Appendix B

EPA Approval of Georgia Gasoline Control Program

satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This proposed rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: November 30, 2001.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 01–30587 Filed 12–10–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[GA–47 –2; GA–55–2; GA–58–2–200208; FRL–7116–2]

Approval and Promulgation of Air Quality State Implementation Plans; Georgia: Control of Gasoline Sulfur and Volatility

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to fully approve a State Implementation Plan (SIP) revision, submitted by the State of Georgia through the Georgia Environmental Protection Division (GAEPD), establishing low-sulfur and low-Reid Vapor Pressure (RVP) requirements for gasoline distributed in the 13-county Atlanta nonattainment area and 32 surrounding attainment counties. Georgia developed these fuel requirements to reduce emissions of nitrogen oxides (NO_X) and volatile organic compounds (VOC) as part of the State's strategy to achieve the National Ambient Air Quality Standard (NAAQS) for ozone in the Atlanta nonattainment area. EPA is approving Georgia's fuel requirements into the SIP because these fuel requirements are in accordance with the requirements of the Clean Air Act (the Act), and are necessary for the Atlanta nonattainment area to achieve the 1-hour ozone NAAQS in a timely manner.

DATES: Comments should be received on or before January 25, 2002.

ADDRESSES: All comments should be addressed to: Lynorae Benjamin at the EPA, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303–8960.

Copies of the State submittal(s) are available at the following addresses for inspection during normal business hours: Environmental Protection Agency, Region 4, Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303–8960. Lynorae Benjamin, (404) 562–9040. Air Protection Branch, Georgia Environmental Protection Division, Georgia Department of Natural Resources, 4244 International Parkway, Suite 120, Atlanta, Georgia 30354. Telephone (404) 363–7000.

FOR FURTHER INFORMATION CONTACT: Lynorae Benjamin, Air Quality Modeling and Transportation Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, Region 4, Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street, SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9040. Ms. Benjamin can also be reached via electronic mail at *benjamin.lynorae@epa.gov.*

SUPPLEMENTARY INFORMATION: The following section provides the rationale for EPA's approval of the Georgia fuel requirements into the SIP, as provided in section 211(c)(4)(C) of the Act. Georgia's fuel requirements are being implemented in two phases. The initial phase requires the low-sulfur/low-RVP gasoline sold in the 13-county Atlanta nonattainment area and 12 surrounding attainment counties during the regulatory control period (June 1 through September 15) each year through 2002. The second phase of the Georgia fuel program expands the low-sulfur/low-RVP requirements to an additional 20 attainment counties. The program becomes a year-round program in 2003, except that the RVP requirement applies only during the June 1 through September 15 control period.

I. Analysis of State's Submittal

What Did the State Submit?

On October 28, 1999, the State of Georgia, through the GAEPD, submitted an attainment demonstration for the 1-hour ozone NAAQS for the Atlanta nonattainment area for inclusion into the Georgia SIP. This submittal included a version of the low-sulfur/low-RVP fuel regulations that has subsequently been amended by the State, and submitted by the State to EPA in revised form in subsequent SIP revisions dated July 31, 2000, and August 21, 2001. The version submitted on August 21, 2001, which is the subject of this proposed rulemaking, is the ''Gasoline Marketing Rule,'' provided in Georgia's Rules for Air Quality Control, Chapter 391–3–1.02(2)(bbb).

On May 31, 2000, in support of its request for SIP approval of the State fuel regulations, GAEPD also submitted a demonstration that, in accordance with section 211(c)(4)(C) of the Act, the fuel control is necessary to achieve a NAAQS. On November 9, 2001, GAEPD submitted an updated ''necessity'' demonstration which reflected the revised motor vehicle emissions budget, the request for an attainment date extension from 2003 to 2004, and the revised Partnership for a Smog Free Georgia emissions calculations.

Does the State Submittal Meet the SIP Approval Requirements Under Section 110?

The SIP submittals, including the rule for Georgia's low-sulfur/low-RVP fuel control program, meet the requirements outlined in section 110 and Part D of Title I of the CAA amendments and 40 CFR part 51 (Requirements for Preparation, Adoption and Submittal of Implementation Plans). The current version of the fuel rule was formally adopted by the GAEPD Board on June 27, 2001, and became effective July 18, 2001.

How Does the Low-Sulfur/Low-RVP Proposal Relate to Other SIP Activities in the State?

As noted above, on October 28, 1999, GAEPD submitted for EPA approval an ozone attainment demonstration for the Atlanta nonattainment area, which relies upon a number of control measures, including the low-sulfur/low RVP fuel program, to support the demonstration. On December 16, 1999, EPA proposed to approve the October 28, 1999, attainment demonstration for the Atlanta nonattainment area, as well as the underlying rule revisions with the exception of the Georgia fuel rule (the subject of this proposed rulemaking) (see 64 FR 70478). EPA's proposed approval was based on the condition that the GAEPD satisfy certain requirements.

Subsequently, the GAEPD submitted revisions to the Atlanta attainment demonstration on January 31, 2000, and July 31, 2000, along with revisions to State rules supporting the attainment demonstrations. Those rule revisions were proposed for approval on December 18, 2000 (see 65 FR 79034). No adverse comments were received pertaining to any rule revisions.

On July 10, 2001, EPA granted final approval to the rule revisions contained

in the December 16, 1999, and December 18, 2000, proposals (see 66 FR 35906). The final rule noted that EPA action for the Atlanta attainment demonstration would be taken in a separate notice.

On July 17, 2001, GAEPD submitted another revised attainment demonstration. The attainment demonstration continues to rely in part on the expected emissions reductions that will be achieved by the low-sulfur/low-RVP fuel control being proposed for SIP approval in this action. Based on the revised Atlanta attainment demonstration, submitted on July 17, 2001, EPA is currently proposing approval for the Atlanta attainment demonstration in a separate notice.

What are the Clean Air Act Requirements?

This approval action is being taken pursuant to section 110 of the Act. The approval of the State's fuel control measure must also meet the requirements of section 211(c)(4)(C). Under this section of the Act, EPA may approve a state fuel control into a SIP if it is found that the control is ''necessary'' to achieve a NAAQS.

EPA's August 21, 1997, Guidance on Use of Opt-in to RFG and Low-RVP Requirements in Ozone SIPs gives further guidance on what EPA is likely to consider in making a finding of necessity. The guidance sets out four issues to be analyzed:

1. The quantity of emission reductions needed to achieve the NAAQS;

2. Other possible control measures and the reductions each would achieve;

3. The explanation for rejecting alternatives as unreasonable or impracticable;

4. A demonstration that reductions are needed even after implementation of reasonable and practicable alternatives, and that the fuel control will provide some or all of the needed reductions.

In this notice of proposed rulemaking and associated Technical Support Document (TSD), EPA addresses these issues.

What Does the State's Low-Sulfur/Low-RVP Regulation Include?

The State's low-sulfur/low-RVP regulation includes two phases of fuel controls that will eventually apply in the 13-county Atlanta nonattainment area and 32 surrounding attainment counties. Described below are the primary features of these phases of control. The first phase of fuel controls apply to the 13-county Atlanta nonattainment area (highlighted in bold) and 12 surrounding attainment counties which include the following: Barrow, Bartow, Butts, Carroll, Cherokee, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Haralson, Henry, Jackson, Newton, Paulding, Pickens, Rockdale, Spalding, and Walton. The controls for the first phase of the State's program, effective through 2002, require that all gasoline sold during the control period (June 1 through September 15) in these counties contain a maximum RVP of 7.0 pounds per square inch (psi) and maximum volume-weighted seasonal average sulfur level of 150 parts per million (ppm) (by weight) and, effective April 1, 2001, a maximum per-gallon volume-weighted sulfur level of 500 ppm (by weight). For ethanol blends meeting specified conditions, Georgia's regulations limit RVP to a maximum of 8.0 psi.

