

sanctions clocks. Based on this action, application of the offset sanctions will be deferred and application of the highway sanctions will be deferred until EPA's final action fully approving the State's submittal becomes effective or until EPA takes action proposing or disapproving in whole or part the State submittal. If EPA's proposed rulemaking action fully approving the State submittal becomes final, at that time any sanctions clocks will be permanently stopped and any applied, stayed or deferred sanctions will be permanently lifted.

Because EPA has preliminarily determined that the State has corrected the deficiencies identified in EPA's limited disapproval actions, relief from sanctions should be provided as quickly as possible. Therefore, EPA is invoking the good cause exception under the Administrative Procedure Act (APA) in not providing an opportunity for comment before this action takes effect.¹ 5 U.S.C. 553(b)(B). EPA believes that notice-and-comment rulemaking before the effective date of this action is impracticable and contrary to the public interest. EPA has reviewed the State's submittal and, through its proposed action is indicating that it is more likely than not that the State has corrected the deficiencies that started the sanctions clocks. Therefore, it is not in the public interest to initially impose sanctions or to keep applied sanctions in place when the State has most likely done all that it can to correct the deficiencies that triggered the sanctions clocks. Moreover, it would be impracticable to go through notice-and-comment rulemaking on a finding that the State has corrected the deficiencies prior to the rulemaking approving the State's submittal. Therefore, EPA believes that it is necessary to use the interim final rulemaking process to temporarily stay or defer sanctions while EPA completes its rulemaking process on the approvability of the State's submittal. Moreover, with respect to the effective date of this action, EPA is invoking the good cause exception to the 30-day notice requirement of the APA because the purpose of this notice is to relieve a restriction. See 5 U.S.C. 553(d)(1).

III. Regulatory Process

Under the Regulatory Flexibility Act, 5 U.S.C. Section 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.

¹ As previously noted, however, by this action EPA is providing the public with a chance to comment on EPA's determination after the effective date and EPA will consider any comments received in determining whether to reverse such action.

sections 603 and 604. Alternatively, EPA may certify that the rule will not have a significant economic 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 temporarily relieves sources of an additional burden potentially placed on them by the sanctions provisions of the Act. Therefore, I certify that it does not have an impact on any small entities.

The Office of Management and Budget (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, Intergovernmental regulations, Reporting and recordkeeping, Ozone, and Volatile organic compounds.

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

Dated: December 27, 1994.

Felicia Marcus,

Regional Administrator.

[FR Doc. 95-520 Filed 1-9-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[CT-11-1-5813; ME-11-1-6313; RI-10-1-6319; VT-6-1-6312; A-1-FRL-5120-8]

Approval and Promulgation of Air Quality Implementation Plans; Connecticut, Maine, Rhode Island, and Vermont; Emission Statements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving revisions to the respective State Implementation Plans (SIPs) for the following four States: Connecticut, Maine, Rhode Island, and Vermont. Revisions to the SIP were submitted by each of these four States to implement an emission statement program for stationary sources throughout the State. Connecticut submitted section 22a-174-4(c)(1), under the section entitled "Recordkeeping and Reporting", and amendments to the SIP narrative entitled "Revision to State Implementation Plan for Air Quality Emission Statements" on January 12, 1993. On January 3, 1994, Maine submitted Chapter 137, "Emission Statements" and amendments to Chapter 100, "Definitions." Rhode Island submitted amendments to Regulation Number 14 entitled "Record Keeping and Reporting" on January 12,

1993. On August 9, 1993, Vermont submitted a rule entitled "Registration of Air Contaminant Sources," sections 5-801 through 5-806, and a SIP Narrative, "State of Vermont Air Quality Implementation Plan, February 1993." These SIP revisions were submitted by the States to satisfy the Federal requirements for an emission statement program as part of the SIP.

EFFECTIVE DATE: This rule will become effective on February 9, 1995.

