

AD is incorporated, inspect (using dye penetrant methods) the MLG inboard door hinges and attachment angles for cracks. Accomplish the inspections in accordance with the INSTRUCTIONS section of Piper Service Bulletin No. 682, dated July 24, 1980.

(b) The initial dye penetrant inspection type must be utilized for all future repetitive inspections. Dye penetrant inspection types consist of Type I: fluorescent; Type II: non-fluorescent or visible dye; and Type III: dual sensitivity.

(c) If cracks are found during any of the inspections required in paragraph (a) of this AD, prior to further flight, install a Piper P/N 47529-32 MLG inboard door hinge and attachment angle assembly or install FAA-approved MLG inboard door hinges and angles made of steel.

(d) Within the next 800 hours TIS after the effective date of this AD, unless already accomplished as required by paragraph (c) of this AD, install a Piper P/N 47529-32 MLG inboard door hinge and attachment angle assembly in all four hinge assembly locations or install FAA-approved MLG inboard door hinges and angles made of steel in all four hinge assembly locations.

(e) Installing a Piper P/N 47529-32 MLG inboard door hinge and attachment angle assembly in all four assembly locations or installing FAA-approved MLG inboard door hinges and angles made of steel in all four assembly locations as required by paragraphs (c) and (d) of this AD is considered terminating action for the repetitive inspection requirement of this AD.

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(g) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Atlanta Aircraft Certification Office (ACO), One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349.

(1) The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

(2) Alternative methods of compliance approved in accordance with AD 80-26-05 (superseded by this action) are not considered approved as alternative methods of compliance with this AD.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

(h) All persons affected by this directive may obtain copies of the document referred to herein upon request to The New Piper Aircraft, Inc., 2926 Piper Drive, Vero Beach, Florida 32960; or may examine this document at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(i) This amendment supersedes AD 80-26-05, mendment 39-3994.

Issued in Kansas City, Missouri, on October 14, 1997.

Mary Ellen Schutt,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-27794 Filed 10-20-97; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 655

[FHWA Docket No. 96-47, FHWA 97-2295, Notice No. 1]

RIN 2125-AE11

National Standards for Traffic Control Devices; Revision of the Manual on Uniform Traffic Control Devices; Markings, Signals, and Traffic Control Systems for Railroad-Highway Grade Crossings

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed amendment to the Manual on Uniform Traffic Control Devices (MUTCD), reopening and extension of comment period.

SUMMARY: The FHWA is reopening and extending the comment period for a notice of proposed amendment to the MUTCD which was published January 6, 1997, at 62 FR 691. The original comment period was set to close on August 30, 1997. This extension responds to concern expressed by the National Committee on Uniform Traffic Control Devices (NCUTCD) that the August 30 closing date does not provide sufficient time for appropriate response to the proposed MUTCD change. The FHWA recognizes that other commenters may be subject to similar time constraints and agrees that the comment period should be reopened and extended. Therefore, the closing date for comments is extended to December 22, 1997, in order to provide the NCUTCD and other interested commenters additional time to evaluate the proposed changes and to submit responses.

DATES: Submit comments on or before December 22, 1997.

ADDRESSES: Signed, written comments should refer to the docket number that appears at the top of this document and must be submitted to the Docket Clerk, U.S. DOT Dockets, Room PL-401, 400 Seventh Street, SW., Washington DC 20590-0001. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m., e.t., Monday through Friday,

except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: For information regarding the notice of proposed amendment contact Ms. Linda Brown, Office of Highway Safety, Room 3408, (202) 366-2192, or Mr. Raymond Cuprill, Office of Chief Counsel, Room 4217, (202) 366-0834, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: As noted, the original comment period for the January 6, 1997, notice of proposed amendment to the MUTCD closed on August 30, 1997. The NCUTCD has expressed concern that this closing date does not provide sufficient time to review the proposed change, consolidate comments, and submit these comments to its member organizations for approval. The NCUTCD only meets in January and June of each year to vote as a full body on proposals and issues relating to the MUTCD. Judging from the number of comments received so far to this docket and considering the large amount of materials contained in this docket, we believe there may be other interested persons who need additional time to respond.

The MUTCD is available for inspection and copying as prescribed in 49 CFR part 7, appendix D. It may be purchased for \$44.00 from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250-7954, Stock No. 650-001-00001-0.

Authority: 23 U.S.C. 315, 49 CFR 1.48.

Issued: October 8, 1997.

Gloria J. Jeff,

Acting Federal Highway Administrator.

