determined that NO_X reductions would not contribute to attainment of the standard).]

Moreover, this interpretation is a reasonable reading that gives section 211(m)(6) legal effect. Section 175A states that nonattainment area requirements continue in force and effect until an area is redesignated to attainment; by implication, once the area is redesignated, the requirements no longer apply except as needed for maintenance or as contingency measures. Section 211(m)(6) would be a redundant restatement of this principle if it meant only that redesignated areas were no longer subject to oxygenated gasoline requirements. Furthermore, EPA notes that provisions such as section 211(m)(6) are not reflected in other nonattainment area provisions, such as the inspection/maintenance requirements, further supporting EPA's interpretation.

The effects of this interpretation of section 211(m) are limited in several respects. Where a state that is in fact attaining the CO NAAQS has an oxygenated gasoline program as part of an approved SIP, the program would remain in the SIP; section 211(m)(6) only would allow the state to submit a SIP revision to remove the program, and then only if it is not needed for maintenance and its removal complied with section 110(l). Also, the entire nonattainment area must be actually achieving the CO NAAQS before oxygenated gasoline would not be required for any portion of the MSA or CMSA in which an area is located. Furthermore, unless the area is redesignated to attainment, the oxygenated gasoline program requirement would again become effective upon a subsequent violation of the standard. In addition, as this interpretation is based on the language of section 211(m)(6), it does not extend beyond the oxygenated gasoline requirements to other CAA SIP requirements.

The Nine Not Classified Areas

For various reasons, none of the nine not-classified nonattainment areas being redesignated to attainment in today's notice are required to have an oxygenated gasoline program in their approved SIP in order to be redesignated. None of the areas had a CO design value of 9.5 parts per million or greater and, therefore, none of the nine areas would have been required to have an oxygenated gasoline program. However, oxygenated gasoline programs had been required in eight of these nine areas because they are located in a CMSA containing a moderate CO nonattainment area in which section 211(m) required a program. The ninth area, Atlantic City, was and is not required to have an oxygenated fuel program in its SIP nor is it a part of a CMSA where the program is required.

Three of the not-classified areas, the City of Trenton, the City of Burlington and the Borough of Penns Grove (part), are located within the Philadelphia-Wilmington-Trenton CMSA. While these areas had once been required to have an oxygenated gasoline program due to their location in the same CMSA as the Camden Area, as the Camden Area is no longer required to have a program, they are also no longer required to have a program.

EPA is proceeding with the redesignation of the remaining five not-classified nonattainment areas in the NY-NJ-LI CMSA notwithstanding the lack of an approved SIP requiring the sale of oxygenated fuels in these five areas. These areas are, the Borough of Freehold, the City of Morristown, the City of Perth Amboy, the City of Toms River and the Borough of Somerville. EPA believes that these five areas satisfy the requirement of section 107(d)(3)(E) of the CAA in that they have a fully-approved SIP meeting all of the section 110 and Part D requirements applicable to the area. The reasons for this view are based on a combination of factors.

The requirements of section 211(m) concerning the sale of oxygenated gasoline in the NY-NJ-LI CMSA do not apply to the five not-classified areas by virtue of their own classification, designation or design value. Rather, oxygenated fuel is required to be sold in these areas because they are located within a CMSA containing a moderate CO nonattainment area with a design value of greater than 9.5 parts per million.

The requirements concerning the sale of oxygenated fuels in areas that are located within a CMSA in which a CO nonattainment area with a design value of 9.5 parts per million or greater exist regardless of the designation or classification of those areas as attainment, nonattainment or not-classified. Thus, the applicability of the requirements concerning the sale of oxygenated fuels in the five not-classified areas will not be affected by the redesignation of those areas to attainment. Furthermore, the State of New Jersey remains subject to a requirement to submit a SIP revision requiring the sale of oxygenated fuel in the New Jersey portion of the NY-NJ-LI CMSA because nonattaining areas of the CMSA remain subject to the section 211(m) requirements.

For purposes of applying the provisions of section 107(d)(3)(E) concerning requirements applicable to an area seeking redesignation, EPA believes it reasonable and appropriate to view the oxygenated fuel requirements of section 211(m) as applying only to an area within a CMSA whose design value triggered the applicability of the program, but not to the peripheral areas within the same CMSA that are subjected to the program by virtue of their location within that CMSA. Nonetheless, the redesignation to attainment of the five not-classified areas located in the NY-NJ-LI CMSA will not remove the mandate that the State is required to submit a SIP revision to implement an oxygenated fuel program throughout the CMSA.

IV. Final Action

EPA is approving the Camden County and nine not-classified CO maintenance plans because they meet the requirements set forth in section 175A of the CAA. In addition, the Agency is approving the requests for redesignating Camden County and the nine not-classified areas to attainment, because the State has demonstrated compliance with the requirements of section 107(d)(3)(E) for redesignation. EPA is also approving New Jersey's 1990 base year CO emissions inventory and contingency measures.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

EPA is publishing this rule without prior proposal because EPA views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. Thus, this direct final action will be effective February 5, 1996 unless, by January 8, 1996, adverse or critical comments are received.

If the EPA receives such comments, this rule will be withdrawn before the effective date by publishing a subsequent notice that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this rule should do so at this time. If no