

§ 117.1041 Duwamish Waterway.

(a) * * *

(3) Monday through Friday, except all Federal holidays but Columbus Day, the draws of the First Avenue South Bridges, mile 2.5, need not be opened for the passage of vessels from 6 a.m. to 9 a.m. and from 3 p.m. to 6 p.m., except that the draw shall open on one-hour notice for vessels of 5000 gross tons or over, a vessel towing a vessel of 5000 gross tons and over, and a vessel proceeding to pick up for towing a vessel of 5000 gross tons and over. Sunday through Friday, the draws need not be opened for the passage of any vessels from 9 p.m. to 5 a.m.

* * * * *

Dated: January 11, 2005.

Jeffrey M. Garrett,

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

[FR Doc. 05-1057 Filed 1-19-05; 8:45 am]

BILLING CODE 4910-15-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 81**

[NV-FOA-124; FRL-7862-3]

Determination of Attainment for the Ozone and Carbon Monoxide National Ambient Air Quality Standards in Washoe County, NV

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to determine that the marginal one-hour ozone nonattainment area that includes all of Washoe County, Nevada has attained the 1-hour ozone National Ambient Air Quality Standard by the applicable attainment date (1993) and has continued to attain since that time. EPA is also proposing to determine that the moderate carbon monoxide nonattainment area that includes the Truckee Meadows area of Washoe County has attained the carbon monoxide National Ambient Air Quality Standard by the applicable attainment date (1995) and has continued to attain since that time. EPA is proposing this action to fulfill its obligations to make such determinations under sections 179(c), 181(b)(2), and 186(b)(2) of the Clean Air Act. The intended effect of this action will be to relieve the State of Nevada of the obligation to submit revisions to the State Implementation Plan to address additional requirements under the Clean Air Act for the next higher nonattainment classifications

and to satisfy one of the five statutory criteria for redesignation of these areas from nonattainment to attainment.

DATES: Any comment on this proposal must arrive by February 22, 2005.

ADDRESSES: Please address your comments to Eleanor Kaplan, Air Planning Office (AIR-2), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901 or e-mail to kaplan.eleanor@epa.gov, or submit comments at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Eleanor Kaplan, EPA Region IX at (415) 947-4147 or kaplan.eleanor@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document, whenever “we”, “us”, or “our” are used, we mean the Environmental Protection Agency.

Table of Contents**I. Background**

- A. What National Ambient Air Quality Standards (NAAQS) Are Considered in Today's Proposed Determination of Attainment?
- B. What Are the Current Designations and Classifications in Washoe County With Respect to the 1-Hour Ozone and Carbon Monoxide NAAQS?
- C. How Do We Make Attainment Determinations?

II. Basis for EPA's Proposed Action

- A. How Did We Determine That the Washoe County Monitoring Network Is Adequate To Provide the Data Necessary To Determine Whether the Area Has Attained the Ozone and Carbon Monoxide NAAQS?
- B. How Did We Determine That Washoe County Attained the 1-Hour Ozone NAAQS by the Applicable Attainment Date and Has Continued To Attain Since Then?
- C. How Did We Determine That the Truckee Meadows Portion of Washoe County Attained the Carbon Monoxide NAAQS by the Applicable Attainment Date and Has Continued To Attain Since Then?

III. EPA's Proposed Action**IV. Request for Public Comment****V. Administrative Requirements****I. Background****A. What National Ambient Air Quality Standards (NAAQS) Are Considered in Today's Proposed Determination of Attainment?**

Ozone. Ozone is a gas composed of three oxygen atoms. It is not usually emitted directly into the air, but at ground level is created by a chemical reaction between oxides of nitrogen (NO_x) and volatile organic compounds (VOC) in the presence of heat and sunlight. Ozone has the same chemical structure whether it occurs miles above the earth or at ground level and can be

“good” or “bad,” depending on its location in the atmosphere. “Good” ozone occurs naturally in the stratosphere approximately 10 to 30 miles above the earth's surface and forms a layer that protects life on earth from the sun's harmful rays. In the earth's lower atmosphere, ground-level ozone is considered “bad.”

