This action has been analyzed in accordance with the principles and criteria in Executive Order 12612, and it has been determined that the interim rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 21 CFR Part 1310

Drug traffic control, Reporting and recordkeeping requirements, List I and List II chemicals.

For reasons set out above, title 21, Code of Federal Regulations, part 1310 is amended as follows.

PART 1310—[AMENDED]

1. The authority citation for part 1310 continues to read as follows:

Authority: 21 U.S.C. 802, 830, 871(b).

2. Section 1310.09 is added to read as follows:

§ 1310.09 Temporary exemption from registration.

Each person required by section 3(b) of the Domestic Chemical Diversion Control Act of 1993 (Pub. L. 103–200, effective April 16, 1994), to obtain a registration to manufacture, distribute, import, or export a list I chemical (other than those list I chemicals exempted under § 1310.01(f)(1)(iv)), is temporarily exempted from the registration requirement. The exemption will remain in effect for each person until the person has made proper application for registration and the Administration has approved or denied such application, provided that the application has been submitted within 45 days following the effective date of the regulations in part 1309 implementing the Domestic Chemical Diversion Control Act of 1993. This exemption applies only to registration; all other chemical control requirements set forth in the Domestic Chemical Diversion Control Act of 1993 and in parts 1310 and 1313 of this chapter remain in full force and effect.

Dated: March 17, 1994.

Stephen H. Greene,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 94–6884 Filed 3–23–94; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 203 and 234

[Docket No. R–94–1647; FR–3445–F–02]

RIN 2502–AF93

Single Family and Manufactured Home FHA Insurance—Miscellaneous Amendments, Final Rule; Correction

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule; Correction.

SUMMARY: On July 30, 1993 (58 FR 40996), the Department published in the **Federal Register**, a final rule that implemented various provisions in the Housing and Community Development Act of 1992 that related to FHA single family and manufactured home loan limits, veterans exemption from certain equity requirements, establishment of mortgage insurance premiums, and the correction of defects in certain FHA insured homes. The purpose of this document is to correct certain editorial errors contained in 24 CFR parts 203 and 234 of that final rule.

EFFECTIVE DATE: August 30, 1993.

FOR FURTHER INFORMATION CONTACT: *For Single Family Housing issues:* Morris Carter, Director, Single Family Development Division, room 9272, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 708–2700. A telecommunications device for deaf persons (TDD) is available at (202) 708–4594. (These are not toll-free telephone numbers.)

For manufactured home loan issues: Robert J. Coyle, Director, Title I Insurance Division, room 9160, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 708–2880. A telecommunications device for deaf persons (TDD) is available at (202) 708–4594. (These are not toll-free telephone numbers.)

SUPPLEMENTARY INFORMATION: Accordingly, in FR Doc. 93–18038, a final rule published in the **Federal Register** on July 30, 1993 (58 FR 40996), 24 CFR parts 203 and 234 is corrected to read as follows:

§ 203.18 [Corrected]

1. On page 41002, in column one, in § 203.18(e) introductory text, correct lines 8 through 10 to read, "excess of the lesser of 100 percent of the appraised value of the property or the cost of acquisition as of the date the".

§ 203.18 [Corrected]

2. On page 41002, in column three, in § 203.18b(b)(1), correct line 2 to read, "in paragraph (a) of this section must consist".

§ 203.50 [Corrected]

3. On page 41003, in column two, in § 203.50(f)(1)(i), correct line 13 to read. "the case of an eligible non-".

§ 203.259a [Corrected]

4. On page 41003, in column two, in § 203.259a(b), correct line 4 to read, "§ 203.284 or § 203.285 for mortgages executed on or".

§ 234.27 [Corrected]

5. On page 41006, in column one, in § 234.27(a)(2), in the paragraph heading, the word "Limitation" is lower-cased to read "limitation".

§ 234.27 [Corrected]

6. On page 41006, in column three, in § 234.27(d)(4)(ii), lines 1 and 2, are corrected to read, "Borrower-paid closing costs allowed under § 234.48(a)(1)–(2), except".

