Dated: September 8, 1994.

Valdas V. Adamkus,

Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart Y—[Amended]

2. Section 52.1220 is amended by adding paragraph (c)(34) to read as follows:

§ 52.1220 Identification of plan.

* * * * *

(c) * * *

(34) On November 9, 1992, the State of Minnesota submitted the Oxygenated Gasoline Program. This submittal satisfies the requirements of section 211(m) of the Clean Air Act, as amended.

(i) Incorporation by reference.

(A) Minnesota Laws Chapter 2509, sections 1 through 31, except for sections 29 (b) and (c), enacted by the Legislature and signed into Law on April 29, 1992.

(ii) Additional material.

(A) Letter dated August 12, 1994, from the Minnesota Pollution Control Agency (MPCA), to the United States Environmental Protection Agency that withdraws the MPCA Board resolution dated October 27, 1992, and any reference to it, from the oxygenated gasoline State Implementation Plan revision request of 1992.

[FR Doc. 94–24420 Filed 10–3–94; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[MA–24–1–6557; A–1–FRL–5074–8]

Approval and Promulgation of Air Quality Implementation Plans; Massachusetts—Amendment to Massachusetts' SIP (for Ozone and for Carbon Monoxide) for Transit Systems Improvements and High Occupancy Vehicle Facilities in the Metropolitan Boston Air Pollution Control District)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Massachusetts. This revision establishes and requires the Commonwealth of Massachusetts' Executive Office of Transportation and Construction to construct and operate specified transit facilities and high occupancy vehicle (HOV) lanes established therein. Implementation of the defined transportation projects will help reduce the use of automobiles, provide for additional transit facilities in the Metropolitan Boston Region, and improve traffic operations on the region's roadways, resulting in improved air quality. This action should have a beneficial effect on air quality because it is intended to reduce vehicle miles traveled (VMT) in the Boston Metropolitan Area. The emissions to be reduced include hydrocarbons (ground-level ozone precursors) and carbon monoxide (CO).

This action is being taken under sections 110 (a) and (l) of the Clean Air Act.

EFFECTIVE DATE: This rule will become effective on November 3, 1994.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, One Congress Street, 10th floor, Boston, MA; Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street SW., (LE–131), Washington, DC 20460; and Division of Air Quality Control, Department of Environmental Protection, One Winter Street, 7th Floor, Boston, MA 02108.

FOR FURTHER INFORMATION CONTACT: Donald O. Cooke, (617) 565–3227.

SUPPLEMENTARY INFORMATION: On January 19, 1994 (59 FR 2795), EPA published a notice of proposed rulemaking (NPR) for the Commonwealth of Massachusetts. The NPR proposed approval of a revision to Massachusetts' SIP for Transit Systems Improvements and HOV Facilities in the Metropolitan Boston Air Pollution Control District. The formal SIP revision was submitted by Massachusetts on December 9, 1991.

This new regulation commits the Massachusetts Executive Office of Transportation and Construction (MA EOTC) to pursue implementation, monitoring, and enforcement of transit system improvements and HOV facilities listed in Table 1, that were identified as transportation and air quality mitigation measures in a 1990 Final Supplemental Environmental Impact Statement for the CA/THT project. EPA determined five of the proposed transportation control measures (TCMs) were necessary to help achieve an air quality benefit from the CA/THT. The Massachusetts regulation amends 310 CMR 7.00 by adding two new sections; 310 CMR 7.36—"Transit System Improvements," and 310 CMR 7.37—"High Occupancy Vehicle Lanes."

TABLE 1

Project type and assigned completion date	Project description
HOV Project 12/31/91	HOV Lane: I–93 Southbound HOV Lane, North Of The Southbound Bank Of The Charles River, Shall Be Extended Toward Route 128 To The Northernmost Point Appropriate. No Addition Of New Lanes.
HOV Project 12/31/91	HOV Lane: The Final Design Of The Charles River Crossing On The Southbound Side Of I–93 Extending Down To The Exit Ramp To Nashua Street Shall Include A HOV Lane On The Southbound Side Of I–93. HOV Lane Shall Be Available With Opening Of CA/THT Project.
Transit Project 12/31/92	Lynn Central Square Station & Parking Garage.
Transit Project 12/31/92	North Station High Platform & High Tracks.
Transit Project 12/31/92	Lynn Transit Station Bus Terminal.
HOV Project 05/31/92	HOV Lane: Northbound & Southbound on I–93 Beginning At The Intersection Of I–93 With I–90 & Extending To A Point Immediately North On The Intersection Of I–93 & Route 3. [If The Threshold Standards Are Violated For Three Consecutive Months. Earlier Implementation If EOTC Determines.
Transit Project 12/31/94	South Station Bus Terminal.
Transit Project 12/31/94	South Station Track Number 12.
Transit Project 12/31/94	Ipswich Commuter Rail Line Extension To Newburyport.
Transit Project 12/31/96	Old Colony Commuter Rail Line Extension.
Transit Project 12/31/96	Framingham Commuter Rail Link Extension To Worcester.