ADDRESSES: Copies of the States' submittals and other information are available for inspection during normal business hours, by appointment, at the following locations: Air, Pesticides and Toxics Management Division, US Environmental Protection Agency, Region I, One Congress Street, 10th floor, Boston, MA 02203 and Public Information Reference Unit, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. In addition, Connecticut's submittal is available at the Bureau of Air Management, Department of Environmental Protection, State Office Building, 165 Capitol Avenue, Hartford, CT 06106; Maine's submittal is available at the Bureau of Air Quality Control, Department of Environmental Protection, State House, Station 17, Augusta, ME 04333; Rhode Island's submittal is available at the Division of Air and Hazardous Materials, Department of Environmental Management, 291 Promenade Street, Providence, RI 02908-5767; and Vermont's submittal is available at the Air Pollution Control Division, Agency of Natural Resources, Department of Environmental Management, Building 3 South, 103 South Main Street, Waterbury, VT 05676.

FOR FURTHER INFORMATION CONTACT: Daria L. Dilaj at (617) 565-3249.

SUPPLEMENTARY INFORMATION:

Background

On September 21, 1994 (59 FR 48411), EPA published a notice of proposed rulemaking (NPR) for the States of Connecticut, Maine, Rhode Island, and Vermont. The NPR proposed approval of the emission statement regulations adopted by these states. No public comments were received on the NPR.

The following SIP revisions address sections 182(a)(3)(B) and 184(b)(2) of the Clean Air Act, which require that States develop and submit, as SIP revisions, rules which establish annual reporting requirements for precursors of ozone from stationary sources.

The State of Connecticut developed an emission statement program using the existing regulatory authority given

by section 22a-174-4(c)(1), under the section entitled "Recordkeeping and Reporting". Section 22a-174-4(c)(1) was previously numbered as 19-508-4(c)(1) in Connecticut's SIP. In response to additional requirements of the emission statement program which were not covered by section 22a-174-4(c)(1), Connecticut revised its SIP narrative entitled "Revision to State Implementation Plan for Air Quality Emission Statements," and submitted it to EPA as a SIP revision on January 12, 1993.

The State of Maine formally submitted Chapter 137, "Emission Statements" and an amendment to Chapter 100 "Definitions" to address the emission statement requirements of the CAA on January 3, 1994.

On January 12, 1993, the State of Rhode Island formally submitted its Air Pollution Control Regulation Number 14 entitled "Record Keeping and Reporting" which had been amended to require emission statements.

Vermont developed an emission statement program using existing regulatory authority given by Vermont's rule entitled "Registration of Air Contaminant Sources," sections 5-801 through 5-806. In response to additional requirements of the emission statement program which were not covered by sections 5-801 through 5-806, Vermont revised its SIP narrative entitled "State of Vermont Air Quality Implementation Plan, February 1993," and submitted sections 5-801 through 5-806, and the SIP narrative, to EPA as a SIP revision on August 9, 1993.

Other specific requirements of emission statements and the rationale for EPA's proposed action are explained in the NPR and will not be restated here.

Final Action

EPA has evaluated the States' submittals for consistency with the Clean Air Act, EPA regulations, and EPA policy. EPA has determined that the proposed rules meet the Clean Air Act's requirements and is approving or reapproving the following rules under section 110(k)(3): Connecticut's section 22a-174-4(c)(1), under the section entitled "Recordkeeping and Reporting;" Rhode Island's regulation Number 14 entitled "Record Keeping and Reporting;" Vermont's rule entitled "Registration of Air Contaminant Sources," sections 5-801 through 5-806; Maine's Chapter 137, "Emission Statements" and amendments to Chapter 100, "Definitions;" and the SIP narrative revisions from Connecticut entitled "Revision to State Implementation Plan for Air Quality Emission Statements," and Vermont

entitled "State of Vermont Air Quality Implementation Plan, February 1993." Based upon EPA's evaluation of Connecticut's and Rhode Island's January 12, 1993 submittals, Vermont's August 9, 1993 submittal, and Maine's January 3, 1994 submittal, EPA is approving the emission statement submissions as revisions to the ozone SIP.

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 any 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

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.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 13, 1995. 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)).

As noted elsewhere in this action, 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 published in the **Federal Register** on January 19, 1989 (54 FR 2214) and revisions to these procedures issued on October 4, 1993 in an EPA memorandum entitled "Changes to State Implementation Plan (SIP) 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 US 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).

