

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 9

[FRL-5194-9]

OMB Approval Number Under the Paperwork Reduction Act; Regulation of Fuels and Fuel Additives

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical amendment; and confirmation of effective date.

SUMMARY: In compliance with the Paperwork Reduction Act, this document announces that the Information Collection Requirements (ICR) contained in the Regulations of Fuels and Fuel Additives; Fuel Quality Regulations for Highway Diesel Fuel Sold in 1993 and Later Calendar Years Interim Final Rule, as published in the **Federal Register** on July 14, 1994, have been approved by the Office of Management and Budget (OMB) and the affected subsection of the regulation is effective April 25, 1995. This document also displays the OMB control number issued under the Paperwork Reduction Act (PRA) in the OMB approval table.

EFFECTIVE DATE: 40 CFR 80.29(e), which contains ICRs, and the amendment to 40 CFR part 9 are effective April 25, 1995.

FOR FURTHER INFORMATION CONTACT: Paul N. Argyropoulos, Field Operations and Support Division, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, phone: (202) 233-9004.

SUPPLEMENTARY INFORMATION: EPA is today amending the table of currently approved information collection request (ICR) control numbers issued by OMB for various regulations. Today's amendment updates the table to accurately display those information requirements promulgated under the Regulations of Fuels and Fuel Additives, Fuel Quality Regulations for Highway Diesel Fuel Sold in 1993 and Later Calendar Years which appeared in the **Federal Register** on July 14, 1994 (59 FR 35854). The affected regulations are codified at 40 CFR 80.29(c). This display of the OMB control number and its subsequent codification in the Code of Federal Regulations satisfies the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and OMB's implementing regulations at 5 CFR 1320.

The information collection requirement was previously subject to public notice and comment prior to OMB approval. As a result, EPA finds

that there is "good cause" under the Administrative Procedure Act (5 U.S.C. 553(b)(B) and 5 U.S.C. 553(d)(3)) to amend this regulation without prior notice and comment. Also due to the technical nature of this revision, the Agency believes further notice and comment is unnecessary.

List of Subjects in 40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

Dated: December 21, 1994.

Carol M. Browner,
Administrator.

For the reasons set out in the preamble, title 40, chapter I is amended as follows:

PART 9—[AMENDED]

1. Part 9 is amended as follows:
a. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C. 135 *et seq.*, 136-136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601-2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1321, 1326, 1330, 1344, 1345, (d) and (e), 1361; E.O. 11735, 38 FR 21243; 3 CFR, 1971-1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g-1, 300g-2, 300g-3, 300g-4, 300g-5, 300g-6, 300j-1, 300j-2, 300j-3, 300j-4, 300j-9, 1857 *et seq.*, 6901-6992k, 7401-7671q, 7542, 9601-9657, 11023, 11048.

b. In §9.1 the table is amended by adding under the indicated heading an entry in numerical order to read as follows:

§9.1 OMB approvals under the Paperwork Reduction Act.

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REGULATION OF FUELS AND FUEL ADDITIVES

40 CFR citation	OMB control No.
* * * * *	* * * * *
80.29(c)	2060-0308

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[FR Doc. 95-10141 Filed 4-24-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Parts 9 and 80

[FRL-5194-8]

RIN 2060-AD71

OMB Approval Number Under the Paperwork Reduction Act; Regulation of Fuels and Fuel Additives

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical amendment; and confirmation of effective date.

SUMMARY: In compliance with the Paperwork Reduction Act, this document announces that the Information Collection Requirements (ICR) contained in the Interim Requirements for Deposit Control Gasoline Additives Final Rule, as published in the **Federal Register** on November 1, 1994, have been approved by the Office of Management and Budget (OMB) on December 16, 1994. The ICR recrements of this regulation are effective April 25, 1995. This document also displays the OMB control number issued under the Paperwork Reduction Act (PRA) in the OMB approval table.

EFFECTIVE DATE: 40 CFR 80.141(c)-(f), 80.157, 80.158 and 80.160 which contain information collection requirements (ICR) and the amendments to 40 CFR part 9, are effective April 25, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. Ervin B. Pickell, U.S. EPA, Office of Enforcement and Compliance Assurance, Western Field Office, 12345 West Alameda Parkway, Suite 214, Denver, CO 80228, Telephone: (303) 969-6476, FAX: (303) 969-6490.

SUPPLEMENTARY INFORMATION: EPA is today amending the table of currently approved information collection request (ICR) control numbers issued by OMB for various regulations. Today's amendment updates the table to accurately display those information requirements promulgated under the Interim Requirements for Deposit Control Gasoline Additives Final Rule, which appeared in the **Federal Register** on November 1, 1994 (59 FR 54678 *et seq.*) The affected regulations are codified at 40 CFR part 80, subpart G. EPA will continue to present OMB control numbers in a consolidated table format to be codified in 40 CFR part 9 of the Agency's regulations, and in each CFR volume containing EPA regulations. The table lists the section numbers with reporting and recordkeeping requirements, and the current OMB numbers. This display of the OMB control number and its subsequent codification in the Code of Federal Regulations satisfies the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and OMB's implementing regulations at 5 CFR 1320.

