

dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000. Because of the reasons discussed in the Regulatory Evaluation above, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This final rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this final rule under the principles and criteria contained in Executive Order 12612 and has determined that this final rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this final rule and concluded that, under paragraph 2.B.2.e.(32)(e) of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under ADDRESSES.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard is amending 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g); section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. Section 117.621 is revised to read as follows:

§ 117.621 Fore River.

The draw of the Quincy Weymouth SR3A bridge, mile 3.5 between Quincy Point and North Weymouth, Massachusetts, shall open on signal, except that:

(a) From 6:30 a.m. to 9 a.m. and from 4:30 p.m. to 6:30 p.m., Monday through Friday, except holidays observed in the locality, the draw need not be opened.

(b) The draw shall open on signal at all times for self-propelled vessels greater than 10,000 gross tons.

Dated: December 30, 1994.

J.L. Linnon,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 95-564 Filed 1-10-95; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FL-049-2-5818a; FL-049-2-6132a; FL-058-5819a FRL-5133-9]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the Florida State Implementation Plan (SIP). These revisions were submitted to EPA through the Florida Department of Environmental Protection (FDEP) on January 8, 1993 and April 25, 1994. They revise regulations in Florida's SIP addressing new source review (NSR), non-control technology guidelines (non-CTG) for reasonably available control technology (RACT), and adds nitrogen oxide (NO_x) as a RACT requirement in the South Florida nonattainment area in Florida's SIP. This plan has been submitted by the FDEP as an integral part of the program to achieve and maintain the National Ambient Air Quality Standards (NAAQS) for ozone, carbon monoxide, nitrogen dioxide and sulfur dioxide. These regulations meet all of EPA requirements and therefore EPA is approving the SIP revisions.

DATES: This final rule will be effective March 13, 1995, unless adverse or critical comments are received by February 10, 1995. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments on this action should be addressed to Alan Powell, at the EPA Regional Office listed below.

Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

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, NE, Atlanta, Georgia 30365.

Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399.

FOR FURTHER INFORMATION CONTACT: Alan Powell, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4, Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30365. The telephone number is 404/347-3555 extension 4209. Reference file FL-49-5818.

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 classified by the severity of the ozone problem, and section 182 contains requirements for progressively more stringent control measures for each classification of higher ozone concentrations. The classification of an area in a specific category was based on the ambient air quality data obtained in the three year period 1987-1989. The Jacksonville area (Duval County) was classified as transitional because it did not have any ozone violations; the Tampa/St. Petersburg area (Hillsborough and Pinellas counties) area was classified as a marginal nonattainment area and the South Florida area (Broward, Palm Beach, and Dade counties) was classified as a moderate ozone nonattainment area. The SIP revisions address several of the CAA requirements for ozone nonattainment areas.

General

On January 8, 1993, and April 25, 1994, Florida submitted SIP revision packages containing regulations governing NSR, non-CTG RACT, NO_x RACT, emissions testing, air quality designations and gasoline vapor recovery. The regulations pertaining to emissions testings, air quality designations and gasoline vapor recovery have been addressed in separate **Federal Register** documents.

Rule 17-212, Stationary Preconstruction Review

The amendments to Rule 17-212, F.A.C., make changes to the new source review requirements for ozone. The original January 8, 1993, submittal also

included NSR for lead nonattainment. Since Florida does not have any lead nonattainment areas, the State withdrew this portion, and EPA will not act on it.

New definitions are incorporated for "Affected Pollutant," "Base Emission Limit," "Volatile Organic Compounds (VOCs), and "Significant Impact." Previously, the affected pollutant for ozone nonattainment areas was VOC only because the control of VOC emissions was considered the most effective way to attain the ambient standard. Recent studies suggest that the control of NO_x emissions may be effective and section 182(f) of the CAA requires the SIP to address major stationary sources of NO_x in addition to VOC. The revisions to this rule require proposed new or modified major sources of VOC or NO_x to obtain emissions reduction of VOC and NO_x from sources within the non-attainment area in order to offset the emission increase from the new source. The offset requirements are 1.1:1 for marginal nonattainment areas and 1.15:1 for moderate nonattainment areas. These requirements are consistent with EPA guidelines. Guidance on the new source review procedure are outlined in the April 16, 1992, General Preamble to the CAA.

