

regulation under section 110(k)(3). Because the submitted regulation is not composed of separable parts which meet all the applicable requirements of the Act, EPA cannot grant partial approval for the rule under section 110(k)(3). However, EPA may grant limited approval of the submittal under section 110(k)(3) in light of EPA's authority pursuant to section 301(a) to adopt regulations necessary to further air quality by strengthening the SIP.

EPA also finds that the State has partially fulfilled its commitment in the SIP to adopt an architectural coatings control measure (contained in part 205). Adoption of the missing test procedure, as discussed above, is necessary to fulfill this commitment in whole.

Section 183(e)(3) of the Clean Air Act requires that EPA develop either national regulations or CTG for consumer and commercial products, which may include architectural coatings. If EPA promulgates a federal regulation for architectural coatings under this authority, then sources covered by New York's part 205 would also be required to comply with the federal regulation. New York does retain the right to promulgate regulations that are more stringent than either a federal regulation or a CTG.

Nothing in this rule should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to any SIP shall be considered separately in light of specific technical, economic, and environmental

factors, and in relation to relevant statutory and regulatory requirements.

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

Under section 307(b)(1) of the Act, petitions for judicial review of this rule must be filed in the United States Court of Appeals for the appropriate circuit within 60 days from date of publication. 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 rule may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Dated: June 13, 1994.

William J. Muszynski,
Deputy Regional Administrator.

Title 40, chapter I, part 52, Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart HH—New York

2. Section 52.1670 is amended by adding new paragraph (c)(87) to read as follows:

§ 52.1670 Identification of plan.

* * * * *

(c) * * *

* * * * *

(87) A revision to the New York State Implementation Plan (SIP) for attainment and maintenance of the ozone standard dated October 14, 1988, submitted by the New York State Department of Environmental Conservation.

(i) Incorporation by reference:

(A) New part 205 of title 6 of the New York Code of Rules and Regulations of the State of New York, entitled "Architectural Surface Coatings," effective on September 15, 1988.

(ii) Additional material.

(A) December 5, 1988 letter from Thomas Allen, to Conrad Simon, EPA, requesting EPA approval of the amendments to part 205.

3. Section 52.1679 is amended by revising the entry for part 205 in the table to read as follows:

§ 52.1679 EPA-approved New York State regulations.

New York State regulation	State effective date	Latest EPA approval date	Comments
Part 205 "Architectural Surface Coatings"	9/15/88	8/4/94, [insert citation of this notice]	Until EPA approves State adopted coating test method, EPA will use 40 CFR part 60, App. B, Method 24.

[FR Doc. 94-18957 Filed 8-3-94; 8:45 am]
BILLING CODE 6560-50-P

40 CFR Part 52

[IL70-1-6254A; FRL-5013-4]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The United States Environmental Protection Agency

(USEPA) is approving a February 11, 1993, State submittal requesting a revision to the Illinois State Implementation Plan (SIP) for carbon monoxide (CO). The revision pertains to a site-specific emission limit for an iron foundry operated by General Motors Corporation (GMC) and located adjacent to Interstate 74 at G Street in Vermilion County, Illinois. Vermilion County has been designated by USEPA as "unclassifiable/attainment" for carbon monoxide. In the proposed rules section of this Federal Register, USEPA is proposing approval of and soliciting public comment on this requested SIP

revision. If adverse comments are received on this direct final rule, USEPA will withdraw this final rule and address the comments received in response to this final rule in a final rule on the related proposed rule which is being published in the proposed rules section of this Federal Register.

EFFECTIVE DATE: This action will be effective October 3, 1994 unless notice is received by September 6, 1994 that someone wishes to submit adverse comments. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be addressed to: J. Elmer Bortzer, Chief, Regulation Development Section, Regulation Development Branch (5AR-18), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State's submittal and other information are available for inspection during normal business hours at the following location: Regulation Development Section, Regulation Development Branch (AR-18), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

A copy of the SIP revision is located at the Office of Air and Radiation (OAR) Docket and Information Center (Air Docket 6102), Room M1500, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 260-7548.

FOR FURTHER INFORMATION CONTACT: Fayette Bright, Regulation Development Section, Regulation Development Branch (AR-18), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6069.