The second phase of fuel controls apply to the aforementioned counties and 20 additional attainment counties surrounding the Atlanta nonattainment area. These additional counties include: Banks, Chattooga, Clarke, Floyd, Gordon, Heard, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Oconee, Pike, Polk, Putnam, Troup, and Upson. The fuel controls for the second phase of the State's program are effective April 1, 2003. Under this phase of the State's program, the RVP requirement is maintained and extended to the additional counties but otherwise does not change. The sulfur requirements, however, become more stringent annual averages. The maximum annual average sulfur level allowed in gasoline is reduced to 30 ppm (by weight); the per-gallon limit is reduced to 150 ppm (by weight). Effective June 1, 2004, the seasonal per-gallon sulfur limit is reduced to 80 ppm (by weight) during the June 1 through September 15 control period.

How Will the Program be Enforced?

EPA finds that the fuel rule contains adequate enforcement provisions. GAEPD will enforce the low-sulfur/low-RVP rule. Producers, importers, terminals, pipelines, truckers, rail carriers, and retail dispensing outlets are subject to provisions of this rule. Registration, recordkeeping, reporting, and certification requirements are included. GAEPD will conduct sampling for the fuel program in accordance with the ''Methodology for Randomized Sampling to Estimate Mean Sulfur in Gasoline During a Specified Ozone Season'' (contained in Appendix XXX of the attainment demonstration) or by some EPA-approved modification of this sampling plan. Samples, the number to be determined in coordination with GAEPD and EPA, will be collected and analyzed for RVP and sulfur throughout the control period. Any sample that exceeds the limits specified in the fuel rule will be considered a violation and may require an enforcement action. If an enforcement action is warranted, GAEPD would use one of two approaches. Upon learning of a violation, the GAEPD will issue a notice of violation and negotiate a consent order. If a consent order cannot be negotiated, GAEPD will issue an administrative order. Another provision of the fuel rule provides that the seasonal sulfur average will not exceed 140 ppm when the sulfur limit is 150 ppm. If the seasonal sulfur average exceeds 140 ppm, GAEPD will require 100 percent terminal testing in lieu of testing at the retail level for future control periods. Also, when Georgia's sulfur requirement is reduced to 30 ppm, 30 ppm is the ''trigger'' that will require 100 percent terminal testing in lieu of testing at the retail level for future control periods. Additional commitments related to the enforcement and implementation of the Georgia fuel program are provided in the transmittal letter for the November 9, 2001, fuel control supplemental ''necessity'' demonstration.

Will the Low-Sulfur/Low-RVP Fuel Control Program Provide Needed Emission Reductions?

The State's modeling for this attainment demonstration shows that, even with implementation of all reasonable and practicable measures, including the low-sulfur/low-RVP fuel program, the design value for the nonattainment area will just barely meet the 1-hour ozone standard. Please refer to the accompanying TSD for more information about the photochemical modeling and the weight-of-evidence (WOE) analysis. Once fully implemented, the low-sulfur/low-RVP fuel program will provide 42.93 tons per day (TPD) of NO_X and 24.16 TPD of VOC emission reductions. Thus, the low-sulfur/low-RVP fuel program will provide emissions reductions needed for the Atlanta nonattainment area to achieve the 1-hour ozone NAAQS.

On May 1, 1998, EPA released a staff paper presenting EPA's understanding of the impact of gasoline sulfur on emissions from motor vehicles and exploring what gasoline producers and automobile manufacturers could do to reduce sulfur's impact on emissions. The staff paper noted that gasoline sulfur degrades the effectiveness of

catalytic converters and that high sulfur levels in commercial gasoline could affect the ability of future automobiles—especially those designed for very low emissions—to meet more stringent NO_X and VOC standards that are in use. The paper also pointed out that sulfur control will provide additional NO_X benefits by lowering emissions from the current fleet of vehicles.

Lowering the RVP in gasoline reduces VOC emissions, primarily through reducing evaporative losses from vehicle fuel tanks, lines, and carburetors as well as losses from gasoline storage and transfer facilities. To a lesser degree, lowering RVP can also reduce VOCs in vehicle exhaust.

Reducing these emissions in both the nonattainment area and the surrounding attainment areas will help address the ozone problem in the Atlanta nonattainment area. Specifically, lowering NO_X and VOC emissions through the Atlanta low-sulfur/low-RVP program will benefit the Atlanta nonattainment area by reducing NO_X and VOCs emitted within the 13-county nonattainment area, and by vehicles that originate in the 32-county attainment area and drive into the nonattainment area. Please refer to the TSD for more information on the commuting patterns for the area.

Are There Any Reasonable and Practicable Alternatives to Georgia's Fuel Program?

The State conducted thorough analyses of potential non-fuel control measures available for the Atlanta nonattainment area. The attainment demonstration for the Atlanta nonattainment area contains a detailed discussion of point and other source controls that are required to help achieve attainment of the 1-hour ozone NAAQS in the Atlanta nonattainment area. Many of these control measures were analyzed in a study, ''The Direct Cost of Controlling NO_X and VOC emissions in Atlanta,'' completed by the Georgia State University on November 1, 1997. Following the completion of this study, the State made its own review of possible control measures, including its review of ''reasonably available control measures'' (RACM) as required under the Act. The State's summary of its review of non-fuel control measures is contained in Attachment 3 to the November 9, 2001 ''necessity'' demonstration, which is available in the docket for this rulemaking. The discussion below briefly describes the State's evaluation of the reasonableness and practicability of the non-fuel alternatives that are potentially available after adopting those control measures already included in the revised attainment demonstration. For more detail on the control measures that have already been included in the revised attainment demonstration, and on the State's evaluation of remaining potential alternatives, see the TSD for this rulemaking.

Each potential control option was evaluated according to: (1) The State's authority to implement controls; (2) the amount of NO_X reductions; (3) the amount of VOC reductions; (4) whether a similar control measure is already being implemented; (5) the cost-effectiveness of the controls; (6) whether SIP credit has already been taken for the measure; and (7) whether the measure can be implemented by May 1, 2003 (since measures implemented after this date cannot advance the 2004 attainment date).

GAEPD considered the following source categories for additional VOC and NO_X control measures for the purposes of evaluating the ''necessity'' of the fuel control measure: (for point sources) furniture and fixtures manufacturing facilities, food and kindred products facilities, commercial printing facilities, chemical products facilities, rubber and plastic facilities, paper and allied products facilities, primary metal facilities, fabricated metal products facilities, non-electrical machinery facilities, electrical equipment facilities, petroleum refining facilities, asphalt and coating facilities, air transportation facilities, transportation equipment facilities, stone, clay, and glass products facilities, hydraulic cement facilities, and sewage plants; (for area sources) auto refinishing operations, surface cleaning and preparation operations, solvent degreasing operations, new residential natural gas water heaters, certain commercial and/or industrial watertube and firetube boilers and pesticide application; (for on-road mobile) elimination of vehicle I/M waivers and exemptions, transportation demand management and vehicle usage disincentives; (for nonroad mobile) railroad switcher engines, specific recreational vehicle types and/or pleasure craft, and lawn and garden equipment.

After further analysis of potential controls on each of the above sources, GAEPD concluded that it was not reasonable or practicable to further control these sources. Specifically, for many of the sources listed above GAEPD stated that the time required to implement controls is unpredictable because legislative action authorizing such regulation by GAEPD would be required, or the number of facilities and potential discharge points affected by these control measures would require a tremendous increase in GAEPD resources to implement and ensure compliance.

Based on the State's analysis of the potentially available alternatives, we agree that there are no reasonable or practicable non-fuel control measures available to the State to achieve the 1-hour ozone NAAQS in a timely manner. Individually, none of these controls would supply enough emissions reductions to displace the need for the fuel measure. In order to replace the needed VOC reductions provided by the fuel measure, the State would need to implement nearly all of the potential controls which would require substantial resources and may not be possible in the time allowed, *i.e.,* by 2004. Even if the State did adopt and implement all of the potentially available NO_X control measures, the State would not be able to replace the needed NO_X reductions provided by the fuel measure. Compared to all of the potentially available measures outlined in the TSD, the low-sulfur/low-RVP fuel, which has already been implemented in its first phase, is the most reasonable and practicable measure available to reduce the emissions from ozone precursors for the Atlanta nonattainment area. Low-sulfur/low-RVP fuel is readily available to the State because it is also being provided to the Birmingham, Alabama nonattainment area. The benefits of this fuel program are already being felt in the Atlanta nonattainment area.