Rule 17-296, Stationary Source Emission Standards

The air quality planning requirements for the reduction of NO_x emissions through RACT are set out in section 182(f) of the Clean Air Act. Section 182(f) requirements are described by EPA in a notice, "State Implementation Plans; Nitrogen Oxide Supplement to the General Preamble; Clean Air Act Amendments of 1990 Implementation of Title I; Proposed Rule," published November 25, 1992 (57 FR 55620). The notice outlines specific requirements for various ozone nonattainment areas. Specifically, the notice requires that provisions of subpart 182 of the CAA which apply to VOC shall also apply to NO_x. NO_x RACT is required for moderate ozone nonattainment areas by this rule. The November 25, 1992, notice should be referenced to for further information on the NO_x requirements and is incorporated into this proposal by reference.

Section 182(f) of the Clean Air Act requires States within moderate or above ozone nonattainment areas or the ozone transport region to apply the same requirements to major stationary sources of NO_x ("major" as defined in section 302 and section 182(c), (d), and (e)) as are applied to major stationary sources of VOCs. The EPA is approving the NO_x RACT rule for the South

Florida area because it meets the requirements of section 182(b)(2) of the Clean Air Act and conforms to the policy in the NO_x Supplement to the General Preamble, cited above. EPA is also approving the VOC RACT portion of the rule because it too meets the requirements of the CAA.

As noted, the moderate and above ozone nonattainment areas and areas in the ozone transport regions should have submitted, by November 15, 1992, provisions to assure that RACT is implemented (see section 182(b)(2)). States are expected to require final installation of the actual NO_x controls by May 31, 1995, for sources for which installation by that date is practicable. The NO_x Supplement to the General Preamble (57 FR 55623) contains a detailed discussion of EPA's interpretation of the RACT requirement. Florida's rule is consistent with these guidelines.

This rule applies to the 1990 Clean Air Act Amendment requirement for RACT for existing major sources of VOCs and NO_x in Florida's moderate non-attainment area. The original January 8, 1993, submittal to EPA did not contain source specific RACT standards and Florida received an objections letter from the State Joint Administrative Procedures Committee. In response to that letter, Florida has established source specific RACT standards which were submitted to EPA on April 25, 1994. The rule details specific NO_x emission limits as RACT standards for furnaces, turbines, cement plants, oil fired diesel generators and carbonaceous fuel burning equipment in Broward, Dade and Palm Beach Counties. The State also chose to include an emission limit for sources which are not covered by the specific limits; since the State has indicated that there are currently no sources in this category, approval of this limit does not set RACT precedent. The rule requires operations not equipped with continuous emissions monitors (CEMs) to demonstrate compliance through annual testing using EPA Reference Methods or other State approved methods. In addition to these NO_x specific requirements, the rule requires the use of low-VOC resin or thermal oxidation of emissions from the purge cycle for all resin coating operations. The only VOC source affected by section 182 of the CAA is a resin coating operation. Additional information on the specific emission limits may be found in the TSD. The rule also requires affected sources to propose a compliance schedule in which the facility complies with the RACT requirements no later than May 31,

1995. These changes are consistent with EPA guidance and meets the requirements for non-CTG RACT.

Final Action

EPA is approving the above referenced revision to the Florida SIP and is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective March 13, 1995, unless by February 10, 1995, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective March 13, 1995.

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 March 13, 1995. 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).)

The OMB has exempted these actions from review under Executive Order 12866.

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 not-for-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, 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, Lead, Nitrogen Oxide, Ozone, Reporting and recordkeeping requirements.

Dated: December 20, 1994.

Patrick M. Tobin,

Acting Regional Administrator.

Part 52 of chapter I, title 40, 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) (88) to read as follows:

§ 52.520 Identification of plan.

* * * * *

(c) * * *

(88) Revisions to the F.A.C. Chapters 17-212 and 17-296 which were effective February 2, 1993

(i) Incorporation by reference.