Ozone can irritate lung airways and cause inflammation much like a sunburn. Other symptoms include wheezing, coughing, pain when taking a deep breath, and breathing difficulties during exercise or outdoor activities. People with respiratory problems are most vulnerable, but even healthy people that are active outdoors can be affected when ozone levels are high.

Repeated exposure to ozone pollution for several months may cause permanent lung damage. Anyone who spends time outdoors in the summer is at risk, particularly children and other people who are active outdoors. Even at very low levels, ground-level ozone triggers a variety of health problems including aggravated asthma, reduced lung capacity, and increased susceptibility to respiratory illnesses like pneumonia and bronchitis.

The 1-hour ozone NAAQS is 0.12 parts per million (ppm), one-hour average, not to be exceeded on average more than 1 day per year over any 3-year period. See 40 CFR 50.9 and appendix H.

Carbon Monoxide. Carbon monoxide (CO) is a colorless and odorless gas, formed when carbon in fuel is not burned completely. It is a component of motor vehicle exhaust, which contributes about 60 percent of all CO emissions nationwide. Nonroad vehicles account for the remaining CO emissions from transportation sources.

CO can cause harmful health effects by reducing oxygen delivery to the body's organs (like the heart and brain) and tissues. The health threat from lower levels of CO is most serious for those who suffer from heart disease, like angina, clogged arteries, or congestive heart failure. For a person with heart disease, a single exposure to CO at low levels may cause chest pain and reduce that person's ability to repeated exposures and may contribute to other cardiovascular effects.

Even healthy people can be affected by high levels of CO. People who breathe high levels of CO can develop vision problems, reduced ability to work or learn, reduced manual dexterity, and difficulty performing complex tasks. At extremely high levels, CO is poisonous and can cause death.

CO NAAQS are for 1-hour and 8-hour periods and are not to be exceeded more

than once per year. The 1-hour CO NAAQS is 35 ppm (40 mg/m³) and the 8-hour CO NAAQS is 9 ppm (10 mg/m³).

B. What Are the Current Designations and Classifications in Washoe County With Respect to the 1-Hour Ozone and Carbon Monoxide NAAQS?

Ozone. Under the Clean Air Act, as amended in 1990 (CAA or “Act”), EPA designated all of Washoe County as a nonattainment area for the 1-hour ozone NAAQS, effective January 6, 1992. See 56 FR 56694, at 56798 (November 6, 1991). In our 1991 final rule, EPA further classified Washoe County as a “marginal” nonattainment area for the 1-hour ozone NAAQS. Under section 181(a)(1), the Act establishes the end of 1993 as the attainment date for “marginal” ozone nonattainment areas, such as Washoe County.

Washoe County is located in the northwestern portion of the State of Nevada and encompasses a land area of approximately 6,600 square miles. Washoe County is bordered by the State of California to the west and the State of Oregon to the north. Within the State of Nevada, the counties of Humboldt, Pershing, Churchill, Lyon, and Storey and the city of Carson City bound Washoe County to the east and south.

In 1998, we found that Washoe County was attaining the 1-hour ozone NAAQS, based on 1994–1996 monitoring data, and listed it as one of the areas in the country where the 1-hour ozone NAAQS no longer applied. See 63 FR 31014, at 31065 (June 5, 1998). In 2000, in response to continuing litigation over the 8-hour ozone NAAQS, we reinstated the 1-hour ozone NAAQS in those areas in which we had found the standard to no longer apply, such as Washoe County. See 65 FR 45182, at 45244 (July 20, 2000). In that 2000 action, we also reinstated Washoe County’s classification as a “marginal” nonattainment area for the 1-hour ozone NAAQS, effective January 16, 2001, see 65 FR 45829 (July 25, 2000), and also reinstated the 1993 attainment date.