Proposed Action by EPA

EPA is proposing to approve Georgia's low-sulfur/low-RVP fuel program into the SIP. The State has demonstrated necessity as required by section 211(c)(4)(C) of the Act. Without the fuel control program in both the nonattainment area and in the surrounding attainment areas, the design values for the nonattainment area will continue to exceed the 1-hour ozone NAAQS. In the Atlanta attainment demonstration, the State examined control measures, not previously implemented, and concluded that, even with adoption of all reasonable and practicable non-fuel control measures, additional VOC and NO_X reductions in the area are necessary to achieve the 1-hour ozone NAAQS. The State further demonstrated that the fuel control satisfies the requirements of section 110 and will supply reductions needed to achieve the ozone NAAQS.

II. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355 (May 22, 2001)). This proposed action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Because this rule proposes to approve pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). This proposed rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely proposes to approve a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This proposed rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this proposed rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings' issued under the executive order.

This proposed approval of the Georgia fuel control necessity demonstration does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 40 CFR Part 52

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

Dated: November 30, 2001.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 01–30588 Filed 12–10–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[VT 022–1225b; FRL–7116–5]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Vermont; Negative Declaration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the Sections 111(d)/129 negative declaration submitted by the Vermont Agency of Natural Resources (ANR) on June 5, 2001. This negative declaration adequately certifies that there are no existing commercial and industrial solid waste incineration units (CISWIs) located within the boundaries of the state of Vermont.

DATES: EPA must receive comments in writing by January 10, 2002.

ADDRESSES: You should address your written comments to: Mr. Steven Rapp, Chief, Air Permits Program Unit, Office of Ecosystem Protection, U.S. EPA, One Congress Street, Suite 1100 (CAP), Boston, Massachusetts 02114–2023.

Copies of documents relating to this proposed rule are available for public inspection during normal business hours at the following location. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the day of the visit.

Environmental Protection Agency, Air Permits Program Unit, Office of Ecosystem Protection, Suite 1100 (CAP), One Congress Street, Boston, Massachusetts 02114–2023.

FOR FURTHER INFORMATION CONTACT: John Courcier, Office of Ecosystem Protection (CAP), EPA-New England, Region 1, Boston, Massachusetts 02203, (617) 918–1659, or by e-mail at *courcier.john@epa.gov.* While the public may forward questions to EPA via e-mail, it must submit comments on this proposed rule according to the procedures outlined above.

SUPPLEMENTARY INFORMATION: Under Section 111(d) of the Clean Air Act, EPA published regulations at 40 CFR part 60, subpart B which require states to submit control plans to control emissions of designated pollutants from designated facilities. In the event that a state does not have a particular designated facility located within its boundaries, EPA requires that a negative declaration be submitted in lieu of a control plan.

The Vermont ANR submitted the negative declaration to satisfy the requirements of 40 CFR part 60, subpart B. In the Final Rules Section of this **Federal Register**, EPA is approving the Vermont negative declaration as a direct final rule without a prior proposal. EPA is doing this because the Agency views this action as a noncontroversial submittal and anticipates that it will not receive any significant, material, and adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If EPA does not receive any significant, material, and adverse comments to this action, then the approval will become final without further proceedings. If EPA receives adverse comments, the direct final rule will be withdrawn and EPA will address all public comments received in a subsequent final rule based on this proposed rule. EPA will not begin a second comment period.

SUMMARY: NARA is amending its regulations on use of NARA research rooms to add a policy on use of public access personal computers (workstations) in the research rooms. These NARA-provided workstations will provide researcher access to the Internet. We are also clarifying that, in research rooms where the plastic researcher identification card is also used with the facility's security system, we will issue a plastic card to researchers who have a paper card from another NARA facility. This rule will affect researchers who use NARA research facilities nationwide.

EFFECTIVE DATE: March 25, 2002.

FOR FURTHER INFORMATION CONTACT: Nancy Allard at telephone number 301–713–7360, ext. 226, or fax number 301–713–7270.

SUPPLEMENTARY INFORMATION: NARA published a notice of proposed rulemaking on September 7, 2001 at 66 FR 46752. The comment period ended on November 6, 2001. NARA received no public comments, and is issuing this final rule without change.

The public access computers described in § 1254.25 are being installed in research and/or consultation rooms in all NARA archival facilities, including regional archives and Presidential libraries, to provide Internet access for research purposes, such as access to NARA's Archival Information Locator (NAIL), and NAIL's successor, the Archival Research Catalog (ARC). Computers designated for public use provide Internet access only. At least one of the public Internet access workstations in each facility complies with the Workforce Investment Act of 1998, ensuring comparable accessibility to individuals with disabilities. Individual accessibility requirements are addressed on an as-needed basis. We encourage people who require assistive technology to notify the appropriate research room at least two weeks in advance.

This rule is not a significant regulatory action for the purposes of Executive Order 12866 and has not been reviewed by the Office of Management and Budget. As required by the Regulatory Flexibility Act, I certify that this rule will not have a significant impact on a substantial number of small entities because it applies only to individuals conducting research on NARA premises. This regulation does not have any federalism or tribal implications.

List of Subjects in 36 CFR Part 1254

Archives and records.

For the reasons set forth in the preamble, NARA amends part 1254 of title 36, Code of Federal Regulations, as follows:

PART 1254—AVAILABILITY OF RECORDS AND DONATED HISTORICAL MATERIALS

1. The authority citation for part 1254 continues to read as follows:

Authority: 44 U.S.C. 2101–2118; 5 U.S.C. 552; and E.O. 12600, 52 FR 23781, 3 CFR, 1987 Comp., p. 235.

2. Revise § 1254.6 to read as follows:

§ 1254.6 Researcher identification card.

(a) An identification card is issued to each person who is approved to use records other than microfilm. Cards are valid for one year, and may be renewed upon application. Cards are valid at each facility, except as described in paragraph (b) of this section. They are not transferable and must be presented if requested by a guard or research room attendant.

(b) At the National Archives in College Park and other NARA facilities that issue and use plastic researcher identification cards as part of their security systems, paper researcher identification cards issued at other NARA facilities are not valid. In facilities that use plastic researcher identification cards, NARA will issue a plastic card to replace the paper card at no charge.

3. Add § 1254.25 to read as follows:

§ 1254.25 Rules for public access use of the Internet on NARA-supplied personal computers.

(a) Public access personal computers (workstations) are available for Internet use in all NARA research rooms. The number of workstations varies per location. These workstations are intended for research purposes and are provided on a first-come-first-served basis. When others are waiting to use the workstation, a 30-minute time limit may be imposed on the use of the equipment.

(b) Researchers should not expect privacy while using these workstations. These workstations are operated and maintained on a United States Government system, and activity may be monitored to protect the system from unauthorized use. By using this system, researchers expressly consent to such monitoring and the reporting of unauthorized use to the proper authorities.

(c) At least one Internet access workstation will be provided in each facility that complies with the Workforce Investment Act of 1998, ensuring comparable accessibility to individuals with disabilities.

(d) Researchers may download information to a diskette and print materials, but the research room staff will furnish the diskettes and paper. Researchers may not use personally owned diskettes on NARA personal computers.

(e) Researchers may not load files or any type of software on these workstations.

Dated: February 15, 2002.

John W. Carlin,

Archivist of the United States.

[FR Doc. 02–4211 Filed 2–21–02; 8:45 am]

BILLING CODE 7515–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[GA–47–2; GA–55–2; GA–58–2–200216; FRL–7148–4]

Approval and Promulgation of Air Quality State Implementation Plans; Georgia: Control of Gasoline Sulfur and Volatility

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision, submitted by the State of Georgia through the Georgia Environmental Protection Division (GAEPD), establishing low-sulfur and low-Reid Vapor Pressure (RVP) requirements for gasoline distributed in the 13-county Atlanta nonattainment area and 32 surrounding attainment counties. Georgia developed these fuel requirements to reduce emissions of nitrogen oxides (NO_X) and volatile organic compounds (VOC) as part of the State's strategy to achieve the National Ambient Air Quality Standard (NAAQS) for ozone in the Atlanta nonattainment area. EPA is approving Georgia's fuel requirements into the SIP because these fuel requirements are in accordance with the requirements of the Clean Air Act (the Act), and are necessary for the Atlanta nonattainment area to achieve the 1-hour ozone NAAQS in a timely manner.