SUPPLEMENTARY INFORMATION:

I. Background

On October 1, 1992, the Illinois Pollution Control Board (IPCB) adopted a Final Opinion and Order amending Title 35: Environmental Protection, Subtitle B: Air Pollution Chapter I: Pollution Control Board (35 IAC) section 216.381 revising the allowable emission limit of gases containing CO from 200 ppm to 2,000 ppm for the GMC iron foundry in Vermilion County, Illinois.

The GMC foundry manufactures iron castings for the automotive industry. The castings include brake drums, bearing caps, differential carriers, water pumps and brake rotors. The foundry is located approximately 1.5 miles from downtown Danville adjacent to Interstate 74 at G Street, in an area that is predominately agricultural, with some residential sections. This is the only iron foundry in Vermilion County. Vermilion County has been designated by USEPA as "unclassifiable/attainment" of the National Ambient Air Quality Standards (NAAQS) for CO (Refer to title 40 of the Code of Federal Regulations § 81.314, 1992).

The GMC foundry is presently using two cupolas, Number 2 and Number 3, in its foundry operation. A cupola is a vertical shaft furnace which is fed or "charged" with layers of metallics, coke and limestone. Cupola melting is used

by GMC to melt scrap metal. Approximately 220,000 tons of scrap metal are remelted and made into castings each year. Typical cupola exhaust gases contain 13 to 27 percent CO. This is the equivalent of 130,000 to 270,000 parts per million (ppm). In a cupola, high CO levels and specific carbon dioxide ratios are important to the metallurgical properties of the iron. These levels can be minimized by proper selection of fuels, charge material, and by major facility changes, but cannot be eliminated.

In July 1988, emission tests of the cupolas showed CO emissions from both cupolas were in excess of 200 ppm. CO was present at a concentration of 8,317 ppm for Cupola Number 3 and at 4,563 ppm for Cupola Number 2. Subsequent tests showed CO concentrations as high as 16,053 ppm for Cupola Number 3. As a result of these tests, GMC initiated an aggressive plan to modify the system beyond the state-of-the-art contemplated by the regulation. In November 1988, GMC filed a petition for a variance in order to continue the operation of the foundry while it implemented corrective action to reduce the concentration of CO in its emissions. Although modifications have significantly reduced emissions, compliance with the 200 ppm limitation has not been achieved. However, emissions have dropped from a high concentration of approximately 18,000 ppm to below 2,000 ppm. A computer modeling study discussed below demonstrated that CO emissions at the rate of 2,000 ppm would not adversely affect the National Ambient Air Quality Standards (NAAQS). The purpose of this source specific SIP revision request is to permanently amend GMC's allowable emission limit of gases containing CO from 200 ppm to 2,000 ppm for this iron foundry.

II. Analysis of State Submittal

As previously stated, the IPCB has adopted a site-specific regulation revising the allowable emission limit of CO from GMC cupolas in Vermilion County from 200 ppm to 2,000 ppm. The new language reads as follows:

The standard for CO for 35 IAC 216.381 shall not apply to the existing foundry located adjacent to Interstate 74 at G street in Vermilion County, owned by GMC on the effective date of this regulation. The emission of carbon monoxide from this foundry shall not exceed 2,000 ppm corrected to 50 percent excess air.

Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board of the Illinois Administrative Code (35 IAC) Part 216—Carbon Monoxide Emissions,

contains the regulations regarding this SIP revision request. Section 216.101—Measurement Methods, contains measurement methods applicable to GMC's site-specific SIP revision request. This section states that carbon monoxide concentrations in an effluent stream shall be measured by the non-dispersive infrared method or by other methods approved by the Illinois Environmental Protection Agency (IEPA) according to the provisions of 35 IAC 201.

The USEPA had concerns about the test method and recordkeeping for this source. Specifically the test methods and recordkeeping requirements relied on in this requested SIP revision were not sufficient to ensure compliance with the limit and maintenance of the CO NAAQS. Further, because section 216.201 allows IEPA to modify the test methods utilized and because case law indicates that such State discretionary actions modify the SIP without Federal comment or approval USEPA would be required to disapprove this requested SIP revision since the possibility of modification without Federal approval would impede attainment and maintenance of the NAAQS. (See for example *United States of America v. Allsteel Inc.* (No. 87C4638 ND Illinois, August 30, 1989).

