

policies for other standards to be considered in the conformity process.

First, EPA is proposing in § 93.101 to add a basic definition for "limited maintenance plan." Second, we are proposing a new paragraph § 93.109(j) that states that a regional emissions analysis is not required to satisfy §§ 93.118 and/or 93.119 in areas that have an adequate or approved limited maintenance plan for a given pollutant and standard. However, a conformity determination that meets other applicable criteria, including the hot-spot requirements for projects in CO and PM10 nonattainment and maintenance areas, interagency and public consultation, and SIP TCM implementation, would still be required in these areas. A regional analysis would also be required for any other pollutants or standards that otherwise apply. The proposed § 93.109(j) would require a limited maintenance plan to demonstrate that it would be unreasonable to expect that an area would experience enough motor vehicle emissions growth to cause a violation. The interagency consultation process should be used to discuss the development of a limited maintenance plan (40 CFR 93.105(b)).

Third, as discussed above, EPA is proposing a new § 93.121(c) to clarify when funding and approval for new regionally significant non-federal projects would be granted. Consistent with our proposed § 93.109(j) for federal projects in areas with limited maintenance plans, this proposal would not require a regional emissions analysis per §§ 93.118 and/or 93.119 to be satisfied for regionally significant non-federal projects for the pollutant and standard that is addressed by the limited maintenance plan. However, the requirements in either § 93.121(a) or (b) would be required to be satisfied for any remaining pollutant or standard that apply in an area that are not addressed by the limited maintenance plan.

EPA believes that violations of a pollutant and standard due to unexpected growth would be highly unlikely in limited maintenance plan areas. Furthermore, EPA considers it a reasonable assumption that motor vehicle emissions in a limited maintenance plan area could increase to any realistic level during the maintenance period without causing or contributing to a violation of the standard. As a result, limited maintenance plans are treated as essentially not constraining for the length of the maintenance period, and the Clean Air Act requirements to not worsen air quality are met without a regional conformity analysis. While this

policy does not exempt an area from the need to affirm conformity, it does eliminate the basis for the regional emission analysis since EPA would be concluding through our adequacy review or approval of the limited maintenance plan that limits on motor vehicle emissions during the maintenance period are unnecessary.

The proposed revisions to §§ 93.101, 93.109 and 93.121 would not have a practical impact on how conformity is demonstrated in areas with applicable limited maintenance plans, as EPA is simply proposing to incorporate into the conformity rule our existing policies for these areas. The purpose of these proposed revisions is to assist limited maintenance plan areas in their efforts to implement conformity. These revisions would in no way impose additional requirements for limited maintenance plan areas, nor would it eliminate any existing requirements that could compromise air quality.

For more information on transportation conformity and limited maintenance plans, see the preamble to the July 9, 1996 proposed conformity rule (61 FR 36118) and EPA's existing limited maintenance plan policies. For a discussion on EPA's adequacy review of limited maintenance plans, see the preamble to the June 30, 2003 proposal (68 FR 38974).

D. Grace Period for Transportation Modeling and Plan Content Requirements in Certain Ozone and CO Areas

EPA is proposing three changes to the conformity rule's provisions for when more rigorous transportation modeling and plan content requirements apply in certain ozone and CO areas. First, we are proposing a two-year grace period before the more advanced transportation modeling requirements in § 93.122(b) are required in the following types of areas: (1) Ozone and CO areas that are already classified as serious or above in which the urbanized area population increases to over 200,000, and (2) moderate ozone and CO areas that have an urbanized area population over 200,000 and are reclassified to serious (for ozone and CO) or severe (for ozone only). Section 93.122(b) of the current rule requires more advanced transportation network modeling requirements only in serious and above ozone and CO areas with urbanized populations over 200,000.

Second, EPA is proposing to expand the types of areas covered by the current rule's grace period for transportation plan content requirements. Section 93.106(b) currently includes a two-year grace period before the more specific

transportation plan requirements in § 93.106(a) apply in moderate ozone and CO areas that are reclassified to serious and have urbanized populations over 200,000. The proposal would provide that same flexibility to: (1) Serious and severe ozone areas and serious CO areas in which the urbanized area population increases to over 200,000, and (2) moderate ozone areas that are reclassified to severe.

Third, we are clarifying in both §§ 93.106 and 93.122 that the two-year grace periods would begin upon either: (1) The official notice by the Census Bureau that the urbanized area population is over 200,000, or (2) the effective date of EPA's action that reclassifies a larger metropolitan moderate ozone or CO area to serious (ozone and CO) or severe (ozone only). An example of an official notice by the Census Bureau would be an announcement in the **Federal Register** that the urbanized population in a metropolitan area has increased to over 200,000.

EPA is making the above changes to provide flexibility as originally intended. In the proposal to the 1993 conformity rule, EPA explained that the purpose of the two-year grace period in applying these more specific transportation plan content requirements in moderate areas that are bumped-up to a serious classification is to "allow these areas time to specify their networks and perform the other research and data collection activities necessary to develop network models and specific plans" (January 11, 1993, 58 FR 3776). Adding the two-year grace period to § 93.122 provides this extra time. Furthermore, specific transportation plans are required in higher classification ozone and CO areas in § 93.106(a) to allow for more sophisticated modeling in such areas in § 93.122(b). For example, § 93.106(a) requires the most recent demographic and land-use information and a detailed description of the transit and highway system for each required transportation plan horizon year. Such details would be part of a more advanced analysis under § 93.122(b).

For the reasons stated in the 1993 rule, EPA originally intended §§ 93.106 and 93.122 of the conformity rule to work together. Providing a two-year grace period for the more specific transportation plan requirements in § 93.106(a), without providing such a grace period for the more advanced modeling requirements in § 93.122(b) does not achieve the flexibility that was intended for these areas.

In addition, EPA believes that the two-year grace periods should also