Carbon Monoxide. Under section 107(d)(1)(C) of the Act, an area that lies entirely within Washoe County, *i.e.*, hydrographic area #87 (named “Truckee Meadows”), and another that extends into a portion of Washoe County, *i.e.*, hydrographic area #90 (named “Lake Tahoe Basin”), were designated nonattainment for the CO NAAQS by operation of law because they had been designated nonattainment at the time of enactment of the 1990 Clean Air Act Amendments. With respect to CO, this rulemaking only concerns “Truckee

Meadows”. In a separate rulemaking, EPA redesignated “Lake Tahoe Basin” from nonattainment to attainment for the CO NAAQS. See 68 FR 69611 (December 15, 2003).

Pursuant to the Act as amended in 1990, EPA further classified Truckee Meadows as a “moderate” nonattainment area for the CO NAAQS. See 56 FR 56694, at 56798 (November 6, 1991) and 40 CFR part 81.329. Under section 186(a)(1), the Act establishes the end of 1995 as the attainment date for “moderate” CO nonattainment areas, such as Truckee Meadows.

Truckee Meadows lies in the far southern portion of Washoe County and encompasses a land area of approximately 200 square miles. The Truckee Meadows CO nonattainment area is comprised of three governmental units: Washoe County and two incorporated cities, Reno and Sparks.

C. How Do We Make Attainment Determinations?

Ozone. Pursuant to sections 179(c) and 181(b)(2) of the Act, we have the responsibility of determining within six months of the applicable attainment date whether, based on air quality data, the 1-hour ozone NAAQS has been attained in a given nonattainment area by that date. Determinations under section 179(c) of the Act are to be based upon an area’s “air quality as of the attainment date”. Section 181(b)(2) is consistent with this requirement. As noted above, Washoe County’s attainment date for the 1-hour ozone NAAQS was 1993.

Generally, we will determine whether an area’s air quality is meeting the NAAQS for purposes of sections 181(b)(2) based upon data gathered at established state and local air monitoring stations (SLAMS) and national air monitoring sites (NAMS) in the nonattainment area and entered into the Air Quality System (AQS) database, formerly known as the Aerometric Information Retrieval System (AIRS). We will also consider air quality data from other air monitoring stations in the nonattainment area provided that the stations meet the federal monitoring requirements for SLAMS. We also review whether the area’s monitoring network is adequate.

The 1-hour ozone NAAQS is 0.12 ppm, not to be exceeded on average more than 1 day per year over any 3-year period. See 40 CFR 50.9 and appendix H. Under our policies, we determine if an area has attained the 1-hour standard by calculating, at each monitor, the average number of days over the standard (*i.e.*, “exceedance days”) per year during the preceding 3-

year period. For this proposal, we have based our determination of attainment by the applicable attainment date on the average number of exceedance days per year for the period 1991 through 1993.

Carbon Monoxide. Section 179(c)(1) of the Act provides that attainment determinations are to be based on the “area’s air quality as of the attainment date,” and section 186(b)(2) of the Act is consistent with this requirement but adds that CO air quality is to be documented for attainment determination purposes in terms of “design values”. Similar to the procedure described above for ozone, EPA makes the determination as to whether an area’s air quality is meeting the NAAQS for CO based upon air quality data gathered at SLAMS and NAMS monitoring sites in the nonattainment area and entered into the AQS database. As for ozone, we also review whether the area’s monitoring network is adequate.

This data is reviewed to determine the area’s air quality status in accordance with 40 CFR 50.8, EPA policy guidance as stated in a memorandum from William G. Laxton, Director Technical Support Division, entitled “Ozone and Carbon Monoxide Design Value Calculations,” dated June 18, 1990, and EPA’s “General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990” (see 57 FR 13498, at 13531–13532, April 16, 1992).

The 8-hour and 1-hour CO design values are used to determine attainment of CO areas, and the design values are determined by reviewing 8 quarters of data, or a total of 2 complete calendar years of data for an area. The 8-hour design value is computed by first finding the maximum and second maximum (non-overlapping) 8-hour values at each monitoring site for each year of the two calendar years prior to and including the attainment date. Then the higher of the two “second high” values is used as the design value for the monitoring site, and the highest design value among the various CO monitoring sites represents the CO design value for the area.

