

information submitted to, or otherwise considered by, the EPA in the development of this proposed interim approval. The principal purposes of the docket are:

(1) To allow interested parties a means to identify and locate documents so that they can effectively participate in the approval process, and

(2) To serve as the record in case of judicial review. The EPA will consider any comments received by May 8, 1995.

#### B. Executive Order 12866

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

#### C. Regulatory Flexibility Act

The EPA's actions under section 502 of the Act do not create any new requirements, but simply address Operating Permits Programs submitted to satisfy the requirements of 40 CFR part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

#### List of Subjects in 40 CFR Part 70

Environmental protection, Air pollution control, Intergovernmental relations, Operating permits, Administrative practice and procedure, Reporting and recordkeeping requirements.

#### V. Miscellaneous

##### A. Proposed Full Approval

Proposed full approval of the part 70 Operating Permits Program for the State of Louisiana.

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

Dated: March 30, 1995.

**Jane N. Saginaw,**

*Regional Administrator (6A).*

[FR Doc. 95-8608 Filed 4-6-95; 8:45 am]

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#### 40 CFR Part 81

[NM-25-1-6908; FRL-5185-5]

#### Designation of Area for Air Quality Planning Purposes; New Mexico; Designation of Sunland Park Ozone Nonattainment Area

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** Pursuant to the Clean Air Act (CAA), as amended in 1990, the EPA is authorized to promulgate new designations of areas (or portions thereof) as nonattainment for the ozone National Ambient Air Quality Standards

(NAAQS). In this action, the EPA is proposing to revise the ozone designation for a portion of Dona Ana County, New Mexico (i.e. the Sunland Park area). Previously, consistent with the CAA, the EPA notified the Governor of New Mexico that the Sunland Park area should be redesignated from unclassifiable/attainment to nonattainment for ozone. The redesignation is based upon violations of the ozone NAAQS which were monitored from 1992-1994.

**DATES:** All written comments must be received by May 8, 1995.

**ADDRESSES:** Written comments on this action should be addressed to Mr. Thomas H. Diggs, Chief, Planning Section, at the EPA Regional Office listed below. Copies of the documents relevant to this action are available for public inspection during normal business hours at the addresses listed below. The interested persons wanting to examine these documents should make an appointment at least twenty-four hours before the visiting day.

U.S. Environmental Protection Agency, Region 6, Air Programs Branch (6T-A), 1445 Ross Avenue, suite 700, Dallas, Texas 75202-2733.

New Mexico Environment Department, Air Monitoring & Control Strategy Bureau, 1190 St. Francis Drive, room So. 2100, Santa Fe, New Mexico 87503.

**FOR FURTHER INFORMATION CONTACT:** Mr. Mark Sather, Planning Section (6T-AP), Air Programs Branch (6T-A), USEPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-7258.

#### SUPPLEMENTARY INFORMATION:

##### Background

By operation of law upon enactment of the 1990 amendments to the CAA (Public Law 101-549, 104 Statute 2399), all areas of the country were designated either nonattainment or unclassifiable/attainment for the ozone NAAQS [see section 107(d)(4)(A) of the CAA; 56 FR 56694-56858 (November 6, 1991), 57 FR 56762-56778 (November 30, 1992), and 59 FR 18967-18971 (April 21, 1994)]. The amended CAA also authorizes the EPA to revise the designation of current ozone areas from unclassifiable/attainment to nonattainment on the basis of air quality data, planning and control considerations, or any other air quality-related considerations the EPA deems appropriate [see section 107(d)(3) of the CAA].

Following the process outlined in section 107(d)(3), on December 16, 1994, the Regional Administrator of the EPA Region 6 notified the Governor of

New Mexico that the EPA believed the Sunland Park area should be redesignated as nonattainment for ozone. Under section 107(d)(3)(B) of the CAA, the Governor of New Mexico was required to submit to the EPA the designation considered appropriate for the Sunland Park area within 120 days after the EPA's notification. The EPA received the State's response for the Sunland Park area on February 6, 1995 (letter dated January 30, 1995). Now, the EPA must promulgate the redesignation that it deems necessary and appropriate, consistent with section 107(d)(3)(C) of the CAA.