EFFECTIVE DATE: This final rule is effective on March 25, 2002.

ADDRESSES: Copies of the State submittal(s) are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Region 4, Air Planning Branch, 61

Forsyth Street, SW, Atlanta, Georgia 30303–8960. Lynorae Benjamin, (404) 562–9040.

Air Protection Branch, Georgia Environmental Protection Division, Georgia Department of Natural Resources, 4244 International Parkway, Suite 120, Atlanta, Georgia 30354. Telephone (404) 363–7000.

FOR FURTHER INFORMATION CONTACT: Lynorae Benjamin, Air Quality Modeling and Transportation Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, Region 4, Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street, SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9040. Ms. Benjamin can also be reached via electronic mail at *benjamin.lynorae@epa.gov.*

SUPPLEMENTARY INFORMATION: On October 28, 1999, the State of Georgia, through the GAEPD, submitted an attainment demonstration for the 1-hour ozone NAAQS for the Atlanta nonattainment area for inclusion into the Georgia SIP. This submittal included a version of the low-sulfur/low-RVP fuel regulations that has subsequently been amended by the State, and submitted by the State to EPA in revised form in subsequent SIP revisions dated July 31, 2000, and August 21, 2001. The version submitted on August 21, 2001, which is the subject of this final rulemaking, is the ''Gasoline Marketing Rule,'' provided in Georgia's Rules for Air Quality Control, Chapter 391–3–1.02(2)(bbb).

On May 31, 2000, in support of its request for SIP approval of the State fuel regulations, GAEPD also submitted a demonstration that, in accordance with section 211(c)(4)(C) of the Act, the fuel control is necessary to achieve a NAAQS. On November 9, 2001, GAEPD submitted an updated ''necessity'' demonstration which reflected the revised motor vehicle emissions budget, the request for an attainment date extension from 2003 to 2004, and the revised Partnership for a Smog Free Georgia emissions calculations. Specifically, the Georgia ''necessity'' demonstration submittals contain data and analyses to support a finding under section 211(c)(4)(C) that the State's low-sulfur and low-RVP requirements are necessary for the Atlanta nonattainment area to achieve the ozone NAAQS. On December 11, 2001, (66 FR 63982) EPA published a notice of proposed rulemaking (NPR) to approve the fuel waiver request and fuel rule. That NPR provides a detailed description of this action and EPA's rationale for proposed approval. The public comment period for this action ended on January 25, 2002. No comments, adverse or otherwise, were received on EPA's proposal.

Final Action

EPA is approving Georgia's low-sulfur/low-RVP fuel program into the federally enforceable SIP because the fuel requirements are in accordance with the Act, are necessary for the Atlanta nonattainment area to achieve the 1-hour ozone NAAQS in a timely manner, and will supply some or all of the reductions needed to achieve the ozone NAAQS.

Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S. C. 601 et seq.). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2001). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. In this context, in the absence of prior existing requirements for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission to use VCS in place of a SIP submission that otherwise satisfies the provisions of the CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1195 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Action of 1995 (44 U.S.C. 3501 et seq.).

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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 23, 2002. 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, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: February 4, 2002.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

Chapter I, title 40, 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 L—Georgia

2. Section 52.569 is removed and reserved.

3. Section 52.570 is amended by:

a. Adding in the table to paragraph (c) a new entry in numerical order for 391–3–1–.02(2)(bbb); and

b. Adding two new entries 16 and 17 in numerical order to the table in paragraph (e).

The additions read as follows:

§ 52.570 Identification of plan.

* * * * *

(c) * * *

EPA APPROVED GEORGIA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
* *	* * *	*	*	
391–3–1–.02(2)(bbb)	Gasoline Marketing Rule	07/18/01	2/22/02	
*	* * *	*		

* * * * * * *

(e) * * *

EPA APPROVED GEORGIA NONREGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approval date
* *	* *	* *	* *
16. Preemption Waiver Request for Low-RVP, Low-Sulfur Gasoline Under Air Quality Control Rule 391–3–1–.02(2)(bbb).	Atlanta Metropolitan Area	May 31, 2000	February 22, 2002
17. Technical Amendment to the Georgia Fuel Waiver Request of May 31, 2000.	Atlanta Metropolitan Area	November 9, 2001	February 22, 2002

* * * * *

[FR Doc. 02–4142 Filed 2–21–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD–FRL–7148–7]

RIN 2060–AE34

National Emission Standards for Hazardous Air Pollutants from Natural Gas Transmission and Storage Facilities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical correction.

SUMMARY: On June 17, 1999, we issued the national emission standards for hazardous air pollutants (NESHAP) from Oil and Natural Gas Production Facilities and the national emission standards for hazardous air pollutants from Natural Gas Transmission and Storage Facilities (Oil and Gas NESHAP). On June 29, 2001, we issued technical corrections to clarify intent and correct errors in the Oil and Gas NESHAP. This technical correction will correct an error that was made in the technical correction for the Natural Gas Transmission and Storage Facilities NESHAP and will not change the level of health protection the Natural Gas Transmission and Storage Facilities NESHAP provide or the basic control requirements of the Natural Gas Transmission and Storage Facilities NESHAP. The NESHAP require new and existing major sources to control emissions of hazardous air pollutants (HAP) to the level reflecting application of the maximum achievable control technology.

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impractible, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. We have determined that there is good cause for making this error correction without prior proposal and opportunity for comment because the change to the rule is a minor technical correction, is noncontroversial in nature, and does not substantively change the requirements of the Natural Gas Transmission and Storage Facilities NESHAP. Thus, notice and public procedure are unnessary. We find that this constitutes good cause under 5 U.S.C. 553(b)(5).

EFFECTIVE DATE: February 22, 2002.

ADDRESSEES: Docket No. A–94–04 contains the supporting information used in the development of this rulemaking. The docket is located at the U.S. EPA in room M–1500, Waterside Mall (ground floor), 401 M Street SW., Washington, DC 20460, and may be inspected from 8:30 a.m. to 5:30 p.m.,

TECHNICAL SUPPORT DOCUMENT
ATLANTA FUEL STRATEGY
AND WAIVER REQUEST

Section 211(c)(4)(A) of the Clean Air Act as amended in 1990 (the Act) generally preempts states from adopting controls respecting fuel characteristics or components that EPA has controlled under section 211(c)(1). However, under section 211(c)(4)(C), EPA may approve an otherwise preempted state fuel control measure into a state implementation plan (SIP) if we find the control is necessary to achieve a National Ambient Air Quality Standard (NAAQS) because no other reasonable or practicable measures exist that would bring about timely attainment. Georgia has requested a "waiver" from the preemption of 211(c)(4)(A) (i.e., has asked EPA to approve its fuel control program into the SIP) because the State believes the fuel control is necessary to assist the State in achieving the NAAQS for ozone in the Atlanta nonattainment area.

The State seeks SIP approval for low-Reid Vapor Pressure (RVP) and low-sulfur fuel controls which include two phases that will eventually apply in the 13-county Atlanta nonattainment area and 32 surrounding attainment counties. The fuel control program is part of a larger strategy (the Atlanta attainment demonstration SIP) to reduce ozone precursor emissions in the Atlanta nonattainment area. The measure for success of the Atlanta nonattainment SIP strategy is a lowering of modeled peak values in this nonattainment area.

Atlanta Low-Sulfur/Low-RVP SIP Approval Justification

I. BACKGROUND

A. What did the State submit?

On October 28, 1999, the State submitted for EPA approval a SIP revision with an ozone attainment demonstration for the Atlanta non-attainment area which relied, in part, on the low-sulfur/low-RVP fuel regulations as one of the control measures helping to achieve attainment of the ozone NAAQS. This submission included a version of the fuel regulations that has subsequently been amended by the State, and submitted by the State in revised form in subsequent SIP revisions dated July 31, 2000, and August 21, 2001. The version submitted on August 21, 2001, which is the subject of this Technical Support Document (TSD), is the "Gasoline Marketing Rule," provided in Georgia's Rules for Air Quality Control, Chapter 391-3-1.02(2)(bbb).