7. On page 41007, in column two, § 234.48 is corrected by redesignating paragraph (a)(2)(v) as (a)(2)(vi); and by adding a new paragraph (a)(2)(v), to read as follows:

§ 234.48 Charges, fees or discounts.

(a) * * *

(2) * * *

(v) Fees paid to an appraiser or inspector approved by the Commissioner for the appraisal and inspection, if required, of the property; and

* * * * *

Dated: March 18, 1994.

Myra L. Ransick,

Assistant General Counsel for Regulations.

[FR Doc. 94–6925 Filed 3–23–94; 8:45 am]

BILLING CODE 4210–27–P

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 0

[A.G. Order No. 1858–94]

Organization; Vacancy Designation.

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This order amends § 0.132(c) of title 28, Code of Federal Regulations to allow the Attorney General, in the

event of a vacancy in the office of the Associate Attorney General, to designate another official of the Department to perform the functions and duties of and act as Associate Attorney General. This amendment will conform the designation process for an Acting Associate Attorney General with that for other senior Department officials.

EFFECTIVE DATE: March 17, 1994.

FOR FURTHER INFORMATION CONTACT:

Carl Stern, Director, Office of Public Affairs, U.S. Department of Justice, Washington, D.C. 20530, (202) 616–2777.

SUPPLEMENTARY INFORMATION: This order pertains to a matter of internal Department management. It does not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 605(b). This order has not been reviewed by the Office of Management and Budget pursuant to Executive Order No. 12866.

List of Subjects in 28 CFR Part O

Authority delegations (Government agencies), Government employees, Organization and functions (Government agencies), Whistleblowing.

Accordingly, by virtue of the authority vested in me as Attorney General, including 5 U.S.C. 301 and 28 U.S.C. 509 and 510, Part O of title 28 of the Code of Federal Regulations is amended as follows:

PART O—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

1. The authority citation for Part O continues to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 509, 510, 515–519.

2. Section 0.132 is amended by revising paragraph (c) to read as follows:

§ 0.132 Designating officials to perform the functions and duties of certain offices in case of absence, disability or vacancy.

* * * * *

(c) In the event of a vacancy in the office of Associate Attorney General, the Attorney General may designate another official of the Department to perform the functions and duties of and act as Associate Attorney General.

* * * * *

Dated: March 17, 1994.

Janet Reno,

Attorney General.

[FR Doc. 94–6871 Filed 3–23–94; 8:45 am]

BILLING CODE 4410–10–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FL–051–5819; FRL–4851–6]

Approval and Promulgation of Implementation Plans Florida: Approval of Revisions to Florida Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving revisions to the Florida State Implementation Plan (SIP) for ozone. These revisions were submitted to EPA through the Florida Department of Environmental Regulation (FDER) on January 8, 1993, and revise regulations for Stage I vapor recovery (Stage I) in Florida's SIP and add regulations pertaining to Stage II vapor recovery (Stage II). This plan has been submitted by the FDER to satisfy the requirement of section 182(b)(3) of the 1990 Clean Air Act, which requires all ozone nonattainment areas classified as moderate or above to require owners and operators of gasoline dispensing facilities to install and operate Stage II vapor recovery systems. FDER has also submitted this plan as an integral part of the program to achieve and maintain the National Ambient Air Quality Standards (NAAQS) for ozone, carbon monoxide and nitrogen dioxide. EPA proposed approval of these revisions on December 14, 1993, (58 FR 65307), and no comments were received. These regulations meet all of EPA's requirements for Stage II programs and therefore EPA is approving the SIP revisions.

EFFECTIVE DATE: This final rule will be effective April 25, 1994.

ADDRESSES: Copies of the material submitted by Florida may be examined during normal business hours at the following locations:

Region IV Air Programs Branch, Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Florida Department of Environmental Protection, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399–2400.

