

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 May 5, 1995, unless, by April 5, 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If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action.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 May 5, 1995.

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 population of less than 50,000.

SIP approvals under sections 110 and 301(a) 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 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: February 8, 1995.

Felicia Marcus,

Regional Administrator.

Subpart F of 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)(198)(i)(C) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(198) * * *

(i) * * *

(C) San Joaquin Valley Unified Air Pollution Control District

(1) Rule 4407, adopted on May 19, 1994.

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[FR Doc. 95-5342 Filed 3-3-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[MA-30-1-6846a; A-1-FRL-5158-4]

Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; VOC RACT for Brittany Dyeing and Printing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Massachusetts. This revision consists of a reasonably available control technology (RACT) Plan Approval for controlling volatile organic compound (VOC) emissions from Brittany Dyeing and Printing Corporation of New Bedford, Massachusetts. The intended effect of this action is to approve a source-specific RACT determination made by the Commonwealth of Massachusetts in accordance with commitments of its approved 1982 ozone attainment plan. This action is being taken in accordance with the Clean Air Act.

DATES: This final rule is effective May 5, 1995, unless notice is received by April

5, 1995 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments may be mailed to Linda M. Murphy, Director, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, JFK Federal Building, Boston, MA 02203. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, One Congress Street, 10th floor, Boston, MA; Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW., (LE-131), Washington, DC 20460; and Division of Air Quality Control, Department of Environmental Protection, One Winter Street, 8th Floor, Boston, MA 02108.

FOR FURTHER INFORMATION CONTACT:

Anne E. Arnold, (617) 565-3166.

SUPPLEMENTARY INFORMATION: On March 31, 1994, the Commonwealth of Massachusetts submitted a formal revision to its State Implementation Plan (SIP). The SIP revision consists of a reasonably available control technology (RACT) Plan Approval for controlling volatile organic compound (VOC) emissions from Brittany Dyeing and Printing Corporation of New Bedford, Massachusetts.

Background Information

On November 9, 1983 (48 FR 51480), EPA approved Massachusetts Regulation 310 CMR 7.18(17) "Reasonably Available Control Technology," as part of the Commonwealth of Massachusetts 1982 ozone attainment plan. This regulation requires the Massachusetts Department of Environmental Protection to determine and impose RACT on all facilities with the potential to emit one hundred tons per year or more of VOC that are not already subject to Massachusetts' regulations developed pursuant to the EPA Control Techniques Guideline (CTG) documents.¹

Summary of SIP Revision

On March 31, 1994, Massachusetts submitted a RACT Plan Approval for Brittany Dyeing and Printing. EPA has reviewed this Plan Approval against the

¹ On February 12, 1993, Massachusetts revised 310 CMR 7.18(17) to apply to 50 ton per year facilities pursuant to Section 182 of the Clean Air Act Amendments of 1990. This revised rule has not yet been approved into the Massachusetts SIP.

applicable statutory requirements and for consistency with EPA guidance. Massachusetts' Plan Approval and EPA's evaluation are detailed in a memorandum dated December 21, 1994, entitled "Technical Support Document—Massachusetts—Brittany Dyeing and Printing Corporation." Copies of that document are available, upon request, from the EPA Regional Office listed in the ADDRESSES section of this document. A summary of EPA's analysis is provided below.

Brittany has four 310 CMR 7.18(17) RACT applicable VOC emitting processes at its textile processing facility: fabric printing, fabric finishing, fabric dyeing, and process cleaning. Brittany's total 1990 VOC emissions were 172.1 tons.

Brittany has significantly reduced its VOC emissions by reformulating its printing pastes and finish formulations. Fabric printing and fabric finishing are the main source of VOC emissions at Brittany. Together these processes account for 93.6 percent of the facility's total 1990 VOC emissions. Although there is no CTG document for the fabric printing and finishing operations at Brittany, a CTG does exist for graphic arts printing (Control of Volatile Organic Emissions from Existing Stationary Sources—Volume VIII: Graphic Arts—Rotogravure and Flexography; EPA-450/2-78-033) which covers a printing process that is similar to the fabric printing and finishing operations at Brittany. This CTG recommends a 65 percent overall reduction in VOC emissions from packaging rotogravure and a 75 percent overall reduction for publication rotogravure when using add-on controls. Furthermore, EPA has determined that a 0.5 pounds of VOC per pound of solids emission limit constitutes RACT for flexographic and packaging rotogravure printing.

The DEP has determined that an emission limit of 0.5 pounds of VOC per pound of solids represents RACT for both the fabric printing and the fabric finishing processes at Brittany. These emissions limits, which are consistent with those imposed on facilities covered by the Graphic Arts printing CTG, are reasonable limits. The 0.5 pounds of VOC per pound of solids limits are also consistent with a previously approved RACT Plan for Duro Textile Printers of Fall River, Massachusetts (54 FR 46896).

DEP has also determined that an emissions limit of 0.5 pounds of VOC per pound of solids represents RACT for the fabric dyeing process at Brittany. One exception to this limit is allowed for Polyester Carrier. Once again, the 0.5 pounds of VOC per pound of solids limit appears reasonable. The exception

for Polyester Carrier is also considered acceptable in light of the following: (1) Fabric dyeing is responsible for only 0.7 percent of the facility's total 1990 emissions; and (2) DEP is also imposing a 0.4 tons of VOC per year cap on emissions from this product.