TABLE 1—Continued

Project type and assigned completion date	Project description
Transit Project 12/31/96	Park & Ride & Commuter Rail Parking Spaces Outside Of The Boston Core [10,000].
Transit Project 12/31/97	Green Line Arborway Restoration.
Transit Project 12/31/98	Blue Line Platform Lengthening & Modernization.
Transit Project 12/31/99	Park & Ride & Commuter Rail Station Parking Spaces Outside Of The Boston Core In Addition To Those Completed by Dec. 31, 1996 [10,000].
Transit Project 12/31/01	South Boston Piers Electric Bus Service.
Transit Project 12/31/11	Green Line Extension To Ball Square/Tufts University.
Transit Project 12/31/11	Blue Line Connection From Bowdoin Station To The Red Line At Charles Station.

Other specific requirements of the Commonwealth's State Implementation Plan (SIP) Amendment for Ozone and for Carbon Monoxide, for Transit System Improvements and High Occupancy Vehicle Facilities, and the rationale for EPA's proposed action, are explained in the NPR and will not be restated here.

Three public comments were received on the NPR. On February 16, 1994, a private citizen from Michigan submitted comments regarding Massachusetts' car and truck vehicle registrations, and the effect on the Massachusetts Inspection and Maintenance (I/M) program. EPA has found this comment not germane to approval of the Transit and HOV Facilities rules as a SIP Amendment. On February 18, 1994, The Conservation Law Foundation (CLF) submitted comments generally supporting approval of the Transit System Improvement and HOV rules into the SIP. Finally, on February 18, 1994, the Massachusetts Department of Environmental Protection (MA DEP) submitted comments requesting that EPA consider delaying final action on the HOV/Transit SIP rules.

The region has responded fully to CLF and MA DEP comments in a memorandum attached to the Technical Support Document (TSD) available in the docket for this action. A brief summary of these comments and EPA's responses appears below.

The Conservation Law Foundation generally supported approval of the Transit System Improvement and HOV rules into the SIP, but also requested clarification of several aspects of EPA's proposed approval. In support of the transit system improvement rule, CLF noted that several of the transit measures provided for in the rule are mitigation measures responding to the potential air quality impacts of the Central Artery/Third Harbor Tunnel. EPA agrees that completion of these measures, including the "Old Colony" rail line, are important transportation control measures that should help reduce VMT growth on the Central Artery. What follows is EPA's response to CLF's particular concerns.

1. Specific Requirements of These Rules Will Be Enforceable in a Citizens Suit

CLF is concerned that by characterizing these rules as "directionally sound," EPA is suggesting that they are not enforceable by citizens. EPA intended no such conclusion. The proposal expressed EPA's concern that the substitution provisions in these rules allow MA DEP to authorize different projects to substitute for those enumerated in the rules.[1] EPA believes that there is no reliable way to predict the reductions Massachusetts might achieve with these rules since their requirements might change in ways that are difficult to quantify in advance. Therefore, EPA is not prepared to give Massachusetts emissions reduction credit in the SIP for projects until they are substantially complete and a SIP revision requesting credit is submitted.

Withholding SIP credit for these projects, however, does not mean the requirements of these rules are not enforceable by MA DEP, EPA, or citizens under the Clean Air Act. Each rule contains the kind of specific objective requirements and compliance schedules that courts have required in a SIP as a basis for a citizen suit to enforce transportation control measures (TCMs). See e.g. *Wilder* v. *Thomas*, 854 F.2d 605, 615–616 (2d. Cir. 1988). As CLF points out for example, the transit rule identifies specific mass transit improvements to be implemented by certain dates and the HOV rule establishes a series of specific steps to establish and operate HOV lanes depending on traffic conditions. 310 CMR 7.36(2) and 7.37(2)–(7).[2] EPA's concerns relate to the planning implications of a rule with specific requirements that can be revised without case-by-case EPA approval. This concern does not affect citizens' ability to enforce those specific requirements as they may appear in these SIP rules at the time of the enforcement action.