The CO NAAQS requires that not more than one 8-hour average per year can equal or exceed 9.5 ppm (values below 9.5 are rounded down to 9 and are not considered exceedances). If an area has a design value that is equal to or greater than 9.5 ppm, this means that there was a monitoring site where the second highest (non-overlapping) 8-hour average was measured to be equal to or greater than 9.5 ppm in at least 1 of the 2 years being reviewed to determine attainment for the area. This

indicates that there were at least two values above the NAAQS during 1 year at that site and thus the NAAQS for CO was not met. Conversely, an eight-hour design value of less than 9.5 ppm indicates that the area has attained the CO NAAQS. The one-hour CO design value is computed in the same manner. For this proposal, we have based our determination of attainment by the attainment date on the design values calculated using CO monitoring data from 1994 and 1995.

II. Basis for EPA's Proposed Action

A. How Did We Determine That the Washoe County Monitoring Network Is Adequate To Provide the Data Necessary To Determine Whether the Area Has Attained the Ozone and Carbon Monoxide NAAQS?

Our determination of whether an area has attained the NAAQS under CAA sections 179(c), 181(b)(2), and 186(b)(2) relies on monitored air quality data. Thus, the validity of a determination of attainment depends on whether the monitoring network adequately measures ambient levels of the relevant pollutants in the area. We evaluate 3 basic elements in determining the adequacy of an area's monitoring network. First, the network needs to meet the design requirements of 40 CFR part 58, appendix D. Under 40 CFR part 58, appendix D, EPA has established ambient air quality monitoring requirements and standards for SLAMS and for NAMS. These requirements and standards provide for operating schedules, data quality assurance, and for the design and siting of samplers. Also, the network needs to utilize monitoring equipment designated as reference or equivalent methods under 40 CFR part 53, and the agency or agencies operating the equipment need to have a quality assurance plan in place that meets the requirements of 40 CFR part 58, appendix A.

The Washoe County District Health Department, Air Quality Management Division (WCAQMD) operates the air pollutant monitoring network in Washoe County. WCAQMD's ozone and carbon monoxide network meets or exceeds our requirements described above and is therefore adequate for use in determining the attainment status for ozone and carbon monoxide. Data

entered into the AQS database has been determined to meet federal monitoring requirements (*see* 40 CFR 50.8 and 50.9, 40 CFR part 50 appendices C and D, 40 CFR part 53, 40 CFR part 58 appendices A and D) and may be used to determine the attainment status of areas. We have included in the docket for this rulemaking a copy of the most recent comprehensive audit of WCAQMD's ambient air monitoring network. That audit found no problems in the network.

B. How Did We Determine That Washoe County Attained the 1-Hour Ozone NAAQS by the Applicable Attainment Date and Has Continued To Attain Since Then?

WCAQMD currently monitors 1-hour ozone on a continuous basis at 6 monitoring sites within Washoe County. Three of the 6 ozone monitoring stations within Washoe County are SLAMS/NAMS stations (Reno3, South Reno and Sparks); two are SLAMS stations (Lemmon Valley and Toll Road); and one is a special purpose monitor (SPM) (Incline Village).

As noted above, the applicable attainment date for Truckee Meadows "marginal" 1-hour ozone nonattainment area was 1993 and that we are evaluating attainment based on the data from 1991 through 1993. During the 1991–1993 period, only 4 of the current 6 ozone monitoring stations were in operation. Table 1 summarizes the ozone data collected at these 4 ozone monitoring stations during the 1991–1993 period and included in AQS.