On May 31, 2000, in support of its request for SIP approval of the State fuel regulations, Georgia also submitted a demonstration that, in accordance with section 211(c)(4)(C) of the Act, the fuel control is necessary to achieve a NAAQS. On November 9, 2001, Georgia submitted an updated "necessity" demonstration which reflected the revised motor vehicle emissions budget, the request for an attainment date extension from 2003 to 2004, and the revised emissions calculations used in the report entitled, "Partnership for a Smog Free Georgia."

B. What does the State's low-sulfur/low-RVP regulation include?

The State's low-sulfur/low-RVP regulation includes two phases of fuel controls that will eventually apply in the 13-county Atlanta nonattainment area and 32 surrounding attainment counties. Described below are the primary features of these phases of control. The first phase of fuel controls apply to the 13-county Atlanta nonattainment area (highlighted in bold) and 12 surrounding attainment counties which include the following: Barrow, Bartow, Butts, Carroll, **Cherokee**, **Clayton**, **Cobb**, **Coweta**, Dawson, **DeKalb**, **Douglas**, **Fayette**, **Forsyth**, **Fulton**, **Gwinnett**, Hall, Haralson, **Henry**, Jackson, Newton, **Paulding**, Pickens, **Rockdale**, Spalding, and Walton. The controls for the first phase of the State's program, effective through 2002, require that all gasoline sold during the control period (June 1st through September 15th) in these counties contain a maximum RVP of 7.0 pounds per square inch (psi) and maximum volume-weighted seasonal average sulfur level of 150 parts per million (ppm) (by weight) and, effective April 1, 2001, a maximum per-gallon volume-weighted sulfur level of 500 parts per million (ppm) (by weight). For ethanol blends meeting specified conditions, Georgia's regulations limit RVP to a maximum of 8.0 psi.

The second phase of fuel controls apply to the aforementioned counties and 20 additional attainment counties surrounding the Atlanta nonattainment area. These additional counties include: Banks, Chattooga, Clarke, Floyd, Gordon, Heard, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Oconee, Pike, Polk, Putnam, Troup, and Upson. The fuel controls for the second phase of the State's program are effective April 1, 2003. Under this phase of the State's program, the RVP requirement is maintained and extended to the additional counties but otherwise does not change. The sulfur requirements, however, become more stringent annual averages. The maximum annual average sulfur level allowed in gasoline is reduced to 30 ppm (by weight); the per-gallon limit is reduced to 150 ppm (by weight). Effective June 1, 2004, the seasonal per-gallon sulfur limit is reduced to 80 ppm (by weight) during the June 1- September 15 control period.

C. How does the low-sulfur/low-RVP proposal relate to other SIP activities in the state?

As noted above, on October 28, 1999, Georgia submitted an attainment demonstration for the Atlanta nonattainment area, which relies upon many control measures, including the low-sulfur/low-RVP fuel program to support the demonstration. On December 16, 1999, EPA to approve the October 28, 1999 attainment demonstration for the Atlanta nonattainment area, as well as the underlying rule revisions with the exception of the Georgia fuel rule (the subject of this TSD.) (64 FR 70478) EPA's approval was based on the condition that the GAEPD satisfy certain requirements .

Subsequently, the GAEPD submitted revisions to the Atlanta attainment demonstration on January 31, 2000, and July 31, 2000 along with revisions to State rules supporting the attainment demonstrations. Those rule revisions were for approval on December 18, 2000. (65 FR 79034) No adverse comments were received pertaining to any rule revisions.

On July 10, 2001, EPA granted final approval to the rule revisions contained in the December 16, 1999, and December 18, 2000 proposals. (66 FR 35906) The final rule noted that EPA action for the Atlanta attainment demonstration would be taken in a separate notice.

On July 17, 2001, Georgia submitted another revised attainment demonstration. The attainment demonstration continues to rely in part on the expected emissions reductions that will be achieved by the low-sulfur/ low-RVP fuel control now being for SIP approval. Based on the July 17th revised Atlanta attainment demonstration, EPA is currently proposing approval for the Atlanta attainment demonstration in a separate action from the action being taken on the fuel control.

D. What is EPA proposing?

In this action we are proposing to approve the low-sulfur/low-RVP fuel control program into the Georgia SIP pursuant to section 110 of the Act. The approval of a fuel control measure preempted under 211(c)(4)(A) must also meet the requirements of section 211(c)(4)(C). Under this section we may approve such a fuel control measure into a SIP if we can find that this fuel control is "necessary" to achieve a NAAQS. A fuel control is "necessary" if no other measures that would bring about timely attainment exist, or if other measures exist and are technically feasible, but are unreasonable or impracticable.

The EPA guidance used to review a state's submittal for a fuel control "necessity" demonstration is the August 21, 1997, *Guidance on Use of Opt-in to RFG and Low-RVP Requirements*. This guidance sets out four issues to be analyzed:

1. The quantity of emissions reductions needed to achieve the NAAQS;
2. Other possible control measures and the reductions each would achieve;
3. The explanation for rejecting alternatives as unreasonable or impracticable; and
4. A demonstration that reductions are needed even after implementation of all reasonable and practicable alternatives, and that the fuel control will provide some or all of the needed reductions.

In the notice of proposed rulemaking (NPRM) and this technical support document, we address these issues in a slightly different fashion. First, we explain the way in which the State's low-sulfur/low-RVP fuel program will help the Atlanta nonattainment area achieve the NAAQS. Second, we review the reasonableness and practicability of non-fuel control alternatives. Finally, we show that with the implementation of all reasonable and practicable control measures including the proposed low-sulfur/low-RVP fuel controls, the Atlanta nonattainment area may be able to just attain the 1-hour ozone NAAQS.

II. NECESSITY JUSTIFICATION

A. How does Georgia's low-sulfur/low-RVP fuel requirement, in the 13-county Atlanta

nonattainment area and the 32-county surrounding attainment area, reduce ozone and emissions of NOX and VOC, and thus benefit the Atlanta nonattainment area?

Lowering the sulfur and RVP of gasoline reduces NOx and VOC emissions, respectively. Lowering the sulfur in gasoline reduces NOx emissions by minimizing the degradation of catalytic converters for vehicles currently in use. Lowering the RVP in gasoline reduces VOC emissions, primarily through reducing evaporative losses from vehicle fuel tanks, lines, and carburetors as well as losses from gasoline storage and transfer facilities. To a lesser degree, low RVP gasoline also reduces the VOCs in vehicle exhaust .

Reducing these emissions in both the nonattainment area and the surrounding attainment areas will help address the ozone problem in the Atlanta nonattainment area. Specifically, lowering NOx and VOC emissions through the Atlanta low-sulfur/low-RVP program will benefit the Atlanta nonattainment area by reducing NOx and VOCs emitted within the nonattainment area by vehicles that refuel in the 13-county nonattainment area, and by vehicles that originate in the 32-county attainment areas and drive into the nonattainment area.

Without these controls, gasoline sulfur and RVP levels would differ from area to area. The Atlanta nonattainment area would receive gasoline with sulfur levels in excess of 300 ppm and an RVP of up to 7.8 psi during the summer months. The 32-county surrounding attainment area subject to these controls would receive gasoline with a sulfur levels in excess of 300 ppm and an RVP of up to 9.0 psi during the summer months. The State, based on modeling results using EPA's Complex Model, estimates that the proposed low-sulfur/low-RVP program for the Atlanta nonattainment area alone will reduce NOx emissions from motor vehicles by at least 11.3 percent and VOC emissions from motor vehicles by at least 4.4 percent. In the attainment counties, the modeling results from EPA's Complex Model estimate that the proposed low-sulfur/low-RVP program will reduce NOx emissions from motor vehicles in those counties by at least 12.3 percent and VOC emissions by 27.8 percent. After applying these percentages to emissions factors from Mobile 5b runs, Georgia calculates that the combined benefit of the low-sulfur/low-RVP fuel program will result in an estimated 24.16 TPD of NOx emission reductions and an estimated 42.93 TPD of VOC emission reductions for the Atlanta modeling domain.