Based upon the EPA's review of the State's January 30, 1995, letter for the Sunland Park area, the EPA is proposing a redesignation to nonattainment which is consistent with the request submitted by the Governor of New Mexico. The EPA is requesting comments on this action and will consider any relevant comments before taking final action.

Section 107(d)(1)(A) of the CAA sets out definitions of nonattainment, attainment, and unclassifiable. The EPA has proposed that the Sunland Park area in Dona Ana County, New Mexico, addressed in this action, be redesignated nonattainment for the ozone NAAQS. A nonattainment area is defined as any area that does not meet (or that significantly contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for ozone [see section 107(d)(1)(A)(i) of the CAA].<sup>1</sup> Thus, in determining the appropriate boundaries for the nonattainment area proposed in this action, the EPA has considered not only the area where the violations of the ozone NAAQS are occurring, but nearby areas which significantly contribute to such violations.

##### Proposed Action

As noted above, pursuant to section 107(d)(3) of the CAA, the EPA is authorized to initiate the redesignation of areas as nonattainment for ozone. Based on the ozone air quality monitoring data for the Sunland Park monitoring station, the EPA notified the Governor of New Mexico on December 16, 1994, that the Sunland Park area should be redesignated from unclassifiable/attainment to nonattainment for the ozone NAAQS. Ozone monitoring began in Sunland Park on June 15, 1992. Seven measured

<sup>1</sup> The EPA has construed the definition of nonattainment area to require some material or significant contribution to a violation in a nearby area. The Agency believes it is reasonable to conclude that something greater than a molecular impact is required.

exceedances of the ozone NAAQS have been recorded at the monitoring site, ranging from a low of .126 parts per million (ppm) to a high of .140 ppm. The seven exceedances represent a violation of the ozone NAAQS [see 40 Code of Federal Regulations (CFR) 50.9]. Since less than three years of data have been collected at the Sunland Park monitoring site, the EPA design value (used to determine ozone attainment status) for the site is the third highest ozone value recorded—.136 ppm. Therefore, the Sunland Park ozone nonattainment area would be classified as a marginal ozone nonattainment area

according to the classification scheme set forth in section 181 of the CAA. Due to the marginal classification, the attainment date for the Sunland Park ozone nonattainment area would be three years from the effective date of the **Federal Register** final action establishing the nonattainment designation and classification.

In response to the EPA's December 16, 1994, letter, on January 30, 1995, the Governor of New Mexico concurred with the EPA that a small area of southern Dona Ana County, including Sunland Park, be redesignated as nonattainment for the ozone NAAQS.

However, the Governor did not concur with the proposed nonattainment boundaries in one respect, proposing an alternate western boundary for the nonattainment area. Based on the information provided by the Governor, including monitoring data, the EPA believes that the nonattainment boundaries submitted by the Governor are appropriate. The table below indicates how the EPA is proposing to revise the ozone designation for a portion of Dona Ana County, New Mexico in 40 CFR 81.332 from unclassifiable/attainment to nonattainment.

NEW MEXICO—OZONE

Designated area	Designation		Classification	
	Date	Type	Date	Type
Dona Ana County (part)—The area bounded by the New Mexico-Texas State line on the east, the New Mexico-Mexico international line on the south, the Range 3E-Range 2E line on the west, and the N3200 latitude line on the north.	Proposing .....	Nonattainment .....	Proposing .....	Marginal.

The technical information supporting the redesignation request and the boundary selections are available for public review at the address indicated above.