[FR Doc. 97-27741 Filed 10-20-97; 8:45 am]

BILLING CODE 4910-22-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TX 57-1-7183: FRL-5911-6]

Approval and Promulgation of State Implementation Plans (SIP) for Texas: Houston Vehicle Miles Traveled (VMT) Offset Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: The EPA is proposing to disapprove the SIP revision submitted by the State of Texas for the Houston/Galveston Area (HGA) severe ozone nonattainment area to meet the VMT offset plan requirements of section 182 of the Clean Air Act, as amended (the Act). The EPA is proposing disapproval because the State's VMT Offset SIP uses modeling which relies upon an Inspection and Maintenance (I/M) program that was halted. This action is being taken under sections 110 and 182 of the Act.

DATES: Comments must be received on or before November 20, 1997.

ADDRESSES: Written comments on this action should be addressed to Mr. Thomas H. Diggs, Chief, Air Planning Section, at the EPA Region 6 Office listed below. Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations. Persons interested in examining these documents should make an appointment with the appropriate office at least 24 hours before the visiting day. Environmental Protection Agency, Region 6, Air Planning Section (6PD-L), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733. Texas Natural Resource Conservation Commission, 12100 Park 35 Circle, Austin, Texas 78711-3087.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra G. Rennie, Air Planning Section (6PD-L), EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-7367.

SUPPLEMENTARY INFORMATION:

I. Background

Section 182(d) of the Act, requires ozone nonattainment areas classified as severe or above to develop plans for VMT offsets. Section 182(d)(1)(A) requires the State to submit plans which will identify and adopt specific enforceable transportation control strategies and Transportation Control Measures (TCMs) to offset growth in vehicle emissions so that, as vehicle trips and vehicle miles traveled increase, vehicle emissions stay below an established ceiling as projected out to the attainment date for the National Ambient Air Quality Standards for the nonattainment area requiring the VMT Offsets plan. The HGA is classified as a severe ozone nonattainment area with an attainment deadline of 2007. Reduction in vehicle emissions is to be attained as necessary, in combination with other emission reduction requirements to comply with periodic emissions reduction requirements. States were directed to consider, choose,

and implement measures as specified in section 108(f). The VMT Offsets Plans were due to be submitted to EPA by November 15, 1992. The State submitted a "committal" SIP to the EPA for VMT offsets for the HGA nonattainment area on November 15, 1992. This submittal committed to submitting subsequent SIPs in 1993 and 1994 to parallel the development of the Rate-of-Progress SIP revision due November 15, 1993 and the demonstration of attainment SIP revision due by November 1994.

On November 12, 1993, and November 6, 1994, the State of Texas submitted a revision to the SIP for the VMT Offsets Plan to fulfill the "committal" SIP requirement. The Plan was submitted using specific modeling for vehicle emissions based on, among other things, a vehicle inspection and maintenance test-only program with most vehicles receiving an I/M loaded mode transient emission test known as the "IM240." EPA approved the I/M program on August 22, 1994 (59 FR 43046). This program began operation in January 1995, before being halted by the Texas Legislature and Governor.

Various states, including Texas, desired greater flexibility in implementing their I/M programs. On September 18, 1995, EPA revised and finalized I/M rules that gave states much greater flexibility in implementing I/M programs. One element of the I/M flexibility amendments included a provision for a new low enhanced performance standard that would allow for less stringent I/M programs if overall air quality goals were met. In addition, on November 28, 1995, President Clinton signed the National Highway System Designation Act of 1995 (NHSDA) which allowed even greater flexibility in I/M programs for states, especially in the area of emission reduction estimates.

In response to this additional flexibility, the State of Texas submitted a revised I/M program to EPA. The EPA proposed conditional interim approval of this new plan on October 3, 1996 (61 FR 51651). As a result, the State of Texas has implemented a decentralized testing network which allows for both test-and-repair and test-only stations, and includes remote sensing. Vehicles are subject to a two-speed idle test, and an optional Acceleration Simulation Mode (ASM) loaded mode test. This program is referred to as the Texas Motorist Choice Program. Therefore, the modeling in the VMT Offset SIP is no longer current. The Plan's modeling does not reflect the Texas Motorist Choice I/M program; it reflects a program no longer in use. The EPA believes this is a significant deficiency

which prohibits approval of the SIP under sections 110 and 182 of the Act.

For further information regarding EPA's analysis of the State submittal, refer to the Technical Support Document for this action found in the official docket.

II. Evaluation of Houston VMT SIP

While the current Texas Motorist Choice vehicle emission testing program appears to fulfill the requirements of the NHSDA, the Clean Air Act, and Federal I/M Rules, it presents a significant inconsistency within the VMT Offset SIP. This review compares the State's VMT Offset SIP submittal with the Act to determine compliance with requirements in the Act. The following narrative highlights the deficiency and rationale for disapproving this SIP revision.