USEPA would ordinarily propose to disapprove this site-specific regulation and recommend that the State modify the regulations in the requested SIP revision to incorporate the appropriate test methods, recordkeeping and reporting requirements and to remove the discretionary provisions or at least to limit their effectiveness until they were approved as a SIP revision by USEPA. However, on December 17, 1992 (57 FR59928) Illinois' operating permit program was approved by USEPA and incorporated into the SIP for the purpose of issuing Federally Enforceable State Operating Permits (FESOP). As operating permits issued following the approved State requirements are federally enforceable, Illinois addressed USEPA's concerns by including adequate test methods and recordkeeping requirements as discussed in section 3 in a FESOP for the GMC iron foundry.

Modeling Results

The USEPA reviewed the dispersion modeling analysis performed by Versar Incorporated for this SIP revision request and has determined that the analysis is acceptable as a demonstration of attainment and maintenance of the NAAQS for CO. This attainment and maintenance

demonstration was performed in accordance with USEPA guidance.

III. Final Rulemaking Action

The USEPA approves the February 11, 1993, submittal as a revision to the Illinois CO SIP for the GMC iron foundry in Vermilion County amending 35 IAC section 216.381 because the deficiencies identified were corrected in a FESOP issued to the Source. Vermilion County is and has always been designated as attainment for CO and ozone and the emission limit set forth in the SIP revision was shown through the modeling analysis not to cause or contribute to a violation of the NAAQS for CO. Because the State included the following conditions in a FESOP, the SIP revision is now federally enforceable upon the effective date of this action.

1. Specific test method to be used;
2. Identification as to whether a continuous or integrated sample is to be used in the test method;
3. A compliance test that contains averaging times; and
4. The appropriate reporting and recordkeeping requirements to insure compliance.

Because USEPA considers this action noncontroversial and routine, we are approving it without prior proposal. This action will become effective on October 3, 1994. However, if the USEPA receives adverse comments by September 6, 1994, then the USEPA will publish a notice that withdraws the action, and will address the comments received in response to this final rule in the final rule on the requested SIP revision which has been proposed for approval in the proposed rules section of this *Federal Register*. The comment period will not be extended or reopened.

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 SIP revisions (54 FR 2222) from the requirements of Section 3 of Executive Order 12291 for 2 years. The USEPA 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 USEPA's request. This request continues in effect

under Executive Order 12866 which superseded Executive Order 12291 on September 30, 1993. The OMB has exempted this regulatory action from Executive Order 12866 review.

Nothing in this 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.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., USEPA 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, USEPA 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 SIP approvals under section 110 and subchapter I, Part D of the Act 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 Act, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The Act forbids USEPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. USEPA*, 427 U.S. 246, 256-66 (1976).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide.

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

Dated: June 16, 1994.

Valdas V. Adamkus,
Regional Administrator.

For the reasons stated in the preamble, 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 O—Illinois

2. Section 52.720 is amended by adding paragraph (c)(103) to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(103) On February 11, 1993, Illinois submitted a site specific revision to its carbon monoxide State Implementation Plan for a General Motors Corporation iron foundry located adjacent to Interstate 74 at G Street in Vermilion County, Illinois.

(i) *Incorporation by reference.*

(A) Illinois Administrative Code; Title 35 Environmental Protection; Subtitle B: Air Pollution; Chapter I: Pollution Control Board; Subchapter C: Emission Standards and Limitations for Stationary Sources; P 216: Carbon Monoxide Emissions; Subpart O: Primary and Fabricated Metal Products; Section 216.382 Exception, General Motors Ferris Foundry in Vermilion County. Added at 16 Illinois Register 18075, effective November 13, 1992.

[FR Doc. 94-18955 Filed 8-3-94; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[Region II Docket No. 130; NJ14-2-6524, FRL-5010-9]

Approval and Promulgation of Implementation Plans; New Jersey Emission Statement Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a request by New Jersey to revise its State Implementation Plan (SIP) for the purpose of implementing an Emission Statement Program for stationary sources in New Jersey. The SIP was submitted by New Jersey to satisfy the Clean Air Act requirements for stationary sources to report annually to the State their emissions of volatile organic compounds (VOCs) and oxides of nitrogen (NO_x) and for the State to make this data available to EPA and the public.

EFFECTIVE DATE: This action will be effective September 6, 1994.

ADDRESSES: Copies of New Jersey's submittals are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency,
Region II Office, Air Programs Branch,

26 Federal Plaza, Room 1034A, New York, New York 10278.
New Jersey Department of Environmental Protection and Energy, Office of Energy, Bureau of Air Quality Planning, Bureau of Air Pollution Control, 401 East State Street, CN027, Trenton, New Jersey 08625.