Georgia has shown that there is significant commuting between the attainment and nonattainment areas, and therefore, many of the vehicles driving and emitting in the nonattainment area are likely to have refueled in the surrounding attainment counties. The State submitted data in the May 31, 2000, fuel control necessity demonstration, showing commuting patterns into the nonattainment area from surrounding attainment counties. The following Table shows the number of counties contributing commuters to the Atlanta nonattainment area and the percent of population in the county commuting based on the 1990 census data. We believe it is reasonable to conclude that the areas with the heaviest amount of commuting to and from the Atlanta nonattainment area are the areas where requiring the low-sulfur/low-RVP gasoline will significantly benefit the Atlanta nonattainment area.

Table 1. Commuter contribution to the Atlanta nonattainment area

Attainment County	**Percent of county population commuting into nonattainment area**
Banks	6
Barrow	38
Bartow	29
Butts	37
Carroll	25
Chattooga	1
Clarke	4
Dawson	52
Floyd	3
Gordon	3
Hall	16
Haralson	17
Heard	25
Jackson	11
Jasper	18
Jones	1
Lamar	16
Lumpkin	12
Madison	3
Meriwether	25
Monroe	9
Morgan	10
Newton	47
Oconee	4
Pickens	35

Pike	28
Polk	12
Putnam	4
Spalding	31
Troup	5
Upson	4
Walton	4

B. Are there any reasonable and practicable alternatives to the low-sulfur/low-RVP fuel program?

The State conducted thorough analyses of potential non-fuel control measures to help achieve attainment of the ozone NAAQS in the Atlanta nonattainment area, and the attainment demonstration contains a long list of point and other source controls that are or will be required for this purpose. Many of these control measures were identified and analyzed in a study, "Direct Cost of Controlling NOx and VOC Emissions in Atlanta," completed by the Georgia State University on November 1, 1997, and which is available in the docket for this rulemaking. Following the completion of this study, the State made its own review of possible control measures, including its review of "reasonably available control measures" (RACM) as required under the Act. The State's summary of its review is contained in Attachment 3 to the November 9, 2001 "necessity" demonstration, which is available in the docket for this rulemaking. This section of the TSD reviews the controls that have been adopted and evaluates the reasonableness and practicability of the non-fuel alternatives that are potentially available.

1. Ozone control measures that have been adopted or proposed.

Table 2 includes a list of all local non-fuel control measures that have been or will be adopted and are included in the revised attainment demonstration, together with the emission reductions expected to be obtained from those measures in 2004.

Table 2. Ozone Attainment Demonstration SIP Reductions

Non-Fuel Control Measures	**2004 NOx Reduction (TPD)**	**2004 VOC Reduction (TPD)**
Large electric utility steam generators[1]	**289.83**	**0**
Partnership for a SMOG Free Georgia	**4.28**	**6.51**
Large NOx units in 13 Co. NAA	**18.83**	**0**
Changes in Enhanced I/M	**12.25**	**11.33**

Expanded new source review rule	**20.94**	**0**
New boilers & fuel burning equip.	**0.67**	**0**
Stationary engines & gas turbines	**30.00**	**0**
National LEV program	**18.19**	**9.07**
Locomotive engine standards	**4.88**	**0.03**
Consumer/commercial products II	**0**	**13.82**
Marine engine standards	**0**	**1.25**
Nonroad diesel engine standard II & III	**7.13**	**12.97**
Open Burning	**7.79**	**41.68**
Combustion Turbines	**3.14**	**0**
Electric Generating Units	**44.63**	**0**
	486.30	**121.22**

[1]Reduction estimates are in terms of episode day instead of typical ozone season day emissions.

2. Assessment of other non-fuel measures that could potentially be adopted

In addition to those control measures listed above and for the purpose of the Atlanta attainment demonstration, GAEPD evaluated a long list of potential controls for adoption, as listed on tables 3 and 4 below.

Each control option was evaluated according to: 1) the State's authority to implement controls; 2) the amount of NOx reductions; 3) the amount of VOC reductions; 4) whether a similar control measure is already being implemented; 5) the cost-effectiveness of the controls; 6) whether SIP credit has already been taken for the measure; and 7) whether the measure can be implemented by May 1, 2003 (since measures implemented after this date cannot advance the 2004 attainment date).

Table 3. VOC Remaining Measures

Source Category	VOC Reductions (TPD)	Reason For Rejecting Measure
Point Sources (13-county area only)		
Reformulated coatings, automated equipment cleaning devices, & incinerators for furniture & fixtures manufacturing facilities.	2.62	Number of facilities and potential discharge points affected by the control measures number in the thousands and would require increased resources to implement the new regulations and ensure compliance.
Incinerators for specific operations for	17.31*	Number of facilities and potential

food & kindred products facilities.		discharge points affected by the control measures number in the thousands and would require increased resources to implement the new regulations and ensure compliance.
Incinerators for specific operations for commercial printing facilities.	*	Number of facilities and potential discharge points affected by the control measures number in the thousands and would require increased resources to implement the new regulations and ensure compliance.
Incinerators for specific operations for chemical products facilities.	*	Number of facilities and potential discharge points affected by the control measures number in the thousands and would require increased resources to implement the new regulations and ensure compliance.
Incinerators for specific operations for rubber & plastic facilities.	*	Number of facilities and potential discharge points affected by the control measures number in the thousands and would require increased resources to implement the new regulations and ensure compliance.
Incinerators for specific operations for paper & allied products facilities.	*	Number of facilities and potential discharge points affected by the control measures number in the thousands and would require increased resources to implement the new regulations and ensure compliance.
Incinerators for specific operations for fabricated metal products facilities.	*	Number of facilities and potential discharge points affected by the control measures number in the thousands and would require increased resources to implement the new regulations and ensure compliance.
Incinerators for specific operations for non-electrical machinery facilities.	*	Number of facilities and potential discharge points affected by the control measures number in the thousands and would require increased resources to implement the new regulations and ensure compliance.
Incinerators for specific operations for electrical equipment facilities.	*	Number of facilities and potential discharge points affected by the control measures number in the thousands and would require increased resources to implement the new regulations and ensure compliance.
Incinerators for specific operations for petroleum refining facilities.	*	Number of facilities and potential discharge points affected by the control measures number in the thousands and

		would require increased resources to implement the new regulations and ensure compliance.
Incinerators for specific operations for air transportation facilities.	*	Number of facilities and potential discharge points affected by the control measures number in the thousands and would require increased resources to implement the new regulations and ensure compliance.
Incinerators & capture systems for transportation equipment facilities.	7.18	Number of facilities and potential discharge points affected by the control measures number in the thousands and would require increased resources to implement the new regulations and ensure compliance.
Incinerators & scrubber systems for stone, clay, & glass products facilities.	0.29	Number of facilities and potential discharge points affected by the control measures number in the thousands and would require increased resources to implement the new regulations and ensure compliance.
Source reduction for discharges to sewage plants	0.01	Number of facilities and potential discharge points affected by the control measures number in the thousands and would require increased resources to implement the new regulations and ensure compliance.
Point Sources Sub-total	***27.41***	
Area Sources (13-county area only)		
Automated equipment cleaning devices for auto refinishing coating guns.	2.62	Number of facilities and/or properties affected by the control measures number in the thousands and would require increased resources to implement the new regulations and ensure compliance.
High volume and low pressure auto refinishing coating spray systems.	1.63	Number of facilities and/or properties affected by the control measures number in the thousands and would require increased resources to implement the new regulations and ensure compliance.