List of Subjects in 40 CFR Part 52

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

Note: Incorporation by reference of the State Implementation Plan for the States of Connecticut, Maine, Rhode Island, and Vermont was approved by the Director of the Federal Register on July 1, 1982.

Dated: November 14, 1994.

John P. DeVillars,

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 H—Connecticut

2. Section 52.370 is amended by adding paragraph (c)(66) to read as follows:

§ 52.370 Identification of plan.

* * * * *

(c) * * *

(66) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on January 12, 1993.

(i) Incorporation by reference.
 (A) Letter from the Connecticut Department of Environmental Protection dated January 12, 1993 submitting a revision to the Connecticut State Implementation Plan.
 (B) Section 22a-174-4(c)(1) of Connecticut Regulations for the Abatement of Air Pollution, under the section entitled "Recordkeeping and Reporting." Section 22a-174-4(c)(1) was previously numbered as 19-508-4(c)(1) in Connecticut's SIP. 19-508-4(c)(1) in Connecticut's SIP. 19-508-4 became effective in the State of Connecticut on October 31, 1977. Connecticut developed an emission statement program using the existing regulatory authority given by section 22a-174-4(c)(1) under the section entitled "Reporting and Recordkeeping".
 (ii) Additional information.
 (A) State implementation Plan narrative entitled "Revision to State

Implementation Plan for Air Quality Emission Statements" which addresses emission statement requirements not discussed specifically in Section 22a-174-4(c)(1).
 (B) Nonregulatory portions of the submittal.

Subpart U—Maine

3. Section 52.1020 is amended by adding paragraph (c)(34) to read as follows:

§ 52.1020 Identification of plan.

* * * * *
 (c) * * *
 (34) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on January 3, 1994.
 (i) Incorporation by reference.
 (A) Letter from the Maine Department of Environmental Protection dated January 3, 1994 submitting a revision to the Maine State Implementation Plan.

(B) Revised Chapter 100 of the Maine Department of Environmental Protection Regulations, "Definitions" effective in the State of Maine on December 12, 1993.

(C) Chapter 137 of the Maine Department of Environmental Protection Regulations, "Emission Statements" effective in the State of Maine on December 12, 1993.

(ii) Additional Information.

(A) Nonregulatory portions of the submittal.

4. In § 52.1031, Table 52.1031 is amended by adding new entries to existing state citation "Chapter 100" and by adding new citation "Chapter 137" to read as follows:

§ 52.1031 EPA-approved Maine regulations.

* * * * *

TABLE 52.1031.—EPA-APPROVED RULES AND REGULATIONS

State citation	Title/subject	Date adopted by state	Date adopted by EPA	Federal Register citation	52.1020
100	Definitions	Nov. 10, 1993	Jan. 10, 1995	[Insert FR citation from published date].	(c)(34) Revised to add definitions associated with emission statement rules.
137	Emission Statements.	Nov. 10, 1993	Jan. 10, 1995	[Insert FR citation from published date].	(c)(34)

Subpart OO—Rhode Island

5. Section 52.2070 is amended by adding paragraph (c)(42) to read as follows:

§ 52.2070 Identification of plan.

* * * * *
 (c) * * *
 (42) Revisions to the State Implementation Plan submitted by the Rhode Island Department of

Environmental Management on January 12, 1993.

(i) Incorporation by reference.
 (A) Letter from the Rhode Island Department of Environmental Management dated January 12, 1993 submitting a revision to the Rhode Island State Implementation Plan.
 (B) Revisions to Air Pollution Control Regulation No. 14, "Record Keeping and Reporting," filed with the Secretary of State on January 11, 1993 and effective

in the State of Rhode Island on January 31, 1993.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

6. In § 52.2081, Table 52.2081 is amended by adding a new entry to existing state citation "Regulation 14" to read as follows:

§ 52.2081 EPA-approved EPA Rhode Island State regulations.