2. When Is a Project "Substantially Complete"?

In response to the uncertainty about which projects will actually be implemented under this rule, EPA proposed to grant emissions reductions credits in the SIP for projects once they are substantially complete. EPA invited comment on how to define the substantial completion of a transit project, especially in the case of projects that do not require significant construction. CLF commented that projects should be credited under the SIP either (1) When funds have been irrevocably committed to them and all government approvals are obtained, or (2) when operation begins, whichever is earlier. CLF went on to say that any actual emissions reductions should not begin to accrue until operation has commenced. CLF believes this standard should apply to both construction and non-construction projects.

EPA appreciates CLF's efforts to devise an approach that would grant the Commonwealth SIP credit for funded projects as soon as possible. EPA is concerned, however, that given the length of the construction schedules involved with some transit projects and the vagaries of the transportation funding process, it will be difficult to determine what constitutes an irrevocable commitment of funds. EPA believes that it will be easier to determine objectively when a construction project is substantially

[1] The Transit System Improvement Rule section 7.36(4)(a) provides that other "transit improvement projects" may substitute for projects listed in section 7.36(2). Whereas the HOV rule allows an "alternative project" to substitute in section 7.37(8)(a). In theory, MA DEP could go so far as to substitute a non-transit project for an HOV lane under the HOV rule, although it may be difficult to make the demonstration that a non-transit project achieves the equivalent mix of CO, NMHC, and NO_X emissions reductions as a transit project as required under section 7.36(8)(a)1.

[2] EPA cites these provisions as examples of specific enforceable requirements in these rules, not an exclusive or exhaustive list of enforceable requirements.

complete. As for non-construction projects, EPA believes the second element of CLF's test is an appropriate clarification of the "ready to implement" concept EPA proposed. Massachusetts can apply for SIP credit for non-construction projects when operation begins.[3]

3. Are Completion Deadlines Expeditious?

Finally, CLF asserts that Massachusetts must submit SIP revisions committing the Commonwealth to firm completion deadlines for these projects to obtain SIP credit as soon as possible. CLF reads *Delaney* v. *EPA*, 898 F.2d 687 (9th Cir. 1990) as creating a presumption that omitting any TCMs listed in section 108(f) of the Act delays attainment in violation of the requirement that all nonattainment areas attain as expeditiously as practicable.

EPA believes that these rules contain deadlines for action on transit projects and HOV lanes. It is true that the Transit System Improvement rule 310 CMR 7.36(3) provides for delays in the deadlines listed in section 7.36(2) for up to three years, but it is also clear that at the end of those three years, either the project must be completed or there must be a proposed substitute. While it might be more desirable to have a fixed completion deadline without the "escape valve" for project delays in section 7.36(3), EPA cannot conclude that the possible three year delay authorized by this section causes these rules to violate any obligation to implement TCMs as expeditiously as practicable. Massachusetts has assembled an impressive roster of transportation measures, many of which must be implemented by the attainment year of 1999, even allowing for the possible three year delay.[4]

The Massachusetts DEP's comment advised EPA that the Commonwealth of Massachusetts may be developing changes to the transit improvement and HOV rules that could be submitted to EPA in calendar 1994. DEP suggested that it might be prudent for EPA to delay final action on these rules until EPA receives MA DEP's revisions. MA DEP did not, however, ask to withdraw the rules from EPA's consideration as a SIP revision. While EPA appreciates DEP's desire to avoid iterative SIP actions on these rules, EPA has an obligation to process SIP revisions consistent with section 110(k) of the Act to the extent practicable, including the requirement to act on the SIP submission within a year of deeming it complete. Furthermore, MA DEP has not clearly withdrawn this SIP action. At most their comment appears to be a suggestion to EPA about how to avoid repetitive rulemakings. EPA cannot suspend its statutory obligation to act on SIP submittals without a clear expression from a state that it is withdrawing the package. Suspending final action on these rules in anticipation of rule changes that EPA has not yet seen in draft would only aggravate any delays in processing these rules as a SIP revision to accommodate what is now a speculative rule change.

Final Action

EPA is approving the Transit Systems Improvements and High Occupancy Vehicle Facilities in the Metropolitan Boston Air Pollution Control District as a revision to the Massachusetts SIP.

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. 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.

