



COMMONWEALTH of VIRGINIA

Office of the Governor

Richmond 23219

Lawrence Douglas Wilder
Governor

(804) 786-2211
TDD-371-8015

October 23, 1991

Mr. William K. Reilly
Administrator
U. S. Environmental Protection Agency
401 M Street, SW
Washington, District of Columbia 20460

Dear Mr. ~~Reilly~~: *B. 11*

As you know, the Clean Air Act Amendments of 1990 impose significant air pollution control requirements on the states. After analyzing the benefits of various control measures and options, I am requesting that the U. S. Environmental Protection Agency require the sale of reformulated gasoline in Virginia's nonattainment areas as provided for under Section 211(k) of the new Clean Air Act.

We have concluded that the benefits of the associated emissions reduction demonstrate this to be a cost effective control measure that will both improve air quality and provide a basis for maintaining air quality with future economic growth.

The reformulated gasoline program should be required in those ozone nonattainment areas which are located in the Metropolitan Statistical Areas, the Northern Virginia Nonattainment Area (serious), the Richmond Nonattainment Area (moderate), and the Hampton Roads Nonattainment Area (marginal).

With best wishes, I am

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence".

Lawrence Douglas Wilder

LDW/tas

cc: The Honorable Elizabeth H. Haskell
Mr. Wallace N. Davis
Mr. Richard Rykowski
Mr. Edwin B. Erickson

not anticipate any expansion in the regulated community over the next three years. Owners and operators of subject sources must maintain records related to compliance for a two year period.

Burden Statement: Public reporting burden for this collection of information is estimated to average 8 hours per response including time for reviewing instructions, searching existing data sources, gathering and maintaining data, and completing and reviewing the collection of information. Public recordkeeping burden is estimated to average 62.5 hours, annually.

Respondents: Businesses or other for-profit organizations.

Estimated Number of Respondents: 24.

Estimated Number of Responses Per Respondent: 12.

Estimated Total Annual Burden on Respondents: 3,741 hours.

Frequency of Collection: Monthly for ambient monitoring, on occasion for initial emission testing.

Send comments regarding the burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden, to: Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM-223Y), 401 M Street, SW., Washington, DC 20460.

and

Troy Hillier, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th St., NW., Washington, DC 20503.

Dated: December 17, 1991.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 91-30585 Filed 12-20-91; 8:45 am]

BILLING CODE 6560-50-M

[AMS-FRL-4086-4]

Regulation of Fuels and Fuel Additives: Standards for Reformulated Gasoline

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of application for extension of the reformulated gasoline program to Connecticut, New Hampshire and Virginia.

SUMMARY: This notice published the application of the Governors of the States of Connecticut, New Hampshire, and Virginia to have the prohibition set forth in section 211(k)(5) of the Clean Air Act (the Act) applied in their respective states. Under section 211(k)(6) the Administrator of EPA shall apply the prohibition against the sale of

gasoline which has not been reformulated to be less polluting in an ozone nonattainment area upon the application of the governor of the state in which the nonattainment area is located.

DATES: The effective date of the prohibition described herein is January 1, 1995 (see the Supplementary Information section of today's notice for a discussion of the possible delay of this date).

ADDRESSES: Materials relevant to this notice are contained in Public Docket No. A-91-02. This docket is located in room M-1500, Waterside Mall (ground floor), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC. 20460. The docket may be inspected from 8:30 a.m. until 12 noon and from 1:30 p.m. until 3 p.m. Monday through Friday. A reasonable fee may be charged by EPA for copying docket materials.

FOR FURTHER INFORMATION CONTACT:

Joanne I. Goldhand, U.S. EPA (SDSB-12), Motor Vehicle Emission Laboratory, 2565 Plymouth Road, Ann Arbor, MI 48105, Telephone: (313) 668-4504

SUPPLEMENTARY INFORMATION:

I. Background

As part of the Clean Air Act Amendments of 1990, Congress added a new subsection (k) to section 211 of the Clean Air Act. Subsection (k) prohibits the sale of gasoline that EPA has not certified as reformulated ("conventional gasoline") in the nine worst ozone nonattainment areas beginning January 1, 1995. To be certified as reformulated a gasoline must comply with the following formula requirements: Oxygen content of at least 2.0 percent by weight benzene content of no more than 1.0 percent by volume; no heavy metals (with a possible waiver for metals other than lead); and the inclusion of deposit preventing additives. The gasoline must also achieve toxic and volatile organic compound emissions reductions equal to or exceeding the more stringent of a specified formula fuel or a performance standard.