Finally, cleaning activities account for 5 percent of Brittany's total 1990 VOC emissions. EPA has recently published guidance on emissions from process cleaning (Alternate Control Techniques Document—Industrial Cleaning Solvents; EPA-453/R-94-015). This document indicates that the establishment of a solvents accounting or tracking system whereby actual solvent usage is tracked (rather than tracking only the total quantity purchased) leads to a reduction in emissions from cleaning activities. DEP is requiring that Brittany keep a separate daily VOC emissions log for cleaning activities and is also imposing annual caps on VOC emissions from specific cleaning products.

Brittany's compliance with the RACT requirements outlined above will be determined by the VOC content of its print pastes, finish formulations and dyes, and by the amount of solvent used per day. Brittany is required to keep daily records documenting the use of all VOC containing material.

EPA's review of Massachusetts' SIP revision indicates that the requirements contained in Massachusetts Plan Approval No. 4P92012 represent RACT for Brittany. EPA is, therefore, approving the March 31, 1994 Massachusetts SIP revision.

EPA 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, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective May 5, 1995 unless, by April 5, 1995, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by simultaneously 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 on May 5, 1995.

Final Action

EPA is approving Massachusetts' Plan Approval for Brittany Dyeing Printing Corporation which was submitted as a SIP revision on March 31, 1994. This Plan Approval imposes RACT on Brittany in order to reduce VOC emissions from this facility.

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 document 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 from the requirement 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 Table 3 SIP revisions. The OMB has agreed to continue the waiver until such time as it rules on U.S. EPA's request. This request continues in effect under Executive Order 12866 which superseded Executive Order 12291 on September 30, 1993.

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).

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.

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 May 5, 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).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Ozone.

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

Dated: February 9, 1995.

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 W—Massachusetts

2. Section 52.1120 is amended by adding paragraph (c)(104) to read as follows:

§ 52.1120 Identification of plan.

* * * * *

(c) * * *

(104) Revisions to the State Implementation Plan submitted by the Massachusetts Department of

Environmental Protection on March 31, 1994.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated March 31, 1994 submitting a revision to the Massachusetts State Implementation Plan.

(B) Final Plan Approval No. 4P92012, dated and effective March 16, 1994 imposing reasonably available control technology on Brittany Dyeing and Finishing of New Bedford, Massachusetts.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

3. In § 52.1167, Table 52.1167 is amended by adding new entries to existing state citation 310 CMR 7.18(17) to read as follows:

§ 52.1167 EPA-approved Massachusetts state regulations.

* * * * *

TABLE 52.1167—EPA-APPROVED RULES AND REGULATIONS

State citation	Title/subject	Date submitted by State	Date approved by EPA	Federal Register citation	52.1120(c)	Comments/unapproved sections
* 310 CMR 7.18(17)	* Reasonably Available Control Technology.	* 3/31/94	* March 6, 1995	* [Insert FR citation from published date].	* 104	* RACT for Brittany Dyeing and Finishing of New Bedford, MA.
*	*	*	*	*	*	*

[FR Doc. 95-5350 Filed 3-3-95; 8:45 am]
BILLING CODE 6560-50-P

40 CFR Part 52

[TX-47-1-6705a; FRL-5161-5]

Approval and Promulgation of Air Quality Implementation Plans; Texas; Revision to the State Implementation Plan Addressing Sulfur Dioxide in Harris County

AGENCY: Environmental Protection Agency (EPA).
ACTION: Direct final rule.

SUMMARY: This action approves a revision to the Texas State Implementation Plan (SIP) to include Agreed Orders limiting sulfur dioxide (SO₂) allowable emissions at certain nonpermitted facilities in Harris County, Texas. By approving these

Agreed Orders into the Texas SIP, along with approving a modeling demonstration showing attainment for the SO₂ National Ambient Air Quality Standards (NAAQS) in Harris County, and acknowledging that Harris County has more than two years of quality assured SO₂ monitoring data showing no violations of the SO₂ NAAQS, the EPA will not, at this time, designate Harris County, Texas nonattainment for the SO₂ NAAQS.

DATES: This final rule is effective on May 5, 1995 unless adverse or critical comments are received by April 5, 1995. If the effective date is delayed, timely notice will be published in the **Federal Register** (FR).

ADDRESSES: Written comments on this action should be addressed to Mr. Thomas H. Diggs, Chief, Planning Section, at the EPA Regional Office listed below. Copies of the documents relevant 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 twenty-four hours before the visiting day.

U.S. Environmental Protection Agency, Region 6, Air Programs Branch (6T-A), 1445 Ross Avenue, suite 700, Dallas, Texas 75202-2733.

U.S. Environmental Protection Agency, Air and Radiation Docket and Information Center, 401 M Street, SW., Washington, DC 20460

Texas Natural Resource Conservation Commission, 12124 Park 35 Circle, Austin, Texas 78753.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Sather, Planning Section (6T-AP), Air Programs Branch (6T-A), USEPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-7258.