SCAQMD surface cleaning rule 1122.	2.60	Number of facilities and/or properties affected by the control measures number in the thousands and would require increased resources to implement the new regulations and ensure compliance.
Low VOC content auto refinishing surface preparation products.	0.66	Number of facilities and/or properties affected by the control measures number in the thousands and would require increased resources to implement the new regulations and ensure compliance.
Elimination of Solvent Degreasing	5.00	Number of facilities and/or properties affected by the control measures number in the thousands and would require increased resources to implement the new regulations and ensure compliance.
Limits on pesticide application during the ozone season	1.00	Number of facilities and/or properties affected by the control measures number in the thousands and would require increased resources to implement the new regulations and ensure compliance.
Area Sources Sub-total	***13.51***	
Onroad Mobile Sources (13-county area only)		
Zero I/M waivers and exemptions	1.54	Measure would require legislative action and would unlikely be successful. because of potential environmental justice issues.
Congestion Pricing / Tolls; Gasoline tax increase ($0.50 per gallon, Mileage/Emission based registration fees ($40-$400 annually; VMT fee (0.02 per mile); Pay-as-you drive auto insurance ($0.50/gal)*	1.32	Measure would require legislative action. The new requirements would appear to be new "taxes/fees" or unacceptable intrusion into individual rights and would have little or no legislative support.
Trip reduction ordinances	0.05	Measure would require legislative action. The new requirements would appear to be new "taxes/fees" or unacceptable intrusion into individual rights and would have little or no legislative support.
Onroad Mobile Sources Sub-total	***2.91***	
Other Source (13-county area only)		
Ban gasoline ATVs, Minibikes, Off-road motorcycles and golf carts during ozone	0.92	Measure would require legislative action. The new requirements would appear to be new "taxes/fees" or unacceptable intrusion into individual rights and would have little or no legislative support.
Replacement of pleasure crafts	0.32	Measure would require legislative action. The new requirements would appear to be new "taxes/fees" or unacceptable

		intrusion into individual rights and would have little or no legislative support.
Lawn mowers and Small Lawn and Garden equipment (Phase II)	6.69	Measure would require legislative action. The new requirements would appear to be new "taxes/fees" or unacceptable intrusion into individual rights and would have little or no legislative support.
Other Sub-total	***7.93***	
Total for All Sources	**51.76**	

* Indicate these measures have been grouped together for determining VOC reductions.

Table 4. NOx Remaining Measures

Source Category	NOx Reductions (TPD)	Reason For Rejecting Measure
Point Sources (13-county area only)		
Oxy-firing (OF) in combustion processes for glass & glassware manufacturing.	2.73	Number of facilities and potential discharge points affected by the control measures number in the hundreds and would require increased resources to implement the new regulations and ensure compliance.
Energy recovery in combustion processes for glass & glassware manufacturing.	0.11	Number of facilities and potential discharge points affected by the control measures number in the hundreds and would require increased resources to implement the new regulations and ensure compliance.
Low NOx burners (LNB) for combustion equipment at primary metal facilities.	2.01*	Number of facilities and potential discharge points affected by the control measures number in the hundreds and would require increased resources to implement the new regulations and ensure compliance.
Low NOx burners (LNB) for combustion equipment at transportation equipment facilities.	*	Number of facilities and potential discharge points affected by the control measures number in the hundreds and would require increased resources to implement the new regulations and ensure compliance.
Low NOx burners (LNB) for combustion equipment at paperboard mill facilities.	*	Number of facilities and potential discharge points affected by the control measures number in the hundreds and would require increased resources to implement the new regulations and ensure compliance.

Low NOx burners (LNB) for combustion equipment at asphalt & coating facilities.	*	Number of facilities and potential discharge points affected by the control measures number in the hundreds and would require increased resources to implement the new regulations and ensure compliance.
Low NOx burners (LNB) for combustion equipment at hydraulic cement facilities.	*	Number of facilities and potential discharge points affected by the control measures number in the hundreds and would require increased resources to implement the new regulations and ensure compliance.
Low NOx burners (LNB) for combustion equipment at air transportation facilities.	*	Number of facilities and potential discharge points affected by the control measures number in the hundreds and would require increased resources to implement the new regulations and ensure compliance.
Over fire air (OFA) for combustion equipment at primary metal industry facilities.	0.25**	Number of facilities and potential discharge points affected by the control measures number in the hundreds and would require increased resources to implement the new regulations and ensure compliance.
Over fire air (OFA) for combustion equipment at transportation equipment facilities.	**	Number of facilities and potential discharge points affected by the control measures number in the hundreds and would require increased resources to implement the new regulations and ensure compliance.
Over fire air (OFA) for combustion equipment at paperboard mill facilities.	**	Number of facilities and potential discharge points affected by the control measures number in the hundreds and would require increased resources to implement the new regulations and ensure compliance.
Over fire air (OFA) for combustion equipment at air transportation facilities.	**	Number of facilities and potential discharge points affected by the control measures number in the hundreds and would require increased resources to implement the new regulations and ensure compliance.
Point Sources Sub-total	***5.09***	
Area Sources (13-county area only)		
A 0.09 lb/mmBtu NOx limit for new residential natural gas water heaters.	0.07	Number of commercial facilities and/or residential properties affected by the control measures number in the thousands and would require increased resources to implement the new

		regulations and ensure compliance.
LEA (for commercial distillate field-erected watertube boiler)	0.01	Number of commercial facilities and/or residential properties affected by the control measures number in the thousands and would require increased resources to implement the new regulations and ensure compliance.
LEA (for commercial distillate packaged watertube boiler)	0.03	Number of commercial facilities and/or residential properties affected by the control measures number in the thousands and would require increased resources to implement the new regulations and ensure compliance.
LEA (for commercial distillate firetube boiler)	0.09	Number of commercial facilities and/or residential properties affected by the control measures number in the thousands and would require increased resources to implement the new regulations and ensure compliance.
LEA (for commercial residual packaged watertube boiler)	0.01	Number of commercial facilities and/or residential properties affected by the control measures number in the thousands and would require increased resources to implement the new regulations and ensure compliance.
LEA (for commercial residual firetube boiler)	0.03	Number of commercial facilities and/or residential properties affected by the control measures number in the thousands and would require increased resources to implement the new regulations and ensure compliance.
LEA (for industrial distillate field-erected watertube boiler)	0.04	Number of commercial facilities and/or residential properties affected by the control measures number in the thousands and would require increased resources to implement the new regulations and ensure compliance.
LEA (for industrial distillate packaged watertube boiler)	0.10	Number of commercial facilities and/or residential properties affected by the control measures number in the thousands and would require increased resources to implement the new regulations and ensure compliance.
LEA (for industrial distillate firetube boiler)	0.39	Number of commercial facilities and/or residential properties affected by the control measures number in the thousands and would require increased resources to implement the new regulations and ensure compliance.
LEA (for industrial residual field-erected	0.02	Number of commercial facilities and/or

watertube boiler)		residential properties affected by the control measures number in the thousands and would require increased resources to implement the new regulations and ensure compliance.
LEA (for industrial residual packaged watertube boiler)	0.07	Number of commercial facilities and/or residential properties affected by the control measures number in the thousands and would require increased resources to implement the new regulations and ensure compliance.
LEA (for industrial residual firetube boiler)	0.18	Number of commercial facilities and/or residential properties affected by the control measures number in the thousands and would require increased resources to implement the new regulations and ensure compliance.
LEA (for commercial natural gas field-erected watertube boiler)	0.13	Number of commercial facilities and/or residential properties affected by the control measures number in the thousands and would require increased resources to implement the new regulations and ensure compliance.
LEA (for commercial natural gas packaged watertube boiler)	0.32	Number of commercial facilities and/or residential properties affected by the control measures number in the thousands and would require increased resources to implement the new regulations and ensure compliance.
LEA (for industrial natural gas field-erected watertube boiler)	0.55	Number of commercial facilities and/or residential properties affected by the control measures number in the thousands and would require increased resources to implement the new regulations and ensure compliance.
LEA (for industrial natural gas packaged watertube boiler)	1.32	Number of commercial facilities and/or residential properties affected by the control measures number in the thousands and would require increased resources to implement the new regulations and ensure compliance.
LNB (for industrial residual firetube boiler)	0.54	Number of commercial facilities and/or residential properties affected by the control measures number in the thousands and would require increased resources to implement the new regulations and ensure compliance.
RBs (for industrial natural gas field-erected watertube boiler)	2.45	Number of commercial facilities and/or residential properties affected by the control measures number in the