TABLE 1.—AVERAGE NUMBER OF OZONE EXCEEDANCE DAYS PER YEAR BY MONITORS IN WASHOE COUNTY, 1991–1993

[Summary of One-Hour Ozone Air Quality, Washoe County, 1991–1993]

Monitoring site name and AQS number	Average number of exceedance days per year, 1991–1993
Reno-Downtown (32–031–0016)	0
South Reno (32–031–0020)	0
Sparks-Fourth St. (32–031–1005)	0
Lemmon Valley (32–031–2009)	0

Source: EPA Air Quality System (AQS) Database.

As shown in Table 1, the average number of exceedance days per year is zero at all of the sites. Therefore, we propose to find that Washoe County attained the 1-hour ozone NAAQS by December 31, 1993, which is the applicable attainment date for this nonattainment area.

A review of data input to AQS indicates that Washoe County has continued to attain the 1-hour ozone NAAQS since the end of 1993. The highest 1-hour ozone concentration measured in Washoe County during the 1994 through 2003 period was a concentration of 0.12 ppm (rounded up from a measured value of 0.116 ppm) that was measured at the Sparks station in 1999. This highest value does not exceed the corresponding 1-hour ozone NAAQS of 0.12 ppm. A "quick look" report generated using AQS for the WCAQMD ozone monitoring stations for the 1991 to 2003 period is included in the docket for this rulemaking. Thus, in conclusion, we propose to find that Washoe County has attained the 1-hour ozone NAAQS by the applicable attainment date (1993) and has continued to attain since that time.

C. How Did We Determine That the Truckee Meadows Portion of Washoe County Attained the Carbon Monoxide NAAQS by the Applicable Attainment Date and Has Continued To Attain Since Then?

WCAQMD currently monitors CO on a continuous basis at 5 monitoring sites within Truckee Meadows. Four of the 5 CO monitoring stations within Truckee Meadows are SLAMS/NAMS stations (Reno3, South Reno, Galletti, and Sparks) and one is a SLAMS site (Toll Road).

As noted above, the applicable attainment date for Truckee Meadows "moderate" CO nonattainment area was 1995 and that we are evaluating attainment based on the data from 1994 and 1995. During the 1994–1995 period, only 4 of the current 5 CO monitoring stations were in operation. Table 2 summarizes the CO data collected at these 4 CO monitoring stations during the 1994–1995 period and included in AQS.

TABLE 2.—CARBON MONOXIDE DESIGN VALUES FOR ONE-HOUR AND EIGHT-HOUR AVERAGES IN TRUCKEE MEADOWS, 1994–1995

[Summary of Carbon Monoxide Air Quality Data Truckee Meadows, Washoe County, Nevada 1994–1995]

Monitoring site name and AQS number	2nd highest 8-hour concentration (ppm)			2nd highest 1-hour concentration (ppm)		
	1994	1995	Design value	1994	1995	Design value
Reno-Downtown (32–031–0016)	6.8	5.1	6.8	10.7	7.8	10.7
Reno-Galletti (32–031–0022)	9.1	6.0	9.1	11.8	8.4	11.8
South Reno (32–031–0020)	3.5	2.5	3.5	5.5	4.4	5.5
Sparks-Fourth St. (32–031–1005)	7.0	5.5	7.0	11.6	9.9	11.6
Area Design Value	8-Hour CO Design Value: 9.1. ppm			1-Hour CO Design Value: 11.8 ppm		

Source: EPA Air Quality System (AQS) Database.

As shown in Table 2, the CO design values are less than 9.5 ppm (eight-hour average) and 35.5 ppm (one-hour average) at all of the sites. Therefore, we propose to find that Truckee Meadows attained the CO NAAQS by December 31, 1995, which is the applicable attainment date for this nonattainment area.

A review of data input to AQS indicates that Truckee Meadows has continued to attain the CO NAAQS since the end of 1995. The highest 8-hour and 1-hour CO concentrations measured at the various monitoring stations during the 1996 through 2003 period were 9 ppm and 12 ppm, respectively (both at the Reno-Galletti station in 1997), which do not exceed the corresponding CO NAAQS of 9 ppm and 35 ppm, respectively. A “quick look” report generated using AQS for the WCAQMD CO monitoring stations for the 1994 to 2003 period is included in the docket for this rulemaking. Thus, in conclusion, we propose to find that Truckee Meadows has attained the CO NAAQS by the applicable attainment date (1995) and has continued to attain since that time.

