

the 24-hour NAAQS. Information supporting this analysis is contained in the docket supporting this notice.

#### *C. Open Burning, Field and Forestry Slash Burning*

Finally, the commenter expressed concern "about when open burning is allowed and that field and forestry slash burning be allowed to increase without good monitoring." Again the comment was only a general concern and did not provide any specific information to support it.

As discussed in the July 1, 1994, **Federal Register**, 59 FR 33914 and further explained in its technical support document, open, field and forestry slash burning activities either do not occur, are adequately controlled or are not allowed during the time period when exceedances of the 24-hour NAAQS typically occur.

#### **IV. Significance of Today's Action**

EPA is approving this plan revision submitted to EPA for the La Grande nonattainment area. Among other things, ODEQ has demonstrated that the La Grande moderate PM-10 nonattainment area will attain the PM-10 NAAQS by December 31, 1994. Note that this action includes approval of the contingency measures for the La Grande nonattainment area which take effect without further action by the State or EPA, upon a determination by EPA that the area has failed to make reasonable further progress (RFP) or attain the PM-10 NAAQS by the applicable statutory deadline.

#### **V. Administrative Review**

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).

The EPA has reviewed this request for revision of the federally-approved SIP for conformance with the provisions of the 1990 Clean Air Act Amendments enacted on November 15, 1990. The EPA has determined that this action conforms with those requirements.

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.

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. The OMB has exempted this regulatory action from E.O. 12866 review.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 17, 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), 42 U.S.C. 7607(b)(2)).

#### **List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter.

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

Dated: January 17, 1995.

**Chuck Clarke,**  
*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 MM—Oregon**

2. Section 52.1970 is amended by adding paragraph (c) (107) to read as follows:

#### **§ 52.1970 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(107) On November 15, 1991, the ODEQ submitted a PM-10 nonattainment area SIP for La Grande, Oregon.

(i) Incorporation by reference.

(A) November 15, 1991 letter from ODEQ to EPA Region 10 submitting the PM-10 nonattainment area SIP for La Grande, Oregon.

(B) PM-10 Control Strategy for Particulate Matter, October 1991, La Grande, Oregon Nonattainment Area, as adopted by the Environmental Quality Commission on November 8, 1991.

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#### **40 CFR Part 52**

[CA 14-15-6851; FRL-5145-4]

#### **Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Kern County Air Pollution Control District; Monterey Bay Unified 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 October 20, 1994 and October 21, 1994. The revisions concern rules from the Kern County Air Pollution Control District (KCAPCD) and the Monterey Bay Unified Air Pollution Control District (MBUAPCD). 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 rules control VOC emissions from solvent metal cleaning operations, gasoline transfer operations, storage of organic liquids, and steam drive wells. Thus, EPA is finalizing the approval of

these rules 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 March 17, 1995.

**ADDRESSES:** Copies of the 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 rules 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, Air Docket (6102), 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.

Kern County Air Pollution Control District, 2700 "M" Street, Suite 290, Bakersfield, CA 93301.

Monterey Bay Unified Air Pollution Control District, 24580 Silvercloud Court, Monterey, CA 93940.

**FOR FURTHER INFORMATION CONTACT:** Mae Wang, Rulemaking Section, 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 October 20, 1994 in 59 FR 52947, EPA proposed to approve the following rules into the California SIP: KCAPCD Rule 410.3, Organic Solvent Degreasing Operations, and Rule 412, Gasoline Transfer into Stationary Storage Containers, Delivery Vessels, and Bulk Plants. Both Rule 410.3 and Rule 412 were adopted by the KCAPCD on May 6, 1991 and were submitted by the California Air Resources Board (CARB) to EPA on May 30, 1991. The following rules from the MBUAPCD were proposed for approval on October 21, 1994 in 59 FR 53128: Rule 417, Storage of Organic Liquids, Rule 418, Transfer of Gasoline into Stationary Storage Containers, and Rule 427, Steam Drive Crude Oil Production Wells. These rules were adopted by the MBUAPCD on August 25, 1993, and were submitted by the CARB to EPA on November 18, 1993. A detailed discussion of the background for each of the above rules and nonattainment areas is provided in

the Notices of Proposed Rulemaking (NPRMs) 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 NPRMs 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 52947 and 59 FR 53128, 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 59 FR 52947 and 59 FR 53128. EPA did not receive any comments in response to these NPRMs.

**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 Office of Management and Budget 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: January 11, 1995.

**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 paragraphs (c) (185)(i)(A)(7) and (194)(i)(F) to read as follows:

**§ 52.220 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(185) \* \* \*

(i) \* \* \*

(A) \* \* \*

(7) Rule 410.3 and Rule 412, adopted on May 6, 1991.

\* \* \* \* \*

(194) \* \* \*

(i) \* \* \*

(F) Monterey Bay Unified Air Pollution Control District

(J) Rule 417, Rule 418, and Rule 427, adopted on August 25, 1993.

\* \* \* \* \*

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**40 CFR Part 52**

[PA37-1-6370a; FRL-5144-2]

**Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; SO<sub>2</sub>; Conewango Township, Warren County Implementation Plan**

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving a State implementation plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision provides for, and demonstrates, the attainment of the national ambient air quality standards (NAAQS) for sulfur oxides in the Conewango Township, Warren County nonattainment area. The implementation plan was submitted by Pennsylvania to satisfy the requirements of the Clean Air Act (CAA) pertaining to nonattainment areas. This action is being taken under section 110 of the Clean Air Act.

**DATES:** This action will become effective April 17, 1995 unless notice is received