		thousands and would require increased resources to implement the new regulations and ensure compliance.
Area Sources Sub-total	***13.51***	
Onroad Mobile Sources (13-county area only)		
Zero I/M waivers and exemptions	0.63	Measure would require legislative action and would unlikely be successful. because of potential environmental justice issues.
Congestion Pricing / Tolls; Gasoline tax increase ($0.50 per gallon, Mileage/Emission based registration fees ($40-$400 annually; VMT fee (0.02 per mile); Pay-as-you drive auto insurance ($0.50/gal)***	2.19***	Measure would require legislative action. The new requirements would appear to be new "taxes/fees" or unacceptable intrusion into individual rights and would have little or no legislative support.
Trip reduction ordinances	0.05	Measure would require legislative action. The new requirements would appear to be new "taxes/fees" or unacceptable intrusion into individual rights and would have little or no legislative support.
Onroad Mobile Sources Sub-total	***2.87***	
Nonroad Mobile Sources (13-county area only)		
Liquefied natural gas dual fuel for railroad switchers.	3.05	Decisions affecting railroad switching activities and operations often extend beyond local and state boundaries because of a practice of relocation of equipment on an as needed basis. Relocation of equipment is determined exclusively by the constantly changing needs of a flexible and adaptable transportation network.
Incentives for turnover of 2 and 4-cycle engines	1.27	Measure would require legislative action or incentives. The new requirements would result in significant potential costs for the incentives or would appear to be an unacceptable intrusion into individual rights and would therefore have little or no legislative support.
Ban gasoline ATVs, Minibikes, Off-road motorcycles and golf carts during ozone	0.01	Measure would require legislative action or incentives. The new requirements would result in significant potential costs for the incentives or would appear to be an unacceptable intrusion into individual rights and would therefore have little or no legislative support.
Nonroad Mobile Source Sub-total	4.33	
Total for All Sources	**18.66**	

* Indicate these measures have been grouped together for determining NOx reductions.

** Indicate these measures have been grouped together for determining NOx reductions.

*** Indicate measures that have an overlap in emissions reductions, so the measure with the highest Nox reduction was the one used to calculate the remaining measure.

As noted in tables 3 and 4 above regarding the analysis of each of the above sources, GAEPD concluded that it was not reasonable or practicable to further control these sources. Specifically, for many of the sources listed above GAEPD stated that the time required to implement controls is unpredictable because legislative action authorizing such regulation by GAEPD would be required, or the number of facilities and potential discharge points affected by these control measures would require a tremendous increase in GAEPD resources to implement and ensure compliance.

Based on the State's analysis of the potentially available alternatives, we agree that there are no reasonable or practicable non-fuel control measures available to the State to achieve the 1-hour ozone NAAQS in a timely manner. Individually, none of these controls would supply enough emissions reductions to displace the need for the fuel measure. In order to replace the needed VOC reductions provided by the fuel measure, the State would need to implement nearly all of the potential controls which would require substantial resources and may not be possible in the time allowed, i.e., by 2004. Even if the State did adopt and implement all of the potentially available NOx control measures, the State would not be able to replace the needed NOx emissions reductions provided by the fuel measure. Compared to all of the potentially available measures outlined in this TSD, the low-sulfur/low-RVP fuel, which has already been implemented in its first phase, is the most reasonable and practicable measure available to reduce the emissions from ozone precursor emissions for the Atlanta nonattainment area. The low-sulfur/low-RVP fuel is readily available to the State because it is also being provided to the Birmingham nonattainment area. The benefits of this fuel program are already being felt in the Atlanta nonattainment area.

C. Is the low-RVP/low-sulfur fuel control program necessary for achieving the NAAQS?

The revised attainment demonstration uses a combination of photochemical grid modeling and a weight-of-evidence (WOE) analysis to show that implementation of the reasonable and practicable control measures listed above, including the low sulfur/low-RVP program, should just bring the Atlanta nonattainment area into attainment of the 1-hour ozone NAAQS. Modeling conducted by the State to support the attainment demonstration specifically included the fuel control program, which is estimated to provide 24.16 tons per day NOx emission reductions and 42.93 tpd VOC emission reductions. The results of this modeling suggest that, even with the implementation of all these controls, the ozone modeled peak value for the area may still exceed the 1-hour ozone standard. It is only by applying the WOE analysis that the State can demonstrate attainment, so it is clear that the emissions reductions from all of the modeled control measures, including the fuel control program, are necessary to help achieve the 1-hour ozone NAAQS in the Atlanta nonattainment area. More information on how this

analysis was performed is contained in the TSD, *Atlanta Serious Ozone Nonattainment Area 1-Hour Oxone Attainment Demonstration*, November 2001. This TSD was prepared in support of the NPRM for the attainment demonstration, and is available in the docket for this NPRM.

III. SIP APPROVAL REQUIREMENTS UNDER SECTION 110

The Georgia SIP submittals, including the fuel rule for Georgia's low-sulfur/low-RVP fuel control program and subsequent revisions, meet the requirements outlined in section 110 and Part D of Title I of the CAA amendments and 40 CFR Part 51 (Requirements for Preparation, Adoption and Submittal of Implementation Plans). The current version of the fuel rule was formally adopted by the GAEPD Board on June 27, 2001, and became effective July 18, 2001.

On July 17, 2001, the State of Georgia, through the GAEPD, submitted an attainment demonstration for the 1-hour ozone NAAQS for the Atlanta nonattainment area for inclusion into the Georgia SIP. This submittal is a revision to previous SIP revisions submitted on October 28, 1999, January 31, 2000, and July 31, 2000. The State fuel regulations were originally submitted for SIP approval on October 28, 1999. These regulations were subsequently amended by the State, and the revised regulations were submitted for SIP approval on July 31, 2000. Additional revisions to the State regulations, to further address implementation and enforcement issues, are included in an August 21, 2001 SIP revision. This proposed rulemaking only takes action on the "Gasoline Marketing Rule," provided in Georgia's *Rules for Air Quality Control*, as amended and submitted for approval with the August 21, 2001, submittal. The specific citation for the rule is Chapter 391-3-1.02 (2) (bbb). Action on the remainder of the August 21, 2001 submittal will be taken in a separate notice.

GAEPD will enforce the low-sulfur/low-RVP rule. Producers, importers, terminals, pipelines, truckers, rail carriers, and retail dispensing outlets are subject to provisions of this rule. Registration, recordkeeping, reporting, and certification requirements are included. GAEPD will conduct sampling for the fuel program in accordance with the "Methodology for Randomized Sampling to Estimate Mean Sulfur in Gasoline During a Specified Ozone Season" (contained in Appendix XXX of the attainment demonstration) or by some EPA-approved modification of this sampling plan. Samples, the number to be determined in coordination with GAEPD and EPA, will be collected and analyzed for RVP and sulfur throughout the control period. Any sample that exceeds the limits specified in the fuel rule (i.e., 7.0 psi, and 150 ppm sulfur or 30 ppm sulfur when applicable – with the consideration of the allowable margin of error), will be considered a violation and may require an enforcement action. If an enforcement action is warranted, GAEPD would use one of two approaches. Upon learning of a violation, the GAEPD will issue a notice of violation and negotiate a consent order. If the consent order cannot be negotiated, GAEPD will issue an administrative order. Another provision of the fuel rule provides that the seasonal sulfur average will not exceed 140 ppm when the sulfur limit is 150 ppm. If the seasonal sulfur average exceeds 140 ppm, GAEPD will require 100 percent terminal testing in lieu of testing at the retail level for future control periods. Also, when Georgia's sulfur requirement is reduced to 30 ppm, 30 ppm is the 'trigger' that will require 100 percent terminal

testing in lieu of testing at the retail level for future control periods. Additional commitments related to the enforcement and implementation of the Georgia fuel program are provided in the transmittal letter for the November 9, 2001 fuel control supplemental "necessity" demonstration.

CONCLUSION

Georgia's low-sulfur/low-RVP fuel program will provide needed NOx and VOC emissions reductions for the Atlanta ozone nonattainment area. Without the program, the design values for the nonattainment area will continue to exceed the 1-hour ozone NAAQS. In the Atlanta attainment demonstration, the State examined control measures, not previously implemented, and concluded that, even with adoption of all reasonable and practicable non-fuel control measures, additional VOC and NOx reductions in the area are necessary to achieve the 1-hour ozone NAAQS. The State further demonstrated that the fuel control satisfies the requirements of section 110 and will supply reductions needed to achieve the ozone NAAQS.

The State has therefore demonstrated that the low-sulfur/low-RVP fuel control program is necessary to help the Atlanta nonattainment area achieve the 1-hour ozone NAAQS and should be approved into the SIP in accordance with sections 110 and 211(c)(4)(C) of the Act.