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225), as revised by an October 4, 1993, memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. A future notice will inform the general public of these tables. On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and Table 3 revisions (54 FR 2222) from the requirements of Section 3 of Executive Order 12291 for a period of two years. The U.S. EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. The OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request. This request continues in effect under Executive Order 12866 which superseded Executive Order 12291 on September 30, 1993.

SIP approvals under section 110 and subchapter I, Part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S. Ct. 1976), 42 U.S.C. 7410(a)(2).

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any State implementation plan. Each request for revision to the State implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 5, 1994. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Note: Incorporation by reference of the State Implementation Plan for the State of Massachusetts was approved by the Director of the Federal Register on July 1, 1982.

[3] Note that the limitations EPA is putting on the SIP credit for these rules is *not* based on any view that TCMs are not fully creditable in a SIP demonstration pursuant to a binding SIP rule. Rather, it is the substitution process in these rules that causes EPA to require substantial completion of projects before giving SIP credit. If these rules had no substitution process, thereby committing to specific TCMs by specific dates, EPA could calculate SIP credit for these measures now.

[4] For example, section 7.36(2)(c)1. requires the Old Colony Commuter Rail Line Extension, one of the most significant transportation measures in 7.36, to be "complete and open to full public use" by December 31, 1996. Even the worst case scenario of a full three year delay would have the Old Colony in full use only 46 days after the attainment deadline for the Commonwealth, November 15, 1999.

Dated: September 7, 1994.

Patricia Meaney,

Acting Deputy Regional Administrator, Region I.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart W—Massachusetts

2. Section 52.1120 is amended by adding paragraph (c)(101) to read as follows:

§ 52.1120 Identification of plan.

* * * * *

(c) * * *

(101) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on December 9, 1991.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated December 9, 1991 submitting a revision to the Massachusetts State Implementation Plan.

(B) Massachusetts Regulation 310 CMR 7.36, entitled "Transit System Improvements", Massachusetts Regulation 310 CMR 7.37, entitled "High Occupancy Vehicle Facilities", and amendments to 310 CMR 7.00, entitled "Definitions," effective in the Commonwealth of Massachusetts on December 6, 1991.

For the State of Massachusetts:

§ 52.1167 [Amended]

3. In § 52.1167, Table 52.1167 is amended by adding new entries to existing state citations for amendments to 310 CMR 7.00, entitled "Definitions"; and by adding new state citations for Massachusetts Regulation 310 CMR 7.36, entitled "Transit System Improvements" and Massachusetts Regulation 310 CMR 7.37, entitled "High Occupancy Vehicle Facilities" to read as follows:

TABLE 52.1167.—EPA-APPROVED RULES AND REGULATIONS

State citation	Title/subject	Date submitted by State	Date approved by EPA	FEDERAL REGISTER citation	52.1120(c)	Comments/unapproved sections
*	*	*	*	*		* *
310 CMR 7.00.	Definitions	12/9/91	October 4, 1994	[Insert *FR* citation from published date].	101	Definitions of baseline roadway conditions, high occupancy vehicle, high occupancy vehicle lane, peak hour, performance standard, and roadway threshold standard.
*	*	*	*	*		* *
310 CMR 7.36.	Transit system improvements regulations.	12/9/91	October 4, 1994	[Insert *FR* citation from published date].	101	Transit system improvement regulation for Boston metropolitan area.
*	*	*	*	*		* *
310 CMR 7.37.	High occupancy vehicle lanes regulation.	12/9/91	October 4, 1994	[Insert *FR* citation from published date].	101	High occupancy vehicle lanes regulation for Boston metropolitan area.
*	*	*	*	*		* *

[FR Doc. 94–24421 Filed 10–3–94; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[CA 13–8–6570; FRL–5073–4]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Sacramento Metropolitan Air Quality Management District, South Coast Air Quality Management District, Ventura County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing the approval of revisions to the California State Implementation Plan (SIP) proposed in the **Federal Register** on December 17, 1993 and April 7, 1994. The revisions concern rules from the following local agencies: The Sacramento Metropolitan Air Quality Management District (SMAQMD), the South Coast Air Quality Management District (SCAQMD), and the Ventura County Air Pollution Control District (VCAPCD). This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The revised rules control VOC emissions from municipal landfills, graphic arts operations, barbecue charcoal ignition, and municipal sewage treatment plants. Thus, EPA is finalizing the approval of these revisions into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

EFFECTIVE DATE: This action is effective on November 3, 1994.