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

FOR FURTHER INFORMATION CONTACT: Alan W. Powell of the EPA Region IV Air Programs Branch at (404) 347–2864 and at the above address.

SUPPLEMENTARY INFORMATION: On November 15, 1990, the President signed into law the Clean Air Act Amendments of 1990. The Clean Air Act as amended in 1990 (CAA) includes new requirements for the improvement of air quality in ozone nonattainment areas. Under section 181(a) of the CAA, nonattainment areas were categorized by the severity of the area's ozone problem, and progressively more stringent control measures were required for each category of higher ozone concentrations. The basis for classifying an area in a specific category was the ambient air quality data obtained in the three year period 1987–1989. The CAA delineates in section 182 the SIP requirements for ozone nonattainment areas based on their classifications. Specifically, section 182(b)(3) requires areas classified as moderate to implement Stage II controls unless and until EPA promulgates On Board Vapor Recovery (OBVR) regulations pursuant to section 202(a)(6) of the CAA. Based on consultation with the National Highway Transportation Safety Board, EPA determined that OBVR were unsafe and therefore moderate areas must implement a Stage II program. On January 22, 1993, the United States Court of Appeals for the District of Columbia ruled that EPA's previous decision not to require OBVR controls be set aside and that OBVR regulations be promulgated pursuant to section 202(a)(6) of the CAA. Subsequently, EPA reached a settlement with the plaintiffs which required EPA to promulgate final regulations by January 22, 1994. After such promulgation, moderate areas will not be required to implement Stage II regulations, but Florida has indicated that the State intends to continue Stage II as part of its long term maintenance plan. The EPA Administrator signed the OBVR final rule on January 24, 1994. Under section 182(b)(3), EPA was required to issue guidance as to the effectiveness of Stage II systems. In November 1991, EPA issued technical and enforcement guidance to meet this requirement. These two documents are entitled "Technical Guidance-Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities" (EPA–450/3–91–022) and "Enforcement Guidance for Stage II Vehicle Refueling Control Programs." In addition, on April 16, 1992, EPA published the "General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990" (57 FR 13498). The guidance documents and the General Preamble discuss Stage II statutory requirements and indicate what EPA believes a State submittal needs to include to meet those

requirements. The Florida regulations meet those requirements and are discussed below.

Rule 17-252, Gasoline Vapor Recovery

Stage II

The Southeast Florida Air Quality region is designated nonattainment for ozone and classified as moderate. See 56 FR 56694 (November 6, 1991) and 57 FR 56762 (November 30, 1992), codified at 40 CFR 81.300 through 81.437. Under section 182(b)(3) of the CAA, Florida was required to submit Stage II vapor recovery rules for this area by November 15, 1992. On January 8, 1993, FDER submitted to EPA Stage II vapor recovery rules that were adopted by the State on December 9, 1992, and the rules became state effective January 21, 1993. The Florida regulation meets all EPA requirements (see proposal, December 14, 1993, 58 FR 65307). Additional information is contained in the Technical Support Document (TSD) which is available for review in the EPA Region IV office.

Stage I

The Stage I regulations have been amended to require Stage I vapor recovery at all facilities subject to the Stage II requirements in areas which are designated as a nonattainment or maintenance area for ozone under Rule 17-275, F.A.C. (Broward, Dade, Duval, Hillsborough, Palm Beach, and Pinellas Counties). The gasoline tanker truck section was also revised to require submerged filling at bulk plants and facilities required to have Stage I and II vapor recovery. These revisions are consistent with EPA policy and requirements.

Final Action

EPA is approving the above referenced revisions as meeting the requirements of section 182(b)(3) of the CAA. All of the revisions are consistent with EPA guidance.

This document makes final the action proposed at (58 FR 65307). As noted elsewhere in this document, EPA received no adverse public comment on the proposed action. As a direct result, the Regional Administrator has reclassified this action from Table 2 to Table 3 under the processing procedures established at 54 FR 2214, January 19, 1989.

