interim approval expires February 19, 1997.

(b) Reserved.

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40 CFR Part 81

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Designation of Areas for Air Quality Planning Purposes; State of California; Correction of Design Value for San Diego Ozone Nonattainment Area; Reclassification of San Diego Ozone Nonattainment Area to Serious

AGENCY: Environmental Protection

Agency (EPA).

ACTION: Final rule.

SUMMARY: This document announces the EPA Region IX decision to reclassify the San Diego, California, ozone nonattainment area (San Diego) from severe to serious. San Diego was classified as a severe ozone nonattainment area by EPA on November 6, 1991 (56 FR 56694). However, EPA has determined that the ozone design value of .190 ppm published by EPA and used in classifying San Diego as a severe ozone nonattainment area was incorrect. The correct monitored ozone design value was .185 ppm. This design value falls within the range of values which would have provided the opportunity for the State to request reclassification of San Diego under section 181(a)(4) of the Clean Air Act, as amended in 1990 (CAA or the Act). Pursuant to section 110(k) of the Act, which allows EPA to correct its actions, EPA is today publishing the correct design value of .185 ppm and is granting the State's request to reclassify the San Diego nonattainment area under section 181(a)(4).

EFFECTIVE DATE: February 21, 1995. FOR FURTHER INFORMATION CONTACT: Angela Baranco, Plans Development Section (A–2–2), Air Planning Branch, United States Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, California, 94105, (415) 744–1196.

SUPPLEMENTARY INFORMATION:

Background

Prior to the 1990 amendments to the Act, EPA identified and designated nonattainment areas with respect to the National Ambient Air Quality Standards (NAAQS). For such areas, States submitted State Implementation Plans (SIPs) to control emissions and achieve attainment of the NAAQS. The San

Diego ozone nonattainment area (San Diego) was originally designated as nonattainment for ozone on March 3, 1978 (as well as for other pollutants not addressed in this document). The SIP for San Diego was first adopted in the early 1970's. The revised SIP was fully approved by EPA on November 25, 1983 (48 FR 53114) and December 28, 1983 (48 FR 57130).

Under the 1990 amendments to the Act, San Diego retained its designation of nonattainment and was classified as severe by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. See 56 FR 56694 (November 6, 1991). This classification was required to be based on the design value for the area. The actual monitored value for San Diego was .185 ppm. This value was reported to the California Air Resources Board (CARB), which rounded the value to .19 ppm and submitted it to EPA. EPA published this number as .190 ppm in its November 6, 1991 Federal Register document.

CAA Provisions

A. Correction of Error Under Section 110(k)(6)

Section 110(k)(6) of the Act provides:

Whenever the Administrator determines that the Administrator's action approving, disapproving, or promulgating any plan or plan revision (or part thereof), area designation, redesignation, classification, or reclassification was in error, the Administrator may in the same manner as the approval, disapproval, or promulgation revise such action as appropriate without requiring any further submission from the State. Such determination and the basis thereof shall be provided to the State and public.

EPA interprets this provision to authorize the Agency to make corrections to a promulgation when it is shown to EPA's satisfaction that: (1) EPA erred in failing to consider or inappropriately considered information made available to EPA at the time of the promulgation, or the information made available at the time of promulgation is subsequently demonstrated to have been clearly inadequate; and (2) other information persuasively supports a change in the promulgation.

EPA's initial action in classifying San Diego was based on an ozone design value of .190 ppm. That information was subsequently demonstrated to have been incorrect, and the true design value was .185 ppm. Accordingly, in today's action, EPA is correcting this error by publishing the correct design value of .185 ppm for San Diego.

B. Classification Adjustment Under Section 181(a)(4)

Section 181(a)(4) of the Act provides a 90-day period following publication of a classification during which any nonattainment area with a design value within 5 percent of the next higher or lower classification may request to be reclassified. When EPA published .190 ppm as the ozone design value, the San Diego planning staff concluded it could not take advantage of the five-percent classification adjustment provision because this value does not fall within 5 percent of the cutoff for classification as serious. However, the correct value of .185 ppm does fall within 5 percent of this number (.179 ppm). When the discrepancy in the ozone design values was discovered, the State requested that EPA reclassify San Diego. After determining that the original classification had been based on an erroneous design value, and that the error may be corrected pursuant to section 110(k)(6), EPA accepted the State's request, made by letter dated July 19, 1993, to reclassify the San Diego ozone nonattainment area from severe to serious under section 181(a)(4).

C. Criteria for Reclassification

Section 181(a)(4) of the CAA provides general guidelines to determine whether an area qualifies for a classification adjustment:

In making such adjustment, the Administrator may consider the number of exceedances of the (NAAQS) for ozone in the area, the level of pollution transport between the area and other affected areas, including both intrastate and interstate transport, and the mix of sources and air pollutants in the area.

EPA interprets this provision to mean that the area must demonstrate that it can attain the ozone NAAQS by the earlier date required by the lower classification. As discussed in more detail in subsection 3 below, San Diego has submitted a preliminary demonstration that "but for transport" it would attain the ozone NAAQS by the 1999 attainment deadline for serious areas. Documentation concerning each of the section 181(a)(4) criteria has been submitted by San Diego as part of this demonstration and is discussed briefly below. For a detailed discussion and analysis of these submissions please refer to EPA's Technical Support Document (TSD).

1. Exceedances

San Diego submitted data concerning the number of exceedances per year from 1980 to 1992. This data shows a clear downward trend projecting zero exceedances in 1999.