Environmental Protection Agency, Air and Radiation Docket and Information Center (MC 6102), 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT:

William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, 26 Federal Plaza, Room 1034A, New York, New York 10278, (212) 264-2517.

SUPPLEMENTARY INFORMATION:

Background

On April 4, 1994, the Environmental Protection Agency (EPA) published in the *Federal Register* (59 FR 15689) a Notice of Proposed Rulemaking proposing to approve a State Implementation Plan (SIP) revision submitted by the State of New Jersey for its Emission Statement Program. The SIP revision was submitted to satisfy Section 182(a) of the Clean Air Act which requires stationary sources to report on an annual basis their emissions of volatile organic compounds (VOCs) and oxides of nitrogen (NO_x).

Conclusion

The rationale for EPA's proposed approval was explained in the Notice of Proposed Rulemaking and will not be restated here since EPA's final action does not differ from the proposed action. EPA inadvertently omitted reference in the Proposed Rulemaking to Subchapter 1, "General Provisions"; Subchapter 8, "Permits and Certificates, Hearings, and Confidentiality"; and Subchapter 16, "Control and Prohibition of Air Pollution by Volatile Organic Compounds," but will take action on the changes made to these subchapters in a subsequent rulemaking. No public comments were received on the proposed action. Therefore, EPA is approving New Jersey's SIP revision incorporating Subchapter 21, "Emission Statements."

Nothing in this rule 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 any SIP shall be

considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

This rule makes final the action proposed at 59 FR 15689, April 4, 1994. As noted elsewhere in this notice, 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 rule 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 notice 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 (54 FR 2222) from the requirements of Section 3 of Executive Order 12291 for a period of two years. The EPA has submitted a request for a permanent waiver for Table 2 and 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. OMB has exempted this regulatory action from Executive Order 12866 review.

Under Section 307(b)(1) of the Clean Air Act, petitions for judicial review of this rule must be filed in the United States Court of Appeals for the appropriate circuit within 60 days from date of publication. 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 rule may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and

recordkeeping requirements, Volatile organic compounds.

Dated: June 27, 1994.

William J. Muszynski, P.E.,
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 FF—New Jersey

2. Section 52.1570 is amended by adding new paragraph (c)(53) to read as follows:

§ 52.1570 Identification of plan.

* * * * *
(c) * * *
* * * * *

(53) A revision to the New Jersey State Implementation Plan (SIP) for an Emission Statement Program dated February 19, 1993, submitted by the New Jersey Department of Environmental Protection and Energy.

(i) Incorporation by reference:

(A) Title 7, Chapter 27, Subchapter 21, of the New Jersey Administrative Code entitled, "Emission Statements," effective March 15, 1993.

(ii) Additional information:

(A) May 24, 1993 letter from John Elston to Conrad Simon, EPA, transmitting supporting documentation necessary for approval of the SIP revisions. These items included:

(1) Notice of Adoption, March 15, 1993.

(2) Justification of Gasoline Dispensing Facility Exemption.

(B) October 29, 1993 letter from John Elston to Conrad Simon, EPA, transmitting legislative language to reflect change in New Jersey's Air Pollution Control Act regarding confidentiality provisions.

(C) February 3, 1994 letter from John Elston to Conrad Simon, EPA, requesting the use of EPA's Emission Statement waiver provision.

3. Section 52.1605 is amended by adding the entry for Subchapter 21 under the heading "Title 7, Chapter 27" to the table in numerical order to read as follows:

§ 52.1605 EPA-approved New Jersey State regulations.

State regulation	State effective date	EPA approved date	Comments
Title 7, Chapter 27			
Subchapter 21, "Emission State- ments;"	Mar. 15, 1993	[insert date and citation of this action].	

[FR Doc. 94-18991 Filed 8-3-94; 8:45 am]
BILLING CODE 6560-50-P

40 CFR Part 52

[CA 38-1-6542; FRL-5010-2]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Ventura County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final rulemaking (NFRM).

SUMMARY: EPA is finalizing the approval of revisions to the California State Implementation Plan (SIP) proposed in the *Federal Register* on December 20, 1993. The revisions concern rules from 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 hospital sterilizers and petroleum production, processing, storage, and transfer. 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 September 6, 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, Jerry Kurtzweg ANR 443, 401 "M" Street, S.W., Washington, D.C. 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95814.
Ventura County Air Pollution Control District, 702 County Square Drive, Ventura, California 93003.