**Significance of Proposed Action for the Sunland Park Area, New Mexico**

If the Sunland Park area of southern Dona Ana County, New Mexico, is redesignated nonattainment, such area will be classified as a marginal ozone nonattainment area at the time of the designation (see section 181(b)(1) of the CAA). Within 24 months after the effective date of the final action on this proposal of the nonattainment redesignation, New Mexico must submit an implementation plan meeting the requirements of part D, title I of the CAA (see section 182(a) of the CAA).

The CAA provides that the plan for the area must contain, among other things, the following items:

1. A comprehensive, accurate, current inventory of actual emissions from all sources, as described in section 172(c)(3) of the CAA, in accordance with guidance provided by the EPA. The pollutants inventoried must include volatile organic compounds (VOC), nitrogen oxides (NO<sub>x</sub>) and carbon monoxide. No later than the end of each three year period after submission of the initial inventory, until the area is redesignated to attainment, the State must submit a revised inventory meeting all EPA requirements (see section 182(a)(1) of the CAA).

2. Requirements that the owner or operator of each stationary source of

NO<sub>x</sub> or VOC provide the State with a statement, in such form as the EPA may prescribe, for classes or categories of sources, showing the actual emissions of NO<sub>x</sub> and VOC from that source. The first such statement must be submitted to the State within three years after the date of publication of the action establishing the nonattainment designation. Subsequent statements shall be submitted at least every year thereafter. The statement shall contain a certification that the information contained in the statement is accurate to the best knowledge of the individual certifying the statement. The State may waive the emission statement requirement for any class or category of stationary sources which emits less than 25 tons per year of VOC or NO<sub>x</sub>, if the State, in its initial and periodic emission inventories, provides an inventory of emissions from such class or category of sources, based on the use of the emission factors established by the EPA, or other methods acceptable to the EPA (see section 182(a)(3)(B) of the CAA).

3. A revised nonattainment new source review permitting program meeting the requirements of sections 172(c)(5) and 173 of the CAA, including the requirement that the ratio of total emission reductions of VOC to total increased emissions of such air pollutant shall be at least 1.1 to 1 (see section 182(a)(4) of the CAA).

4. Revised conformity rules (Regulations 20 NMAC 2.98 and 20

NMAC 2.99) if necessary (see sections 176 and 182 of the CAA).

**Request for Public Comments**

The EPA is, by this action, proposing that the ozone designation for a portion of Dona Ana County, New Mexico, be revised. The EPA is requesting public comments on all aspects of this proposal including the appropriateness of the proposed designation and the scope of the proposed boundaries. Public comments must be submitted to the EPA at the address identified in **ADDRESSES** by May 8, 1995.

**Miscellaneous**

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, the EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities (5 U.S.C. 603 and 604). Alternatively, the 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.

Redesignation of an area to nonattainment under section 107(d)(3) of the CAA does not impose any new requirements on small entities. Redesignation is an action that affects the planning status of a geographical area and does not, in itself, impose any regulatory requirements on sources. To the extent that the area must adopt new regulations, based on its nonattainment status, the EPA will review, as

appropriate, the effect of those actions on small entities at the time the State submits those regulations. I certify that approval of the redesignation request will not affect a substantial number of small entities.

#### Executive Order

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

#### List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

**Authority:** 42 U.S.C. 7407, 7501-7515, 7601.

Dated: March 30, 1995.

**Jane N. Saginaw,**

*Regional Administrator.*

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## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 65

RIN 3067-AC34

#### Standard Hazard Determination Form

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Proposed rule.

**SUMMARY:** FEMA is developing a standard form for determining whether a structure is located within an identified Special Flood Hazard Area (SFHA) and whether flood insurance may be required and is available. Use of this form will ensure that required flood insurance coverage is purchased for buildings located in an SFHA, and will assist federal entities for lending regulation in assuring compliance with these purchase requirements.

**DATES:** We invite your comments on this proposed form, which should be submitted on or before May 8, 1995.

**ADDRESSES:** Send written comments to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street SW., room 840, Washington, DC 20472, (facsimile) (202) 646-4536.

