for Carbon Monoxide and Appendices adopted on November 18, 1992.

(253) Carbon Monoxide Redesignation Request and Maintenance Plan for ten federal planning areas submitted on July 3, 1996, by the Governor's designee.

(i) Incorporation by reference.

(A) California Air Resources Board. (*1*) Carbon Monoxide Redesignation Request and Maintenance Plan for the following areas: Bakersfield Metropolitan Area, Chico Urbanized Area, Fresno Urbanized Area, Lake Tahoe North Shore, Lake Tahoe South Shore, Modesto Urbanized Area, Sacramento Area, San Diego Area, San Francisco-Oakland-San Jose Area, and Stockton Urbanized Area adopted on April 26, 1996.

* * * * *

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

2. In § 81.305, the table for California—Carbon Monoxide is amended by revising the entries for ''Bakersfield Area,'' ''Chico Area,'' ''Fresno Area,'' ''Lake Tahoe North Shore Area,'' '' Lake Tahoe South Shore Area,'' ''Modesto Area,'' ''Sacramento Area,'' ''San Diego Area,'' ''San Francisco-Oakland-San Jose Area,'' and ''Stockton Area'' to read as follows:

§ 81.305 California.

* * * * *

CALIFORNIA—CARBON MONOXIDE

Designated area	Designation		Classification	
	Date[1]	Type	Date[1]	Type
Bakersfield Area:				
Kern County (part)	April 30, 1998	Attainment.		
Bakersfield Metropolitan Area (Urbanized part)				
Chico Area:				
Butte County (part)	April 30, 1998	Attainment.		
Chico Urbanized Area (Census Bureau Urbanized part).				
Fresno Area:				
Fresno County (part)	April 30, 1998	Attainment.		
Fresno Urbanized Area				
Lake Tahoe North Shore Area:				
Placer County (part)	April 30, 1998	Attainment.		
* * *	*	*	*	*
Lake Tahoe South Shore Area:				
El Dorado County (part)	April 30, 1998	Attainment.		
Modesto Area:				
Stanislaus County (part)	April 30, 1998	Attainment.		
Modesto Urbanized Area (Census Bureau Urbanized Area).				
Sacramento Area:				
Census Bureau Urbanized Areas	April 30, 1998	Attainment.		
Placer County (part)				
Sacramento County (part)				
Yolo County (part)				
San Diego Area:				
San Diego County (part)	April 30, 1998	Attainment.		
San Francisco-Oakland-San Jose Area:				
Urbanized Areas	April 30, 1998	Attainment.		
Alameda County (part)				
Contra Costa County (part)				
Marin County (part)				
Napa County (part)				
San Francisco County				
San Mateo County (part)				
Santa Clara County (part)				
Solano County (part)				
Sonoma County (part)				
Stockton Area:				
San Joaquin County (part)	April 30, 1998	Attainment.		
Stockton Urbanized Area:				
* * *	*	*	*	*

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

* * * * *

[FR Doc. 98–8416 Filed 3–30–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD–FRL–5988–5]

RIN 2060–AH47

National Emission Standards for Hazardous Air Pollutants Emissions: Group IV Polymers and Resins

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule; extension of compliance.

SUMMARY: On September 12, 1996, the EPA published the Group IV Polymers and Resins NESHAP (61 FR 48208). This action temporarily extends the compliance date specified in 40 CFR 63.1311(c) for the provisions contained in 40 CFR 63.1329 for existing affected sources producing poly(ethylene terephthalate) (PET) using the continuous terephthalic acid (TPA) high viscosity multiple end finisher process because the EPA is in the process of responding to a request to reconsider relevant portions of the rule (Docket Item: A–92–45; VI–A–1). The EPA is providing this temporary extension to February 27, 2001 to complete reconsideration and any necessary revision to the rule. The EPA is providing this temporary extension pursuant to Clean Air Act section 301(a)(1).

DATES: The direct final rule will become effective May 20, 1998 without further notice unless the Agency receives relevant adverse comments on the parallel notice of proposed rulemaking by April 30, 1998. Should the Agency receive such comments, it will publish a document informing the public that this rule did not take effect. If relevant adverse comments are received on the proposal, they will be addressed in a subsequent final rule. For additional information concerning comments, see the parallel proposal notice found in the Proposed Rules Section of this **Federal Register**.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate, if possible) to: Air and Radiation Docket and Information Center (6102), Attention Docket Number A–92–45 (see docket section below), room M–1500, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C.