This action has been classified as a Table 3 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 Shapiro, Acting Assistant Administrator for Air and Radiation. A future document will inform the general public of these tables. On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and 3 SIP revisions from the requirements of section 3 of Executive Order 12291 for 2 years. The EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. The OMB has agreed to continue the 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.

Under section 307(b)(1) of the Act, 42 U.S.C. 7607 (b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 23,1994. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for 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) of the Act, 42 U.S.C. 7607 (b)(2).)

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a 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 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 non-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

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, 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).

List of Subjects in 40 CFR Part 52

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

Dated: March 8, 1994.

Donald J. Guinyard,

Acting Regional Administrator.

Part 52, title 40, chapter I 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 K—Florida

2. Section 52.520 is amended by adding paragraph (c)(79) to read as follows:

§ 52.520 Identification of plan.

* * * * *

(c) * * *

(79) Revisions to the F.A.C. Chapter 17-252 which were submitted by the Florida Department of Environmental Protection on January 8, 1993. The submittal revised the regulations for vapor recovery.

(i) Incorporation by reference.

(A) Revision to F.A.C. 17-252 which was effective on February 2, 1993: 17-252.100; 17-252.200(2-12); 17-252.300; 17-252.400; 17-252.500; 17-252.800; 17-252.900

(ii) Other material.

(A) Letter of January 8, 1993, from the Florida Department of Environmental Regulation.

* * * * *

[FR Doc. 94-6976 Filed 3-23-94; 8:45 am]

BILLING CODE 6560-50-F

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40 CFR Part 52

[AK-4-2-6299; FRL-4850-3]

Approval and Promulgation of State Implementation Plans: Alaska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving the State Implementation Plan (SIP) submitted by the State of Alaska Department of Environmental Conservation (ADEC) for the purpose of bringing about the attainment of the National Ambient Air Quality Standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM_{10}). The SIP revision was submitted to EPA by ADEC on June 22, 1993 to satisfy certain Federal Clean Air Act requirements for an approvable moderate PM_{10} nonattainment area SIP for Mendenhall Valley, Alaska. EPA is also approving the contingency measures submitted by the state of Alaska for the Mendenhall Valley and Eagle River moderate PM_{10} nonattainment areas. This action to approve this plan has the effect of making requirements adopted by the ADEC federally enforceable by EPA.

EFFECTIVE DATE: April 25, 1994.

ADDRESSES: Copies of the materials submitted to EPA may be examined during normal business hours at: Environmental Protection Agency, Air Programs Branch, Docket # AK–4–1–6027, 1200 Sixth Avenue, AT–082, Seattle, Washington 98101; Alaska Department of Environmental Conservation, 410 Willoughby, suite 105, Juneau, Alaska 99801–1795.

Documents which are incorporated by reference are available for public inspection at Environmental Protection Agency, Air and Radiation, Docket and Information Center, 6102, 401 M Street, SW., Washington, DC 20460, as well as the above addresses.

FOR FURTHER INFORMATION CONTACT: Christi Lee, Air and Radiation Branch (AT–082), Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, (206) 553–1814.

SUPPLEMENTARY INFORMATION:

I. Background

The Mendenhall Valley, Alaska area was designated nonattainment for PM_{10} and classified as moderate under sections 107(d)(4)(B) and 188(a) of the Clean Air Act, upon enactment of the Clean Air Act Amendments of 1990.[1] See 56 FR 56694 (November 6, 1991). The air quality planning requirements for moderate PM_{10} nonattainment areas are set out in subparts 1 and 4 of part D, title I of the Act.[2] EPA has issued a "General Preamble" describing EPA's preliminary views on how EPA intends to review SIP's and SIP revisions submitted under title I of the Act, including those state submittals containing moderate PM_{10} nonattainment area SIP requirements. See generally 57 FR 13498 (April 16, 1992); see also 57 FR 18070 (April 28, 1992).