FOR FURTHER INFORMATION CONTACT: Mae Wang, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1200.

SUPPLEMENTARY INFORMATION:

Background

On December 20, 1993 in 58 FR 66324, EPA proposed to approve the following VCAPCD rules into the California SIP: Rule 62.6, Ethylene Oxide-Sterilization and Aeration; Rule 71.1, Crude Oil Production and Separation; and Rule 71.3, Transfer of Reactive Organic Compound Liquids. These rules were adopted by VCAPCD on July 16, 1991 and June 16, 1992. The rules were submitted by the California Air Resources Board (CARB) to EPA on October 25, 1991 and September 14, 1992. 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 notice of proposed rulemaking (NPRM) cited above.

EPA has evaluated all of the above rules for consistency with the requirements of the CAA, EPA regulations, and EPA interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in the NPRM 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 66324 and in technical support documents (TSDs) available at EPA's Region IX office.

Response to Public Comments

A 30-day public comment period was provided in 58 FR 66324. EPA received no comments regarding the NPRM.

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

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

List of Subjects in 40 CFR Part 52

Environmental Protection Agency, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

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: June 29, 1994.

Felicia Marcus,
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 paragraph (c)(186)(i)(D)(1) and (c)(189)(i)(B)(1) to read as follows:

§ 52.220 Identification of plan.

(c) * * *

(186) * * *

(i) * * *

(D) Ventura County Air Pollution Control District.

(1) Rule 62.6, adopted on July 16, 1991.

* * *

(189) * * *

(i) * * *

(B) Ventura County Air Pollution Control District.

(1) Rule 71.1 and Rule 71.3, adopted on June 16, 1992.

* * *

[FR Doc. 94-18992 Filed 8-3-94; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[CA 46-3-6525; FRL-5010-3]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Sacramento Metropolitan Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final rulemaking (NFRM).

SUMMARY: EPA is finalizing the approval of a revision to the California State Implementation Plan (SIP) proposed in the Federal Register on January 12, 1994. The revisions concern a rule from the Sacramento Air Quality Management District (SMAQMD). This rule is intended to control volatile organic compound (VOC) emissions from degreasing (cleaning) operations. This final action notice will incorporate this rule into the federally approved SIP. The intended effect of approving

this rule is to regulate VOC emissions in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). Thus, EPA is finalizing the approval of this revision 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.

On October 22, 1991, the sanctions and FIP clocks were started when EPA determined that the State failed to make a complete submittal. The mandatory sanctions clock was stopped on April 28, 1993 when EPA determined that the State had made a complete submittal. This final action will incorporate this rule into the federally approved SIP and stop the Federal Implementation Plan clock.

EFFECTIVE DATE: This action is effective on September 6, 1994.

ADDRESSEES: Copies of the rule revision and EPA's evaluation report for the rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revision 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, Jerry Kurtzweg ANR 443, 401 "M" Street, SW., Washington, DC 20460.

California Air Resources Board, Stationary Source Division, 2020 L Street, Sacramento, CA 95814.

Sacramento Metropolitan Air Quality Management District, 8411 Jackson Road, Sacramento, CA 95826.

FOR FURTHER INFORMATION CONTACT: Chris Stamos, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1152.

SUPPLEMENTARY INFORMATION:

Applicability

The rule being approved into the California SIP is Sacramento Metropolitan Air Quality Management District (SMAQMD) Rule 454, Degreasing Operations. This rule was submitted to EPA by the California Air Resources Board (CARB) on April 6, 1993.

Background

On January 12, 1994 in 59 FR 1699, EPA proposed to approve the following rule into the California SIP: SMAQMD's Rule 454, Degreasing Operations. Rule 454 was adopted by SMAQMD on

February 23, 1993. This rule was 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 the above rule and nonattainment area is provided in the notice of proposed rulemaking (NPRM) cited above.

EPA has evaluated the above rule 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 NPRM cited above. EPA has found that the rule meets the applicable EPA requirements. A detailed discussion of the rule provisions and evaluations has been provided in 59 FR 1698 and in a technical support document (TSD) available at EPA's Region IX office (TSD dated June 10, 1993 for Rule 454).

Response to Public Comments

A 30-day public comment period was provided in 59 FR 1698. No comments were received by EPA on the notice.

EPA Action

EPA is finalizing action to approve the above rule 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 this rule into the federally approved SIP. The intended effect of approving this rule is to regulate emissions of VOCs in accordance with the requirements of the CAA.