III. EPA’s Proposed Action

EPA proposes to find, pursuant to sections 179(c)(1), 181(b)(2), and 186(b)(2) of the Act, that the Washoe County “marginal” ozone nonattainment area has attained the 1-hour ozone NAAQS by the applicable attainment date (1993) and has continued to attain the 1-hour ozone NAAQS since then, and that the Truckee Meadows “moderate” CO nonattainment area in Washoe County has attained the CO NAAQS by the applicable attainment date (1995) and has continued to attain the CO NAAQS since then. If finalized as proposed, our action will relieve the State of Nevada from the obligation to revise the SIP to comply with CAA requirements related to the next higher ozone and CO

classifications for these nonattainment areas.

It should be noted that this proposed action does not represent a proposal to redesignate Washoe County from “nonattainment” to “attainment” for the 1-hour ozone NAAQS nor does it represent a proposal to redesignate Truckee Meadows from “nonattainment” to “attainment” for the CO NAAQS. Under section 107(d)(3)(E), the Clean Air Act requires that, for an area to be redesignated from nonattainment to attainment, five criteria must be satisfied. The attainment findings herein satisfy one of the five criteria, but other criteria, such as the submittal by the State (and approval by EPA) of a maintenance plan, must also be satisfied before EPA can redesignate an area from nonattainment to attainment. Therefore, the designation status in 40 CFR part 81, section 329 (81.329) will remain as marginal nonattainment for the 1-hour ozone NAAQS (Washoe County) and moderate nonattainment for the CO NAAQS (Truckee Meadows) until such time as the State of Nevada meets the CAA requirements for redesignations to attainment.

IV. Request for Public Comment

We are soliciting public comment on all aspects of this proposal. These comments will be considered before taking final action. To comment on today’s proposal, you should submit comments by mail or in person (in triplicate if possible) to the ADDRESSES section listed in the front of this document. Your comments must be received by February 22, 2005 to be considered in the final action taken by EPA.

V. 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 proposes to find that an area has attained a national ambient air quality standard based on an objective review of measured air quality data. If finalized, it would not impose any new regulations, mandates, or additional enforceable duties on any public, nongovernmental, or private entity. 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 proposed rule does not impose any additional enforceable duty, 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 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, 2000). 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, 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 proposes to find that an area has attained a national ambient air quality standard, and does not alter the

relationship or the distribution of power and responsibilities established in the Clean Air Act. This proposed 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.

This proposed rule does not involve establishment of technical standards, and 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.*)

Authority: 42 U.S.C. 7401 *et seq.*

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: January 7, 2005.

Laura Yoshii,

Acting Regional Administrator, Region IX.

[FR Doc. 05-1118 Filed 1-19-05; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[FRL-7862-5]

Determination of Attainment by the Applicable Attainment Date for the Carbon Monoxide National Ambient Air Quality Standard Within the Las Vegas Valley Nonattainment Area, Clark County, NV; Determination Regarding Applicability of Certain Clean Air Act Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to find that the Las Vegas Valley nonattainment area in the State of Nevada has attained the National Ambient Air Quality Standard for carbon monoxide by the applicable December 31, 2000 attainment date. Based on this proposal, EPA also proposes to determine that the Clean Air Act's requirements for contingency provisions will no longer apply to the area.

DATES: Written comments on this proposal must be received by February 22, 2005.

ADDRESSES: Comments should be addressed to the EPA contact below. You may inspect and copy the

rulemaking docket for this notice at the following location during normal business hours. We may charge you a reasonable fee for copying parts of the docket. Steven Barhite, Chief, Environmental Protection Agency, Region IX, Air Division, Air Planning Office (AIR-2), 75 Hawthorne Street, San Francisco, CA 94105-3901.