ADDRESSES: Copies of the rule revisions and EPA's evaluation report for each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revisions are available for inspection at the following locations:

Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105

Environmental Protection Agency, Air Docket 6102, 401 "M" Street, SW., Washington, DC 20460

California Air Resources Board, Stationary Source Division, Rule

Evaluation Section, 2020 "L" Street, Sacramento, CA 92123–1095
South Coast Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, CA 91765–4182
Sacramento Metropolitan Air Quality Management District, 8411 Jackson Road, Sacramento CA 95826
Ventura County Air Pollution Control District, 702 County Square Drive, Ventura, CA 93003

FOR FURTHER INFORMATION CONTACT: Erik H. Beck, Rulemaking Section, Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1190. Internet E-mail: beck.erik@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

Background

On December 17, 1993 in 58 FR 65959, EPA proposed to approve the following rules into the California SIP: SMAQMD Rule 450 "Graphic Arts Operations", and VCAPCD Rule 74.19 "Graphic Arts". On April 7, 1994 in 59 FR 16580, EPA proposed to approve the following rules into the California SIP: SCAQMD Rule 1174 "Control of Volatile Organic Compound Emissions from the Ignition of Barbecue Charcoal", SCAQMD Rule 1179 "Publicly Owned Treatment Works Operations", and VCAPCD Rule 74.17 "Solid Waste Disposal Sites". SMAQMD adopted Rule 450 on February 23, 1993. SCAQMD adopted Rule 1174 on October 5, 1990, and Rule 1179 was adopted on March 6, 1992. VCAPCD adopted Rule 74.17 on September 17, 1991, and Rule 74.19 was adopted on August 11, 1992. These rules were submitted to EPA by the California Air Resources Board on the following dates: May 13, 1991 (SCAQMD Rule 1174); January 28, 1992 (VCAPCD 74.17); September 14, 1992 (SCAQMD Rule 1179); November 12, 1992 (VCAPCD Rule 74.19 "Graphic Arts"); April 6, 1993(SMAQMD Rule 450).

These rules were submitted in response to EPA's 1988 SIP-Call and the CAA section 182(a)(2)(A) requirement that nonattainment areas fix their reasonably available control technology (RACT) rules for ozone in accordance with EPA guidance that interpreted the requirements of the pre-amendment Act. A detailed discussion of the background for each of the above rules and nonattainment areas is provided in the Notices of Proposed Rulemaking (NPRM) cited above.

EPA has evaluated all of the above rules for consistency with the requirements of the CAA and EPA regulations and EPA interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in the NPRMs cited above. EPA has found that the rules meet the applicable EPA requirements. A detailed discussion of the rule provisions and evaluations has been provided in 58 FR 65959 and 59 FR 16580 and in technical support documents (TSDs) available at EPA's Region IX office. These TSDs are dated: November 16, 1993 (SMAQMD Rule 450 and VCAPCD Rule 74.19) and February 7, 1994 (SCAQMD Rule 1174 and 1179, and VCAPCD Rule 74.17).

Response to Public Comments

A 30-day public comment period was provided in both 58 FR 65959 and in 59 FR 16580. EPA received no comments on these NPRMs.

EPA Action

EPA is finalizing this action to approve the above rules for inclusion into the California SIP. EPA is approving the submittal under section 110(k)(3) as meeting the requirements of section 110(a) and Part D of the CAA. This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of VOCs in accordance with the requirements of the CAA.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Regulatory Process

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Dated: September 6, 1994.

John Wise,

Deputy Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c) (184)(i)(B)(*4*), (187)(i)(B), (189)(i)(A)(*5*), (190), and (192)(i)(A)(*3*) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(184) * * *

(i) * * *

(B) * * *

(*4*) New Rule 1174, adopted on October 5, 1990.

* * * * *

(187) * * *

(i) * * *

(B) Ventura County Air Pollution Control District.

(*1*) New Rule 74.17, adopted on September 17, 1991.

* * * * *

(189) * * *

(i) * * *

(A) * * *

(*5*) New Rule 1179, adopted March 6, 1992.

* * * * *

(190) New and amended regulations for the following APCDs were submitted on November 12, 1992, by the Governor's designee.

(i) Incorporation by reference.

(A) Ventura County Air Pollution Control District.

(*1*) Revised Rule 74.19, adopted August 11, 1992.

* * * * *

(192) * * *

(i) * * *

(A) * * *

(*3*) Revised Rule 450, adopted February 23, 1993.

* * * * *

[FR Doc. 94–24418 Filed 10–3–94; 8:45 am]
BILLING CODE 6560–50–P