* * * * *

TABLE 52.2081.—EPA-APPROVED RULES AND REGULATIONS

State citation	Title/subject	Date adopted by state	Date approved by EPA	FR citation	52.2070	Comments/unapproved sections
No. 14	Record Keeping and Reporting.	Jan. 11, 1993	Jan. 10, 1995	[Insert FR citation from published date].	(c)(42)	

Subpart UU—Vermont

7. Section 52.2370 is amended by adding paragraph (c)(21) to read as follows:

§ 52.2370 Identification of plan.

* * * * *

(c) * * *

(21) Revisions to the State Implementation Plan submitted by the Vermont Air Pollution Control Division on August 9, 1993.

(i) Incorporation by reference.

(A) Letter dated August 9, 1993 from the Vermont Air Pollution Control Division submitting revisions to the Vermont State Implementation Plan. Vermont resubmitted Vermont's rule entitled "Registration of Air Contaminant Sources," Sections 5-801 through 5-806 and the SIP narrative entitled "State of Vermont Air Quality Implementation Plan, February 1993" to meet the emission statement

requirements of the Clean Air Act Amendments of 1990.

(B) Letter dated February 4, 1993 from the Vermont Air Pollution Control Division submitting revisions to the Vermont State Implementation Plan which included Vermont's rule entitled "Registration of Air Contaminant Sources," Sections 5-801 through 5-806 and the SIP narrative entitled "State of Vermont Air Quality Implementation Plan, February 1993" to meet the emission statement requirements of the Clean Air Act Amendments of 1990. Sections 5-801 through 5-806 were previously adopted by Vermont and became effective on April 20, 1988.

(C) Section 5-801 "Definitions," section 5-802 "Requirement for Registration," section 5-803 "Registration Procedure," section 5-804 "False or Misleading Information," section 5-805 "Commencement or Recommendation of Operation," and

section 5-806 "Transfer of Operation" effective on April 20, 1988.

(ii) Additional materials.

(A) Vermont's SIP narrative entitled "State of Vermont Air Quality Implementation Plan, February 1993" which addresses emission statement requirements not covered by sections 5-801 through 5-806.

(B) Letter dated October 5, 1994 from the Vermont Air Pollution Control Division which clarifies Vermont procedures in developing the emission statement information.

(C) Nonregulatory portions of the submittal.

8. In § 52.2381 Table 52.2381 is amended by adding a new entry to existing state citation "section 5-801" and adding new state citations "5-802 through 5-806" to read as follows:

§ 52.2381 EPA-approved Vermont State regulations.

* * * * *

TABLE 52.2381.—EPA-APPROVED RULES AND REGULATIONS

State citation, title and subject	Date adopted by state	Date approved by EPA	Federal Register citation	Section 52.2370	Comments and unapproved sections
* * * * * Section 5-801, Definitions	4/20/88	Jan. 10, 1995 ...	[Insert FR citation from published date].	(c)(21)	*
* * * * * Section 5-802, Requirement for Registration.	4/20/88	Jan. 10, 1995 ...	[Insert FR citation from published date].	(c)(21)	*
* * * * * Section 5-803, Registration Procedure.	4/20/88	Jan. 10, 1995 ...	[Insert FR citation from published date].	(c)(21)	*
* * * * * Section 5-804, False or Misleading Information.	4/20/88	Jan. 10, 1995 ...	[Insert FR citation from published date].	(c)(21)	*
* * * * * Section 5-805, Commencement or Recommendation of Operation.	4/20/88	Jan. 10, 1995 ...	[Insert FR citation from published date].	(c)(21)	*
* * * * * Sections 5-806, Transfer of Operation.	4/20/88	Jan. 10, 1995 ...	[Insert FR citation from published date].	(c)(21).	*

[FR Doc. 95-567 Filed 1-9-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 70

[NM002; FRL-5136-1]

Clean Air Act Interim Approval of Operating Permits Program; City of Albuquerque Environmental Health Department, Air Pollution Control Division

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is promulgating interim approval of the operating permits program submitted by the New Mexico Governor's designee, Mr. Lawrence Rael, for the City of Albuquerque as Chief Administrative Officer, and for Bernalillo County as the administrative head of the Albuquerque/Bernalillo County Operating Permits Program, for the