

Dated: June 2, 1995.

Carol M. Browner,
Administrator.

40 CFR part 80 is proposed to be amended as follows:

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

1. The authority citation for part 80 continues to read as follows:

Authority: Sections 114, 211 and 301(a) of the Clean Air Act as amended (42 U.S.C. 7414, 7545, and 7601(a)).

2. Section 80.2 is amended by adding paragraph (vv) to read as follows:

§ 80.2 Definitions.

* * * *

(vv) *Opt-in area.* An area which becomes a covered area under § 80.70 pursuant to section 211(k)(6) of the Clean Air Act.

3. Section 80.70 is amended by revising the first sentence of paragraph (j) introductory text to read as follows:

§ 80.70 Covered areas.

* * * *

(j) The ozone nonattainment areas listed in this paragraph (j) of this section are covered areas beginning on January 1, 1995, except that those areas listed in paragraphs (j)(5)(viii) and (ix), (j)(10)(i), (iii) and (v) through (xi) and (j)(11) of this section shall not be covered areas until EPA takes final action on the proposal to remove these areas as covered areas. * * *

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§ 80.70 [Amended]

4. Section 80.70 is amended by removing paragraphs (j)(5)(viii) and (ix).

5. Section 80.70 is amended by removing paragraphs (j)(10)(i), (iii) and (v) through (xi), and redesignating paragraphs (j)(10)(ii) and (iv) as (j)(10)(i) and (ii).

6. Section 80.70 is amended by removing paragraph (j)(11) and redesignating paragraphs (j)(12) through (15) as (11) through (14).

7. Section 80.70 is amended by adding paragraph (l) to read as follows:

§ 80.70 Covered areas.

* * * *

(l) Upon the effective date for removal under § 80.72(a), the geographic area covered by such approval shall no longer be considered a covered area for purposes of subparts D, E and F of this part.

8. Section 80.72 is added to read as follows:

§ 80.72 Procedures for opting out of the covered areas.

(a) In accordance with paragraph (b) of this section, the Administrator may approve a petition from a state asking for removal of any opt-in area, or portion of an opt-in area, from inclusion as a covered area under § 80.70. In approving any such petition, the Administrator shall establish an appropriate effective date for such removal, pursuant to paragraph (c) of this section.

(b) To be approved under paragraph (a) of this section, a petition must be signed by the governor of a state, or his or her authorized representative, and must include the following:

(1) A geographic description of each opt-in area, or portion of each opt-in area, which is covered by the petition;

(2) A description of all ways in which reformulated gasoline is relied upon as a control measure in any approved state or local implementation plan or plan revision, or in any submission to the Agency containing any proposed plan or plan revision (and any associated request for redesignation) that is pending before the Agency when the petition is submitted; and

(3) For any opt-in areas covered by the petition for which reformulated gasoline is relied upon as a control measure as described under paragraph (b)(2) of this section, the petition shall include the following information:

(i) Identify whether the state is withdrawing any such pending plan submission;

(ii)(A) Identify whether the state intends to submit a revision to any such approved plan provision or pending plan submission that does not rely on reformulated gasoline as a control measure, and describe the alternative air quality measures, if any, that the state plans to use to replace reformulated gasoline as a control measure;

(B) A description of the current status of any proposed revision to any such approved plan provision or pending plan submission, as well as a projected schedule for submission of such proposed revision;

(C) If the state is not withdrawing any such pending plan submission and does not intend to submit a revision to any such approved plan provision or pending plan submission, describe why no revision is necessary;

(D) If reformulated gasoline is relied upon in any pending plan submission, other than as a contingency measure consisting of a future opt-in, and the Agency has found such pending plan submission complete or made a protectiveness finding under 40 CFR 51.448 and 93.128, demonstrate whether

the removal of the reformulated gasoline program will affect the completeness and/or protectiveness determinations;

(4) Upon request by the Administrator, the Governor of a State, or his or her authorized representative, shall submit additional information upon request of the Administrator

(c) (1) Except as provided in paragraph (c)(2) and (3) of this section, the Administrator shall set an effective date for removal of an area under paragraph (a) of this section of 30 days from receipt of a complete petition by EPA.

(2) If reformulated gasoline is contained as an element of any plan or plan revision that has been approved by the Agency, other than as a contingency measure consisting of a future opt-in, then the effective date under paragraph (a) of this section shall be 30 days from the effective date for Agency approval of a revision to the plan that removes reformulated gasoline as a control measure.

(3) Unless the state has withdrawn the submission or indicated its intention to submit a revision, if reformulated gasoline is contained as an element in any plan or plan revision that has been submitted to and is pending approval by the Agency, other than as a contingency measure consisting of a future opt-in, and where such pending plan or plan revision has been found or deemed to be complete and/or the Agency has made a protectiveness finding under 40 CFR 51.448 and 93.128 concerning such submission, then the effective date under paragraph (a) of this section shall be 120 days from the date a complete petition is received by the Agency.

(d) The Administrator shall publish a notice in the **Federal Register** of any petition approved under paragraph (a) of this section, announcing the effective date for removal.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 69

[CC Docket No. 95-72; FCC95-212]

End User Common Line Charges

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This Notice of Proposed Rulemaking seeks comment on the application of End User Common Line Charges, hereinafter referred to as