This approval action will incorporate this rule into the federally approved SIP and also stop the Federal Implementation Plan (FIP) clock. The sanctions and FIP clocks were started on October 22, 1991 when EPA determined that the State failed to make a complete submittal. The mandatory sanctions clock was stopped on April 28, 1993 when EPA determined that the State made a complete submittal.

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

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 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 SIP revisions (54 FR 222) 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 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.

List of Subjects in 40 CFR Part 52

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

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: June 29, 1994.

Felicia Marcus,

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 paragraph (c)(192)(i)(A)(2) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(192) * * *

(i) * * *

(A) * * *

(2) Rule 454, adopted on February 23, 1993.

* * * * *

[FR Doc. 94-18993 Filed 8-3-94; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Parts 52 and 81

[TN 132-6436a; FRL-5009-3]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of Tennessee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On November 12, 1992, the State of Tennessee through the Memphis and Shelby County Health Department (MSCHD), submitted a maintenance plan and a request to redesignate the Memphis and Shelby County area (classified as a marginal nonattainment area) from nonattainment to attainment for ozone (O₃). The O₃ nonattainment area specifically consists of Shelby County. Under the Clean Air Act, designations can be changed if sufficient data are available to warrant such changes and the redesignation request satisfies the criteria set forth in the Clean Air Act for redesignations. In this action, EPA is approving the State of Tennessee's submittal because it meets the maintenance plan and redesignation requirements. The approved maintenance plan will become a federally enforceable part of the SIP for the Memphis and Shelby County area.

On January 15, 1993, in a letter from Patrick M. Tobin to Governor Ned McWherter, the EPA notified the State of Tennessee that the EPA had made a finding of failure to submit required programs for the nonattainment area. EPA's redesignation of the Memphis and Shelby County area to attainment abrogates those requirements for this area. Therefore, the sanctions and federal implementation plan clocks begun by those findings are stopped at the time of the redesignation.

EFFECTIVE DATE: This final rule will be effective October 3, 1994 unless adverse or critical comments are received by September 6, 1994. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be sent to Karen Borel at the EPA address in Atlanta, Georgia listed below. Copies of the redesignation request and the State of Tennessee's submittal are available for public review during normal business hours at the addresses listed below. EPA's technical support document (TSD) is available for public review during normal business hours at the EPA addresses listed below.

Air and Radiation Docket and Information Center (Air Docket 6102),

U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Environmental Protection Agency, Region IV, Air Programs Branch, 345 Courtland Street N.E., Atlanta, GA, 30365.

Memphis and Shelby County Health Department, 814 Jefferson Avenue, Memphis, TN 38105.

FOR FURTHER INFORMATION CONTACT: Karen Borel of the EPA Region IV Air Programs Branch at (404) 347-2864 and at the Region IV address.

SUPPLEMENTARY INFORMATION:

I. Background

On November 15, 1990, the Clean Air Act Amendments of 1990 (CAA) were enacted. (Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q). Under section 107(d)(1), in conjunction with the Governor of Tennessee, EPA designated the Memphis and Shelby County area as nonattainment because the area violated the O₃ standard during the period from 1987 through 1989. Furthermore, upon designation, the Memphis and Shelby County area was classified as marginal under section 181(a)(1). (See 56 FR 56694 (Nov. 6, 1991) and 57 FR 56762 (Nov. 30, 1992), codified at 40 CFR 81.343.)

The Memphis and Shelby County area more recently has ambient monitoring data that show no violations of the O₃ National Ambient Air Quality Standards (NAAQS), during the period from 1990 through 1992. Therefore, in an effort to comply with the CAA and to ensure continued attainment of the NAAQS, on November 12, 1992, the State of Tennessee submitted for parallel processing an O₃ maintenance SIP for the Memphis and Shelby County area and requested redesignation of the area to attainment with respect to the O₃ NAAQS. On May 14, 1993, the MSCHD submitted evidence that a public hearing was held on the requests to redesignate Memphis and Shelby County from nonattainment of the NAAQS for both CO and O₃ to attainment of the NAAQS for these pollutants. In addition, there have been no violations reported for the 1993 O₃ season. The request for redesignation submittal was approved by the TN Air Pollution Control Board on March 9, 1994.

II. Evaluation Criteria

The 1990 Amendments revised section 107(d)(1)(E) to provide five specific requirements that an area must meet in order to be redesignated from nonattainment to attainment.