bridges across the North Branch of the Chicago River, and the draws of the N. Halsted St. bridge, the Division St. bridge and the Chicago, Milwaukee, St. Paul and Pacific Railroad bridge across the North Branch Canal.

(d) The opening signal for all Chicago River bridges is three short blasts or by shouting, except that four short blasts is the opening signal for the Chicago and Northwestern railroad bridge near Kinzie Street and the Milwaukee Road bridge near North Avenue and five short blasts is the opening signal for the Lake Shore bridge when approaching from the porth

(e) The emergency provisions of § 117.31 of this part apply to the passage of all vessels and the operation of all bridges on the Chicago River.

Dated: October 2, 1995.

G.F. Woolever,

Rear Admiral, U.S. Coast Guard Commander, Ninth Coast Guard District.

[FR Doc. 95–24916 Filed 10–4–95; 8:45 am] BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-5309-5]

Clean Air Act Promulgation of Extension of Attainment Date for PM-10 Nonattainment Area in Denver, CO

AGENCY: Environmental Protection

Agency (EPA).

ACTION: Direct final rule.

SUMMARY: This action serves to grant a 1-year attainment date extension for the Denver, Colorado particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM-10) nonattainment area. This action is based on monitored air quality data for the national ambient air quality standard for PM-10 during the years 1992–94 and EPA's evaluation of the applicable state implementation plan (SIP).

DATES: This final rule is effective on December 5, 1995, unless adverse comments are received by November 6, 1995. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Comments should be addressed to: Douglas M. Skie, Chief, Air Programs Branch, EPA Region VIII, at the address listed below. Copies of the State's submittal and other information are available for inspection during normal business hours at the

following locations: Air Programs Branch, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202–2405; and Colorado Air Pollution Control Division, 4300 Cherry Creek Drive South, Denver, Colorado 80222–1530. The information may be inspected between 8 a.m. and 4 p.m., on weekdays, except for legal holidays. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Callie Videtich, 8ART-AP, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202-2405, (303) 293-1754.

SUPPLEMENTARY INFORMATION:

I. Background

A. Clean Air Act Requirements and EPA Actions Concerning Designation and Classification

On the date of enactment of the 1990 Clean Air Act Amendments, PM-10 areas meeting the qualifications of section 107(d)(4)(B) of the Act were designated nonattainment by operation of law (see generally, 42 U.S.C. section 7407(d)(4)(B)). These areas included all former Group I areas identified in 52 FR 29383 (August 7, 1987) and further clarified in 55 FR 45799 (October 31, 1990), and any other areas violating the PM-10 standards prior to January 1, 1989 (many of these areas were identified by footnote 4 in the October 31, 1990 Federal Register notice). A Federal Register notice announcing the areas designated nonattainment for PM-10 upon enactment of the Act was published in 56 FR 11101 (March 15, 1991). A subsequent Federal Register notice correcting some of these areas was published on August 8, 1991 (56 FR 37654). These nonattainment designations and moderate area classifications were codified in 40 CFR part 81 in a Federal Register notice published on November 6, 1991 (56 FR 56694). All other areas in the Nation not designated nonattainment at enactment were designated unclassifiable (see section 107(d)(4)(B)(iii) of the Act). Additional PM-10 areas were designated nonattainment in subsequent Federal Register actions.

States containing areas which were designated as moderate nonattainment by operation of law under section 107(d)(4)(B) were to develop and submit SIPs to provide for the attainment of the PM–10 NAAQS. Pursuant to section 189(a)(2), those SIP revisions were to be submitted within one year of enactment of the Act (November 15, 1991). The SIP revisions were to provide for

implementation of RACM/RACT by December 10, 1993 and attainment by December 31, 1994.

B. Application for a 1-Year Extension of the Attainment Date

If the State does not have the necessary number of consecutive clean years of data to show attainment of the NAAQS, a State may apply for an extension of the attainment date. Pursuant to section 188(d) of the Act, a State may apply for, and EPA may grant, a 1-year extension of the attainment date if the State has: (1) complied with the requirements and commitments pertaining to the applicable implementation plan for the area; and (2) the area has measured no more than one exceedance of the 24 hour PM-10 standard in the year preceding the extension year, and the annual mean concentration of PM-10 in the area for such year is less than or equal to the standard. If the State does not have the requisite number of years of clean air quality data to show attainment and does not apply or does not qualify for an attainment date extension, the area will be reclassified as serious by operation of law.

The authority delegated to the Administrator to extend attainment dates for moderate areas is discretionary. Section 188(d) of the Act provides that the Administrator "may" extend the attainment date for areas that meet the minimum requirements specified above. The provision does not dictate or compel that EPA grant extensions to such areas. In exercising this discretionary authority for PM-10 nonattainment areas, EPA will examine the air quality planning progress made in the moderate areas. EPA will be disinclined to grant an attainment date extension unless a State has, in substantial part, addressed its moderate PM-10 planning obligations for the area. In order to determine whether the State has substantially met these planning requirements, the EPA will review the State's application for the attainment date extension to determine: (1) Whether the State has adopted and substantially implemented control measures submitted to address the requirement for implementing RACM/ RACT in the moderate nonattainment area; and (2) that reasonable further progress is being met for the area. RFP for PM-10 nonattainment areas is determined to be linear emissions reductions made on an annual basis which will provide progress toward the eventual attainment of the NAAQS in the area. If the State cannot make a sufficient demonstration that the area has complied with the extension criteria