**FOR FURTHER INFORMATION CONTACT:** Michael K. Buckley, P.E., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646-2756, or by facsimile at (202) 646-4596 (not toll-free calls).

**SUPPLEMENTARY INFORMATION:** Section 102(b) of the Flood Disaster Protection Act of 1973, as amended by the National Flood Insurance Reform Act of 1994

(NFIRA) (42 U.S.C. 4012a(b)), requires that federally regulated lending institutions and federal agency lenders review the National Flood Insurance Program map for the community in which they are contemplating making, increasing, extending, or renewing any loan secured by improved real estate to determine whether the property is located in an identified Special Flood Hazard Area, and if so, require the purchase of flood insurance for the building or mobile home. Section 528 of the NFIRA (42 U.S.C. 1365(a)) directs that FEMA "shall develop a standard form for determining, in the case of a loan secured by improved real estate or a mobile home, whether the building or mobile home is located in an area identified by the Director [of FEMA] as an area having special flood hazards and in which flood insurance under this title is available." The purpose of the form is to determine whether a structure is located within an identified Special Flood Hazard Area (SFHA) and whether flood insurance may be required and is available. Use of this form will ensure that required flood insurance coverage is purchased for buildings located in an SFHA, and will assist federal entities for lending regulation in assuring compliance with these purchase requirements.

Section 528(c) of the NFIRA (42 U.S.C. 1365(c)) requires that federal entities for lending regulation shall by regulation require the use of this form by regulated lending institutions. Each federal agency lender shall also, by regulation, provide for the use of the form with respect to any loan made by such federal agency lender. The Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation and the Government National Mortgage Association shall require the use of the form with respect to any loan purchased by such entities. Rules specifying the use of this form will be published separately by these federal agencies. However, as required by the NFIRA, FEMA is presenting the form itself in this proposed rule to provide an opportunity for review and comment.

The NFIRA also directs FEMA to consult with representatives of the mortgage and lending industry, the federal entities for lending regulation, the federal agency lenders and any other appropriate individuals in developing this form. Before publishing this proposed rule, FEMA held an informal 30-day review period. We provided a copy of a two-page draft standard hazard determination form to over 400 individuals, agencies and groups representing the following interests:

Federal entities for lending regulation, federal agency lenders, government-sponsored enterprises for housing, lenders, insurance agents, flood zone determination companies, attorneys, trade associations, professional surveyors and engineers, and floodplain managers. We received a total of 74 comments by February 16, 1995. The breakdown of respondents is as follows: Seven federal entities for lending regulation, federal agency lenders, and government-sponsored entities for housing; 10 lenders; 14 insurance agents; 12 flood zone determination companies; nine associations representing bankers, credit unions, floodplain managers, and surveyors; one engineering firm; one software corporation; five state/local floodplain managers; and 15 other individuals.

There were several recurring themes in the comments, which have been addressed in the current version of the form. The focus of the form has been significantly narrowed. Much extraneous information has been deleted and the form has been shortened to one page. We prepared a one-page set of instructions to accompany the form. The instructions refer to the source for obtaining information needed to complete the form. All references to "property" have been replaced with "building/mobile home." An entry for the amount of flood insurance required by the lender has been included. The amount of space available for the property address has been enlarged. The sections of the form have been streamlined, and the lender information is clearly separated from the determination section. Some sections of the form may be left blank, depending on the determination. Additional space was provided for comments and for the preparer's information.

We received many comments regarding the availability of the form in an electronic format. The NFIRA states that the form may be used in a printed, computerized, or electronic manner. Once finalized, the form will be made available by FEMA in an electronic format. We anticipate that a standard format common to all potential users will be employed for this electronic version.

Some of the questions we received during the informal review period related to use of the form, for example: will the form content be mandatory or will the use of the form be mandatory? Section 528(c) of the NFIRA (42 U.S.C. 1365(c)) mandates that

"Federal entities for lending regulation shall by regulation require the use of the form under this section by regulated lending institutions. Each