Section 211(k)(10)(D) defines the areas covered by the reformulated gasoline program as the nine ozone nonattainment areas having a 1980 population in excess of 250,000 and having the highest ozone design values during the period 1987 through 1989. Applying those criteria, EPA has determined the nine covered areas to be the metropolitan areas including Los Angeles, Houston, New York City, Baltimore, Chicago, San Diego,

Philadelphia, Hartford and Milwaukee. Under section 211(k)(10)(D) any area reclassified as a severe ozone nonattainment area under section 181(b) is also to be included in the reformulated gasoline program.

Any other ozone nonattainment area may be included in the program at the request of the governor of the state in which the area is located. Section 211(k)(6)(A) provides that upon the application of a governor, EPA shall apply the prohibition against selling conventional gasoline in any area in the governor's state which has been classified under subpart 2 of part D of title I of the Act as a Marginal, Moderate, Serious or Severe ozone nonattainment area.¹ Subparagraph 211(k)(6)(A) further provides that EPA is to apply the prohibition as of the date the "deems appropriate, not later than January 1, 1995, or 1 year after such application is received, whichever is later." In some cases the effective date may be extended for such an area as provided in section 211(k)(6)(B) based on a determination by EPA that there is "insufficient domestic capacity to produce" reformulated gasoline. Finally, EPA is to publish a governor's application in the *Federal Register*.

EPA has used the regulatory negotiation process on the requirements for reformulated gasoline. A notice of proposed rulemaking was published July 9, 1991 (56 FR 31176). Since that time the regulatory negotiation advisory committee reached consensus on an outline for the reformulated gasoline program. A supplemental notice of proposed rulemaking will be published shortly which describes the consensus of the advisory committee. This supplemental notice will also describe the certification program for reformulated gasoline, the credits program for exceeding certain requirements and the enforcement program, among other elements.

II. The Governors' Requests

EPA received an application from the Hon. Lowell P. Weicker, Jr., Governor of Connecticut, for that state to be included in the reformulated gasoline program. His application is set out in full below.

[State of Connecticut Letterhead]

October 28, 1991.

The Honorable William Reilly,
Administrator,

U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460.

¹ EPA recently promulgated such designations pursuant to section 107(d)(4) of the Act (56 FR 50694; November 6, 1991).

Dear Mr. Reilly: I am writing at this time to request that, in accordance with section 211(k)(6) of the Clean Air Act, you extend the reformulated gasoline requirements of section 211(k)(5) to the entire State of Connecticut.

All of Connecticut is nonattainment with respect to ozone. Statewide use of reformulated gasoline will contribute greatly to our ability to meet both our obligations under the Act for emission reductions by 1990 and our longer term attainment objectives.

In addition to supporting the use of this cleaner fuel throughout Connecticut, I believe that its widespread use across all of the Ozone Transport Region should be considered.

The responsibility for fulfilling any state role in the implementation of this and other air quality related fuel programs resides in our Bureau of Air Management. Your office should feel free to get in contact with Carl S. Pavone, Chief, Bureau of Air Management at (203) 566-2506.

I look forward to working with you as we undertake the challenging task of achieving clean air and thank you in advance for your assistance on the important step represented by this request.

Sincerely,

s/Lowell P. Weicker, Jr.,
Governor.

EPA also received an application from the Hon. Judd Gregg, Governor of New Hampshire, for the nonattainment areas in that state to be included in the reformulated gasoline program. His application is set out in full below.

[State of New Hampshire Letterhead]

October 22, 1991.

William K. Reilly, Administrator,
U.S. Environmental Protection Agency, 401 M
Street, SW, Washington, DC 20460.

Dear Administrator Reilly: Pursuant to the provisions of section 211(k) of the Clean Air Act as amended, I am informing you that those areas of New Hampshire classified as Ozone Nonattainment Areas intend to participate in the reformulated gasoline program. In New Hampshire, these areas include the New Hampshire portion of the Boston-Lawrence-Salem MA/NH² CMSA, the New Hampshire portion of the Portsmouth-Dover-Rochester NH/ME MSA, and the Manchester, New Hampshire MSA plus the remainder of Hillsborough, Merrimack, and Rockingham Counties not included in the Boston or Portsmouth metropolitan areas. Presently New Hampshire portions of the Boston CMSA and the Portsmouth MSA are classified serious and the Manchester MSA plus the remainder of the three Counties are classified marginal.