(A) Revision to F.A.C. 17-212, and 17-296 which were effective on : February 2, 1993. 17-212.100; 17-212.200 introductory paragraph, (5),(12),(57),(63)(e),(64),(75); 17-212.400 introductory paragraph,(2) introductory paragraph, (2)(f)3; 17-212.500(2)(a),

(2)(a) introductory paragraph, 2(a)2. introductory paragraph, 2(a)2.a., (2)(a)2.e.4.,(4)(b), (4)(c),(4)(d)1., (4)(d)2.a.-c., (4)(g), (5)(a), (5)(b)2.,4.-7.. 9.;17-296.200(13), (50), (198); 17.500 introductory paragraph,(1); 17-296.570(3).

(B) Revision to F.A.C. 17-296 which became effective on April 17, 1994. 17-296.500(1)(b), (2)(a)(1), (2)(b)(1), (2)(c), (6); 17-296.570(1-2), (4).

(ii) Other material.

(A) Letters of January 8, 1993 and April 25, 1994, from the Florida Department of Environmental Protection.

[FR Doc. 95-608 Filed 1-10-95; 8:45 am]

BILLING CODE: 6560-50-P

40 CFR Part 52

[OR35-1-6188a, OR43-1-6523a, OR36-1-6298a; FRL-5113-7]

Approval and Promulgation of Implementation Plans: Oregon

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: Environmental Protection Agency (EPA) is approving revisions to the State of Oregon's Air Quality Control Plan Volume 2 (The Federal Clean Air Act State Implementation Plan and Other State Regulations). Specifically, EPA is approving revisions to Oregon Administrative Rules (OAR) Chapter 340, Division 25 and revisions to Title 47 of Lane Regional Air Pollution Authority (LRAPA).

The revisions to Division 25, submitted to EPA on May 28, 1993, and November 15, 1993, and the revisions to Title 47, submitted on April 13, 1994, satisfy the requirements of section 110 of the Clean Air Act (CAA) and 40 CFR part 51.

DATES: This final rule is effective on March 13, 1995, unless adverse or critical comments are received by February 10, 1995. 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 & Radiation Branch (AT-082), EPA, 1200 Sixth 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, D.C. 20460. Copies of material submitted to EPA may be examined during normal

business hours at the following locations: EPA, Region 10, Air & Radiation Branch, 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: Rindy Ramos, Air & Radiation Branch (AT-082), EPA, Seattle, Washington 98101, (206) 553-6510.

SUPPLEMENTARY INFORMATION:

I. Background

The Oregon Department of Environmental Quality (ODEQ) submitted to EPA two separate revisions to OAR, Division 25 on May 28, 1993. A third, and separate revision, to Division 25 was submitted on November 15, 1993. In addition, ODEQ submitted a revision to Lane Regional Air Pollution Authority's (LRAPA) Title 47, Outdoor Open Burning, on April 13, 1994.

The first revision to Division 25, submitted May 28, 1993, became state effective on January 24, 1990. The submittal contained revisions to Oregon's Kraft Pulp Mill Rules (OAR 340-25-150 through 205) and Oregon's Neutral Sulfite Semi-Chemical (NSSC) Pulp Mills (OAR 340-25-220 through 234).

The second revision submitted on May 28, 1993, to Division 25 became state effective March 10, 1993. This revision contained editorial changes to the following rules: Wigwam Waste Burners (OAR 340-25-005 through 025), Hot Mix Asphalt Plants (OAR 340-25-105 through 125), Kraft Pulp Mills (OAR 340-25-150 through 205), Primary Aluminum Plants (OAR 340-25-255 through 285), Specific Industrial Standards (OAR 340-25-305 through 325), Regulations for Sulfite Pulp Mills (OAR 340-25-350 through 380), and Laterite Ore Production of Ferronickel (OAR 340-25-405 through 430). The editorial changes are considered housekeeping in nature.

A third revision to Division 25 submitted November 15, 1993, became state effective November 4, 1993. This submittal contained specific revisions to OAR 340-25-160, 222, 275, 310, and 420.

The revision to LRAPA's Title 47, Outdoor Open Burning, submitted on April 13, 1994, became state effective January 1, 1993. This submittal revised Sections 47-010, 47-015, 47-020, 47-025, and 47-030.