The EPA interprets 182(d)(1)(A) to require sufficient measures be adopted so that projected motor vehicle volatile organic compound emissions will stay beneath a ceiling level established through modeling of mandated transportation-related controls. When growth in VMT and vehicle trips would otherwise cause a motor vehicle emissions upturn, this upturn must be prevented by VMT offset measures. If projected total motor vehicle emissions during the ozone season in one year are not higher than during the ozone season the year before due to the control measures in the SIP, the VMT offset requirement is satisfied.

In order to make these projections, two curves of vehicle emissions are calculated. The upper curve includes the effects of mandated controls such as reformulated gasoline, Reid Vapor Pressure control of gasoline, the employer trip reduction program, transportation control measures committed to in the 1993 TCM SIP, and an enhanced I/M program. The lower curve is produced by using an enhanced I/M program expanded into additional counties and other TCMs.

The November 15, 1993, VMT Offset SIP revision included a projection of the mobile source emissions profile for the HGA nonattainment area through the year 2010. The profile included the effects of required reductions from the mandatory vehicle I/M program in Harris and Galveston Counties, Reid vapor pressure controls, reformulated gasoline, an employee trip reduction program, Stage II vapor recovery for refueling, and a clean fuel fleets program. An estimation of the lowest point in these emissions projections was established as a ceiling for mobile source emissions. The lower curve includes the expansion of the enhanced

I/M program into three additional counties in 1995 and another three counties in 1997.

The November 6, 1994, submittal included a modification of the mobile source emissions projections and ceiling level to reflect updated information and methodology as well as TCMs and mobile source controls necessary to achieve VMT offset at least through the year 2010.

The final emissions estimates for Volatile Organic Compounds (VOCs) were obtained by multiplying the VMT times the vehicle emissions factor. Vehicle miles traveled data was generated from the Texas Travel Demand Package developed and maintained by the Texas Department of Transportation. Transit mode-choice estimates were performed by the Metropolitan Transit Authority using their mode choice models. Mobile source emission factors were obtained using the MOBILE5a model approved by EPA. Results of the updated modeling demonstration are found in Appendix B of the 1994 SIP submittal. The MOBILE5a model estimated emissions based on a number of input parameters. Among these were I/M program type and test type. The estimates were obtained using a test only I/M program type with either a loaded/idle test or a transient test. The geographic coverage of the I/M program in the Houston area was assumed to cover eight counties to include the commuting areas surrounding Harris County.

In the Texas Motorist Choice I/M Program, adopted by the State and in operation, not only has the program type changed to primarily a test-and-repair format, but the majority of the test stations offer only the loaded/idle test. In addition, the geographic area for mandatory testing has been reduced to just Harris County, with remote testing proposed, but not yet implemented, to monitor traffic coming into Harris County from the surrounding counties. With these major changes in mobile source emission parameters, the modeling may project different estimates of mobile source emissions, thereby impacting the emission levels projected to demonstrate the VMT Offset SIP requirements of the Act. The submitted SIP does not reflect any of the changes discussed above.

Employee Trip Reduction (ETR) programs are no longer required under the Act. Texas has dropped its ETR program and requested a withdrawal of the ETR program from the SIP. However, ETR credits were used in modeling VMT offsets. The ETR credits can no longer be used in VMT

modeling, further emphasizing the need to revise the SIP submittal.

In summary, the HGA VMT SIP submittal is based on out-of-date modeling and must be revised. Motor vehicle emission reductions claimed for the vehicle I/M program will have changed since the SIP revision was submitted in 1993 and 1994. Elimination of the ETR program by the State eliminates the use of ETR emission reductions in the VMT SIP modeling demonstration. Based on the above analysis, EPA cannot approve the HGA VMT SIP.

III. Proposed Action

The EPA proposes to disapprove the HGA VMT Offset SIP under sections 110(k) and 182 of the Act because one or more of the elements of the VMT SIP submitted on November 12, 1993, and August 16, 1994, are incorrect. The VMT SIP submittal represents vehicle emission credits at one level based on modeling using a test-only I/M loaded mode transient emission test (IM240). That particular program was halted after a few weeks of operation. The State has since chosen to implement a different program, the Texas Motorist Choice Program, which is a test and repair program with a two-speed idle test or ASM loaded mode test, in a reduced geographic area, plus remote sensing to cover the outlying commuter areas. It is EPA's position that the emission reduction credits for the Texas Motorist Choice Program will be significantly different than those for an IM240 test only program. Consequently, the projected motor vehicle emissions in the August 16, 1994, VMT Offset SIP submittal are incorrect. They are based on an I/M program that is not in existence. They also do not reflect the projections of the new program.