This ICR was previously subject to public notice and comment prior to OMB approval. As a result, EPA finds that there is "good cause" under section 553(b)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(B)) to amend this table without prior notice and comment. Due to the technical

nature of the table, further notice and comment would be unnecessary.

List of Subjects

40 CFR Part 9

Reporting and recordkeeping requirements.

40 CFR Part 80

Fuel additives, Motor vehicle pollution.

Dated: April 13, 1995.

Carol M. Browner,
Administrator.

For the reasons set forth in the preamble, title 40, chapter 1 is amended as follows:

PART 9—[AMENDED]

a. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C. 135 *et seq.*, 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1321, 1326, 1330, 1344, 1345, (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.*, 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

b. The table in § 9.1 is amended by adding under the indicated heading the new entries in numerical order to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

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REGULATION OF FUELS AND FUEL ADDITIVES

40 CFR citation	OMB control No.
* * *	*
80.141(c)–(f)	2060–0275
80.157	2060–0275
80.158	2060–0275
80.160	2060–0275
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[FR Doc. 95–10063 Filed 4–24–95; 8:45 am]
BILLING CODE 6560–50–P

40 CFR Part 52

[CA–82–1–6926; FRL–5195–9]

Clean Air Act Section 182(f) NO_x Exemption Petition; Monterey Bay Ozone Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is finalizing the approval of a petition submitted by the Monterey Bay Unified Air Pollution Control District (MBUAPCD) requesting that EPA grant an exemption for the Monterey Bay ozone nonattainment area (Monterey Bay) from the section 182(f) requirement to control major stationary sources of oxides of nitrogen (NO_x) emissions. EPA published a proposed action to approve the Monterey Bay NO_x exemption in the **Federal Register** on December 20, 1994. In accordance with the requirements of the Clean Air Act, as amended in 1990 (the Act or CAA), the EPA has determined that additional NO_x reductions from major stationary sources in Monterey Bay would not contribute to attainment of the national ambient air quality standard (NAAQS) for ozone. The approval of this action exempts Monterey Bay from implementing the NO_x requirements for reasonably available control technology (RACT), new source review (NSR), and the applicable general and transportation conformity and inspection and maintenance (I/M) requirements of the CAA. The EPA is finalizing approval of this action under provisions of the Act regarding plan requirements for nonattainment areas.

EFFECTIVE DATE: This action is effective as of April 12, 1995. The Administrative Procedure Act (APA) 5 U.S.C. 553(d)(1), permits the effective date of a substantive rule to be less than thirty days after publication of the rule if the rule “relieves a restriction”. Since the approval of the section 182(f) exemption for the Monterey Bay area is a substantive action that relieves the restrictions associated with the CAA title I requirements to control NO_x emissions, the NO_x exemption approval may be made effective upon signature by the EPA Administrator.

ADDRESSES: Copies of the petition and EPA’s evaluation report are available for public inspection at EPA’s Region IX office during normal business hours. Copies of the submitted petition 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 SW., Washington, DC 20460.

Monterey Bay Unified Air Pollution Control District, Rule Development Section, 24580 Silver Cloud Court, Monterey, CA 93940.

FOR FURTHER INFORMATION CONTACT: Wendy Colombo, Rulemaking Section, Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1202.

SUPPLEMENTARY INFORMATION:

Background

On December 20, 1994, EPA proposed to approve the Monterey Bay NO_x exemption petition, submitted by the MBUAPCD on April 26, 1994. 59 FR 65523. The exemption petition is based on ambient monitoring data and demonstrates that additional NO_x reductions in Monterey Bay would not contribute to attainment of the NAAQS for ozone. A detailed discussion of the background concerning the NO_x requirements and the submitted petition is provided in the notice of proposed rulemaking (NPRM) cited above.

EPA has evaluated the exemption petition for consistency with the requirements of the CAA, EPA regulations, and EPA interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in the NPRM cited above. EPA believes that the petition satisfies the applicable EPA requirements and is, therefore, exempting the Monterey Bay area from implementing the NO_x requirements for RACT, NSR, and the applicable general and transportation conformity and I/M requirements¹ of the CAA.

The proposal identifies two NO_x RACT source categories MBUAPCD has identified which encompass the major stationary sources of NO_x in the Monterey Bay nonattainment area.

Rules have been developed and submitted for these two categories, entitled, Rule 431, Emissions From Utility Power Boilers, and Rule 435, Control of Nitrogen Oxides From Kilns. EPA indicated in the NPRM that once the final approval of the NO_x waiver is granted, MBUAPCD would then rescind the two NO_x rules submitted for inclusion into the California SIP. This is not the intention of MBUAPCD with respect to one of these rules. MBUAPCD, in subsequently applying to EPA for redesignation to attainment of the NAAQS for ozone, has indicated that the emissions reductions achieved by rule 431 will form part of its ozone

¹ See “Scope of Nitrogen Oxides (NO_x) Exemptions,” from G.T. Helms, Group Leader, Ozone/Carbon Monoxide Programs Branch (MD–15), to the Air Branch Chiefs, January 12, 1995. “I/M Requirements in NO_x RACT Exempt Areas”, from Mary T. Smith, Acting Director, Office of Mobile Sources, to the Air Division Directors, October 14, 1994.