

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 Clean Air Act, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v US EPA*, 427 US 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

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

This rule may be withdrawn by EPA pursuant to procedures described in this **Federal Register** notice. Before filing a petition for review, potential petitioners under section 307(b)(1) of the Act are cautioned to determine whether EPA has withdrawn the rule.

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**

Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Volatile organic compounds.

Dated: November 21, 1994.

**William J. Muszynski**,  
*Acting 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 HH—New York**

2. Section 52.1670 is amended by adding new paragraph (c)(88) to read as follows:

**§ 52.1670 Identification of plan.**

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

(88) Revision to the New York State Implementation Plan (SIP) for ozone, submitting a low emission vehicle program for a portion of the Clean Fuel Fleet program, dated May 15, 1994 and August 9, 1994 submitted by the New York State Department of Environmental Conservation (NYSDEC).

(i) Incorporation by reference. Part 218, "Emission Standards for Motor Vehicles and Motor Vehicle Engines," effective May 28, 1992.

(ii) Additional material.

May 1994 NYSDEC Clean Fuel Fleet Program description.

3. Section 52.1679 is amended by adding, in numerical order, a new entry Part 218 to 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 218 "Emission Standards for Motor Vehicles and Motor Vehicle Engines".	5/28/92 .....	January 6, 1995 [60 FR 2025] .....	
* * * * *	* * * * *	* * * * *	* * * * *

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**40 CFR Part 52**

[CA 71-7-6801; FRL-5120-5]

**Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Santa Barbara County Air Pollution Control District and San Diego 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 June 14, 1994. The revisions concern rules from the following districts: Santa Barbara County Air Pollution Control District (SBCAPCD) and San Diego County Air Pollution Control District (SDCAPCD). 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 polyester resin operations. 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 final rule is effective on February 6, 1995.

**ADDRESSES:** Copies of the submitted rules 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, SW., Washington, DC 20460  
Santa Barbara County Air Pollution Control District, 26 Castilian Drive, B-23 Goleta, CA 93117  
San Diego County Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123-1096

**FOR FURTHER INFORMATION CONTACT:** Christine Vineyard, Rulemaking Section, Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1197.

**SUPPLEMENTARY INFORMATION:**

**Background**

On June 14, 1994 in 59 FR 30562, EPA proposed to approve the following rules into the California SIP: SBCAPCD's Rule

349, Polyester Resin Operations; and SDCAPCD's Rule 67.12, Polyester Resin Operations. SBCAPCD adopted Rule 349 on April 27, 1993 and SDCAPCD adopted Rule 67.12 on April 6, 1993. Both rules were submitted by the California Air Resources Board (CARB) on November 18, 1993. 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 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 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 59 FR 30562 and in technical support documents (TSDs) available at EPA's Region IX office (TSDs dated February 28, 1994—SBCAPCD Rule 349 and March 1, 1994—SDCAPCD 67.12).

### Response to Public Comments

A 30-day public comment period was provided in 59 FR 30562. No comments were received.

### EPA Action

EPA is finalizing 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 OMB has exempted this action from review under Executive Order 12866.

### 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: December 1, 1994.

**Nora L. McGee,**

*Acting 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) (194)(i)(D) and (E) to read as follows:

#### § 52.220 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(194) \* \* \*

(i) \* \* \*

(D) Santa Barbara County Air Pollution Control District.

(I) Rule 349, adopted on April 27, 1993.

(E) San Diego County Air Pollution Control District.

(I) Rule 67.12, adopted on April 6, 1993.

\* \* \* \* \*

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BILLING CODE 6560-50-P

### 40 CFR Parts 52 and 81

[AL 38-1-6571a; FRL-5123-8]

### Clean Air Act Approval and Promulgation of Redesignation of the Leeds Area of Jefferson County, Alabama, to Attainment for Lead

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving the State Implementation Plan (SIP) submitted by the State of Alabama through the

Alabama Department of Environmental Management (ADEM) for the purpose of redesignating the Leeds area of Jefferson County from nonattainment to attainment status for the National Ambient Air Quality Standard (NAAQS) for lead. The maintenance plan was submitted by the State to satisfy the federal requirements necessary to redesignate an area from nonattainment to attainment.

**DATES:** This final rule is effective on March 7, 1995 unless adverse or critical comments are received by February 6, 1995. If the effective date is delayed, timely notice will be published in the **Federal Register**.

**ADDRESSES:** Comments may be mailed to Kimberly Bingham at the EPA Region 4 address listed. Copies of the material submitted by ADEM may be examined during normal business hours at the following locations:

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 4 Air Programs Branch, 345 Courtland Street, Atlanta, Georgia 30365.

Alabama Department of Environmental Management, Office of General Counsel, 1751 Cong. W. L. Dickinson Drive, Montgomery, Alabama 36130.

#### FOR FURTHER INFORMATION CONTACT:

Kimberly Bingham, Regulatory Planning and Development Section, Air Programs Branch, Air Pesticides and Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365. The telephone number is (404) 347-3555 extension 4195.

**SUPPLEMENTARY INFORMATION:** On January 6, 1992, the Leeds area of Jefferson County was designated nonattainment for lead. Since then the major source of lead emissions in the area, a facility operated by International Lead Company (ILCO) has permanently closed, and monitoring data from the area demonstrates that the area has attained the NAAQS for lead. Section 107(d)(3)(E) of the Clean Air Act (CAA) permits nonattainment areas that have attained the lead NAAQS to be redesignated attainment provided certain criteria are met. Consequently, the State of Alabama submitted a request to redesignate the Leeds area to attainment on July 16, 1993.

Section 107(d)(3)(E) of the CAA, as amended in 1990, sets forth the requirements that must be met for a nonattainment area to be redesignated to attainment. It states that an area can be