Of the steps available to the State of New Hampshire to comply with the Clean Air Act, the reformulated gasoline option will enable our state to achieve the emission reductions mandated by the Clean Air Act while having the least negative impact on our industry, small businesses and consumers.

If you have any questions or would like to discuss these issues further, please call or have your staff contact Commissioner Robert W. Varney at (603) 271-3503.

Sincerely,

s/Judd Gregg
Governor.

EPA also received an application from the Hon. Lawrence Douglas Wilder, Governor of Virginia, for the nonattainment areas in that state to be included in the reformulated gasoline program. His application is set out in full below.

[Commonwealth of Virginia Letterhead]

Mr. William K. Reilly, Administrator,
U.S. Environmental Protection Agency, 401 M
Street, S.W., Washington, D.C. 20460.

Dear Mr. Reilly: As you know, the Clean Air Act Amendments of 1990 impose significant air pollution control requirements on the states. After analyzing the benefits of various control measures and options, I am requesting that the U.S. Environmental Protection Agency require the sale of reformulated gasoline in Virginia's nonattainment areas as provided for under Section 211 (k) of the new Clean Air Act.

We have concluded that the benefits of the associated emissions reduction demonstrate this to be a cost effective control measure that will both improve air quality and provide a basis for maintaining air quality with future economic growth.

The reformulated gasoline program should be required in those ozone nonattainment areas which are located in the Metropolitan Statistical Areas, the Northern Virginia Nonattainment Area (serious), the Richmond Nonattainment Area (moderate), and the Hampton Roads Nonattainment Area (marginal)³

Wish best wishes, I am
Very truly yours,

s/Lawrence Douglas Wilder.

cc: The Honorable Elizabeth H. Haskell, Mr. Wallace N. Davis, Mr. Richard Rykowski, Mr. Edwin B. Erickson.

III. Action

Pursuant to the governors' letters and the provisions of section 211(k)(6), the prohibitions of subsection 211(k)(5) will be applied to the entire state of Connecticut and the nonattainment areas in New Hampshire and Virginia classified Marginal or worse (except Smyth County, Virginia) beginning January 1, 1995 (except as provided above). The application of the prohibitions to these areas cannot take effect any earlier than January 1, 1995 under section 211(k)(5) and cannot take effect any later than January 1, 1995,

³ These areas are designated in the November 6, 1991 notice the "Washington Area," the "Richmond-Petersburg Area" and the "Norfolk-Virginia Beach-Newport News Area," respectively (56 FR 56843-4). Therefore, the only nonattainment area in Virginia to which this request does not apply is Smyth County. (footnote added)

under section 211(k)(6)(A), unless the Administrator extends the effective date by rule under section 211(k)(6)(B).

Dated: December 13, 1991.

William K. Reilly,
Administrator.

[FR Doc. 91-30583 Filed 12-20-91; 8:45 am]
BILLING CODE 6560-50-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Proposal To Conduct a Pilot Survey of Americans With Disabilities in Private Industry

AGENCY: Equal Employment Opportunity Commission.

ACTION: Notice of proposal to conduct a sample survey of establishments in private industry to determine the disability status of their employees.

SUMMARY: As part of its new responsibility in administering title I of the Americans with Disabilities Act of 1990 (ADA), the Commission plans to conduct a pilot survey of the disability status of all employees working at a number of private establishments, randomly selected from the files of the Employer Information Report (EEO-1) survey. In the stage prior to enactment of ADA, it was noted that there were no precise or accurate data that the Commission could rely on to cite statistics on Americans with disabilities, and to estimate and project the number of those individuals with disabilities who were employed part-time or full-time. Better data were therefore needed and it was decided that a pilot survey would be a reliable and cost-effective way in which to establish a mechanism to collect such data. This pilot survey was thus designed to assess the extent to which individuals with disabilities are employed in private industry, the kinds of jobs they hold, and whether or not they work full-time or part-time. Such information will assist in policy evaluations and assessments with regard to employees with disabilities, not only for the Commission but for other agencies that have program responsibilities under ADA. The survey will also serve as the basis for future decisions about data collection under ADA and as a pilot test of the questionnaire, data collection procedures, and the validity and adequacy of the data collected.

DATES: Written comments must be submitted on or before February 21, 1992. A public hearing concerning these proposed changes will be held on a date

² This area is referred to as the Boston-Lawrence-Worcester nonattainment area in the Federal Register notice describing the areas (56 FR 50894). (Footnote added)