FOR FURTHER INFORMATION CONTACT:

Karina O'Connor, Air Planning Office (AIR-2), Air Division, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901. Telephone: (775) 833-1276. E-mail: oconnor.karina@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document, "we," "us" and "our" refer to EPA.

Table of Contents

- I. Attainment Finding
 - A. Background
 - 1. Which NAAQS is considered in today's proposed finding?
 - 2. What is the designation and classification of this CO nonattainment area?
 - 3. How do we make attainment determinations?
 - B. Basis for EPA's Proposed Attainment Finding
 - 1. What is the statutory basis for this proposed finding?
 - 2. How did we determine that Las Vegas Valley has attained the CO NAAQS by the applicable attainment date?
- II. Applicability of Clean Air Act Contingency Provisions
 - A. Background
 - B. Effect of a Finding of Attainment by Applicable Attainment Date on CAA Contingency Measure Requirement
- III. EPA's Proposed Action
- IV. Request for Public Comment
- V. Administrative Requirements

I. Attainment Finding

A. Background

1. Which NAAQS Is Considered in Today's Proposed Finding?

Carbon monoxide (CO) is a colorless, odorless gas emitted in combustion processes. In most areas where elevated CO levels are found, CO comes primarily from tailpipe emissions of cars and trucks. Exposure to elevated CO levels is associated with impairment of visual perception, work capacity, manual dexterity, and learning ability, and with illness and death for those who already suffer from cardiovascular disease, particularly angina or peripheral vascular disease.

On April 30, 1971 (*see* 36 FR 8186), pursuant to section 109 of the Clean Air Act (CAA or "Act"), as amended in 1970, we promulgated the original National Ambient Air Quality Standards (NAAQS) for several pervasive air pollutants, including CO. NAAQS

represent concentration levels the attainment and maintenance of which, allowing for an adequate margin of safety, EPA has determined to be requisite to protect public health ("primary" NAAQS) and welfare ("secondary" NAAQS). The primary (*i.e.*, health-based) NAAQS for CO is 9 parts per million (ppm) averaged over an 8-hour period, and 35 ppm averaged over 1 hour, neither to be exceeded more than once per year. In our 1971 rulemaking, we established identical primary and secondary NAAQS for CO but later revoked the secondary (welfare) NAAQS for CO. *See* 50 FR 37484 (September 13, 1985).

2. What Is the Designation and Classification of This CO Nonattainment Area?

As noted above, EPA first promulgated the NAAQS in 1971, and within 9 months thereafter, each State was required under section 110 of the Act to adopt and submit to EPA a plan that provides for the implementation, maintenance, and enforcement of the NAAQS within each State. These plans are referred to as "State implementation plans" or "SIPs." Generally, SIPs were to provide for attainment of the NAAQS within 3 years after EPA approval of the plan. However, many areas of the country did not attain the NAAQS within the statutory period. In response, Congress amended the Act in 1977 to establish a new approach, based on area designations, for attaining the NAAQS, and on March 3, 1978 (*see* 43 FR 8962), we promulgated attainment status designations for all areas within each of the States. In this 1978 rulemaking, we designated Las Vegas Valley (*i.e.*, State hydrographic area #212), which is a subarea within Clark County, as a "nonattainment" area for the CO NAAQS.

The Clean Air Act, as amended in 1977, required States to revise their SIPs by preparing, adopting and submitting attainment plans (for EPA approval) that set forth a strategy to achieve the NAAQS in designated nonattainment areas. The original statutory deadline for attainment was 1982. EPA conditionally approved the initial CO attainment plan for Las Vegas Valley into the Nevada SIP in 1981. *See* 46 FR 21758 (April 14, 1981). EPA removed the conditions on the CO plan in 1982. *See* 47 FR 15790 (April 13, 1982). Updated attainment plans were required for areas, like Las Vegas Valley, that did not achieve the original 1982 deadline. EPA approved an updated plan for CO in Las Vegas Valley into the Nevada SIP in 1984. *See* 49 FR 44208 (November 5, 1984).