On December 22, 1993 EPA announced its proposed approval of the moderate nonattainment area PM_{10} SIP for Mendenhall Valley, Alaska and the contingency measures submitted for Mendenhall Valley and Eagle River Alaska (58 FR 13572–13575). In that rulemaking action, EPA described its interpretations of title 1 and its rationale for proposing to approve the PM_{10} SIP revisions, taking into consideration the specific factual issues presented.

Those states containing initial moderate PM_{10} nonattainment areas (those areas designated nonattainment under section 107(d)(4)(B)) were required to submit, among other things, the following provisions by November 15, 1991:

1. Provisions to assure that reasonably available control measures (RACM) (including such reductions in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology (RACT)) shall be implemented no later than December 10, 1993;

2. Either a demonstration (including air quality modeling) that the plan will provide for attainment as expeditiously as practicable but no later than December 31, 1994, or a demonstration that attainment by that date is impracticable;

3. Quantitative milestones which are to be achieved every three years and which demonstrate reasonable further progress (RFP) toward attainment by December 31, 1994; and

4. Provisions to assure that the control requirements applicable to major stationary sources of PM_{10} also apply to major stationary sources of PM_{10} precursors except where the Administrator determines that such sources do not contribute significantly to PM_{10} levels which exceed the NAAQS in the area. See sections 172(c), 188, and 189 of the Act.

Some provisions were due at a later date. States with initial moderate PM_{10} nonattainment areas were required to submit contingency measures by November 15, 1993 which became effective without further action by the state or EPA, upon a determination by EPA that the area has failed to achieve RFP or to attain the PM_{10} NAAQS by the applicable statutory deadline (see section 172(c)(9) and 57 FR 13543–13544).

II. Response To Comments

EPA received no comments on its December 22, 1993 (58 FR 67754–67759) **Federal Register** proposal to approve the Mendenhall Valley moderate nonattainment area PM_{10} SIP and contingency measures for Mendenhall Valley and Eagle River as revisions.

III. This Action

Section 110(k) of the Act sets out provisions governing EPA's review and processing of SIP submittals (see 57 FR 13565–13566). In this action, EPA is approving the plan submitted to EPA on June 22, 1993 which contains the Mendenhall Valley contingency measures, and the Eagle River contingency measures submitted to EPA on January 13, 1992. EPA has determined that the submittals meet all of the applicable requirements of the Act. Among other things, the Alaska Department of Environmental Conservation has demonstrated the Mendenhall Valley moderate PM_{10} nonattainment area will attain the PM_{10} NAAQS by December 31, 1994.

IV. Administrative Review

This action has been classified as a Table 3 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 document 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 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for two years. The EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. The OMB has agreed to continue the 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.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state

[1] The 1990 Amendments to the Clean Air Act made significant changes to the Act. See Public Law No. 101–549, 104 Stat. 2399. References herein are to the Clean Air Act, as amended ("the Act"). The Clean Air Act is codified, as amended, in the U.S. Code at 42 U.S.C. 7401, *et seq.*

[2] Subpart 1 contains provisions applicable to nonattainment areas generally and subpart 4 contains provisions specifically applicable to PM_{10} nonattainment areas. At times, subpart 1 and subpart 4 overlap or conflict. EPA has attempted to clarify the relationship among these provisions in the "General Preamble" and, as appropriate, in this action and supporting information

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 May 23, 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)) (See 42 U.S.C. 7607 (b)(2))

List of Subjects in 40 CFR Part 52

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

Dated: March 3, 1994.

Gerald A. Emison,

Acting Regional Administrator.

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

Part 52, title 40, chapter I 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 C—Alaska

2. Section 52.70 is amended by adding paragraph (c) (18) to read as follows:

§ 52.70 Identification of plan.