In addition, due to the elimination of the ETR program, the modeling is based on incorrect information. Therefore, the emission reductions projected could not be reflecting the trends of VMT in the Houston area.

The State recently approved and submitted a revision to the HGA VMT offset SIP to correct concerns raised in this notice. We expect to review and take appropriate action on the latest revision rather than finalize this disapproval.

Under section 179(a)(2), if the EPA Administrator takes final disapproval action on a submission under section 110(k) for an area designated nonattainment based on the submission's failure to meet one or more of the elements required by the Act, and the deficiency is not corrected within 18 months of the effective date of the final

disapproval action, the Administrator must apply one of the sanctions set forth in section 179(b) of the Act. Section 179(b) provides two sanctions available to the Administrator: revocation of highway funding and the imposition of emission offset requirements. If the administrator imposes the first sanction and the deficiency is not corrected within six months, the second sanction shall apply. The sanctions shall apply until the administrator determines that the State has come into compliance. This sanctions process is set forth in 40 CFR 52.31. Today's action serves only to propose disapproval of the State's revision, and does not constitute final agency action. Thus, the sanctions process described above does not commence with today's action. The 18 month period for the State to correct the deficiency would begin upon the effective date of a final disapproval action.

Nothing in today's 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.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. See 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

The EPA's proposed disapproval of the State request under sections 110 and 301, and subchapter I, part D of the Act does not affect any existing requirements applicable to small entities. Any preexisting Federal requirements remain in place after this proposed disapproval. Federal disapproval of the State submittal does not affect its State-enforceability. Moreover, the EPA's disapproval of the submittal does not impose any new Federal requirements. Therefore, the EPA certifies that this proposed

disapproval action does not have a significant impact on a substantial number of small entities because it does not remove existing requirements, nor does it impose any new Federal requirements.

C. Small Business Regulatory Enforcement Fairness Act

Under section 801(a)(1)(A) of the Administrative Procedures Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a "major rule" as defined by section 804(2) of the APA as amended.

D. Unfunded Mandates Act

Under section 202 of the Unfunded Mandate Reform Act of 1995, signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local or tribal governments in aggregate; or to the private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the proposed disapproval action does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action does not impose new requirements. Accordingly, no additional costs to State, local, or tribal governments, or private sector, result from this action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Ozone, Volatile organic compounds.

Dated: October 8, 1997.

Jerry Clifford,

Acting Regional Administrator.

[FR Doc. 97-27848 Filed 10-20-97; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[VA079-5020b; FRL-5910-1]

Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia, General Conformity Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia for the purpose of establishing the requirements for determining conformity of general federal actions to applicable air quality implementation plans (General Conformity). In the Final Rules section of this **Federal Register**, EPA is approving the Commonwealth's SIP revisions as a direct final rule without prior proposal because the Agency views them as noncontroversial SIP revisions and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by November 20, 1997.

ADDRESSES: Comments may be mailed to David L. Arnold, Chief, Ozone/CO & Mobile Sources Section, Mailcode 3AT21, Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the EPA office listed above; and the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Rose Quinto, (215) 566-2182, at the EPA Region III address above.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action of the same title (Virginia General Conformity Rule) which is located in the Rules and Regulations section of this **Federal Register**.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401-7671q.

Dated: September 29, 1997.

Thomas Voltaggio,

Acting Regional Administrator, Region III.

[FR Doc. 97-27845 Filed 10-20-97; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR PART 62

[NM-33-1-7331b; FRL-5911-1]

Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, New Mexico; Control of Landfill Gas Emissions From Existing Municipal Solid Waste Landfills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: This document proposes approval of the New Mexico State Plan for controlling landfill gas emissions from existing municipal solid waste landfills. The plan was submitted to fulfill the requirements of the Clean Air Act. The State Plan establishes emission limits for existing MSW landfills, and provides for the implementation and enforcement of those limits, except those located in Indian Country. Please see the direct final rule of this action located elsewhere in today's **Federal Register** for a detailed description of the State Plan.

DATES: Comments on this proposed rule must be postmarked by November 20, 1997. If no adverse comments are received, then the direct final rule is effective on December 22, 1997.

ADDRESSEES: Comments should be mailed to Thomas H. Diggs, Chief, Air Planning Section (6PD-L), EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733. Copies of the State's plan and other information relevant to this action are available for inspection during normal hours at the following locations:

Environmental Protection Agency, Region 6, Air Planning Section (6PD-L), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733.
New Mexico Environment Department, Air Quality Program, 1190 St. Francis