* * * * *

(c) * * *

(18) On June 22, 1993 the Governor of the State of Alaska submitted revised rules to satisfy certain Federal Clean Air Act requirements for an approvable moderate PM_{10} nonattainment area SIP for Mendenhall Valley, Alaska. Also included in this SIP were PM_{10} contingency measures for the Mendenhall Valley. On January 21, 1992 a supplement to the existing Eagle River PM_{10} control plan was submitted by ADEC to EPA and certified on March 8, 1993 by the Lieutenant Governor of Alaska.

(i) Incorporation by reference.

(A) June 22, 1993 letter from the Governor of the State of Alaska to EPA, Region 10, submitting the moderate PM_{10} nonattainment area SIP for Mendenhall Valley, Alaska.

(B) The Control Plan for Mendenhall Valley of Juneau, effective July 8, 1993.

(C) August 25, 1993 letter from ADEC showing, through enclosures, the permanent filing record for the supplement to the existing Eagle River PM_{10} control plan. The Lieutenant Governor certified the supplement on March 8, 1993.

(D) The January 21, 1992 supplement to the existing Eagle River PM_{10} control plan, effective April 7, 1993. Also included is an August 27, 1991 Municipality of Anchorage memorandum listing the 1991 capital improvement project priorities and an October 11, 1991 Muncipality of Anchorage memorandum summarizing the supplement to the existing PM_{10} control plan .

[FR Doc. 94–6975 Filed 3–23–94; 8:45 am]

BILLING CODE 6560–50–F

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40 CFR Part 52

[OR–28–1–5828; FRL–4850–4]

Approval and Promulgation of Emission Statement Implementation Plan for Oregon

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is announcing full approval of Oregon's state implementation plan (SIP) submitted for the purpose of implementing an emission statement program for stationary sources within the Portland ozone nonattainment area. The implementation plan was submitted by the state to satisfy the Federal requirements for an emission statement program as part of the SIP for Oregon.

DATES: This final rule will be effective on May 23, 1994 unless notice is received by April 25, 1994 that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be addressed to:Montel Livingston, SIP Manager, Air and Radiation Branch(AT–082), Environmental Protection Agency, 1200 6th Avenue, Seattle, Washington 98101.

Documents which are incorporated by reference are available for public inspection at the Air and Radiation, Docket and Information Center, Environmental Protection Agency, 401 "M" Street, SW., Washington, DC 20460. Copies of material submitted to EPA may be examined during normal business hours at the following locations: Environmental Protection Agency, Region 10, Air and Radiation Branch, (Docket # OR 28–1–5828) 1200 Sixth Avenue (AT–082), Seattle, Washington 98101, and the Oregon Department of Environmental Quality, 811 SW., Sixth Avenue, Portland, Oregon 97204–1390.

FOR FURTHER INFORMATION CONTACT: Christi Lee, Air and Radiation Branch (AT–082), Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, (206) 553–1814.

SUPPLEMENTARY INFORMATION:

I. Background

The air quality planning and state implementation plan (SIP) requirements for ozone nonattainment and transport areas are set out in subparts I and II of part D of title I of the Clean Air Act, as amended by the Clean Air Act Amendments of 1990 (CAA or "the Act").

EPA has also issued a draft guidance document describing the requirements for the emission statement programs discussed in this document, entitled "Guidance on the Implementation of an Emission Statement Program" (July, 1992). The Agency is also conducting a rulemaking process to modify 40 CFR part 40 to reflect the requirements of the emission statement program.

Section 182 of the Act sets out a graduated control program for ozone nonattainment areas. Section 182(a) sets out requirements applicable in Marginal nonattainment areas, which are also made applicable in subsections (b), (c), (d), and (e) to all other ozone nonattainment areas. Among the requirements in section 182(a) is a program in paragraph (3) of that subsection for stationary sources to prepare and submit to the state each year emission statements showing actual emissions of volatile organic compounds (VOC) and nitrogen oxides (NO_x). This paragraph provides that the states are to submit a revision to their state implementation plans (SIPs) by November 15, 1992 establishing this emission statement program.

The CAA requires facilities to submit the first emission statement to the state within three years after November 15,