final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

Through submission of the State implementation plan or plan revisions approved in this action, the State has elected to adopt the program provided for under section 110 of the Clean Air Act. The rules and commitments being approved in this action may bind State, local and tribal governments to perform certain actions and also may ultimately lead to the private sector being required to perform certain duties. To the extent that the rules and commitments being approved by this action will impose or lead to the imposition of any mandate upon the State, local or tribal governments either as the owner or operator of a source or as a regulator, or would impose or lead to the imposition of any mandate upon the private sector, EPA's action will impose no new requirements; such sources are already subject to these requirements under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. The USEPA has also determined that this action does not include a mandate that may result in estimated costs or $100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

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 August 14, 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, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

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

Dated: May 15, 1995.

Valdas V. Adamkus,

Regional Administrator.

Title 40 of the Code of Federal Regulations, chapter I, part 52, subpart Y, is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

2. Section 52.1220 is amended by revising paragraph (c)(33)(i)(A) and by adding paragraph (c)(41) to read as follows:

§ 52.1220 Identification of plan.

* * * * *

(c) * * *

(33) * * *

(i) * * *

(A) Rules 7005.3020, 7005.3030, and 7005.3040, with amendments effective August 24, 1992.

* * * * *

(41) On December 22, 1994, Minnesota submitted miscellaneous amendments to 11 previously approved administrative orders. In addition, the previously approved administrative order for PM Ag Products (dated August 25, 1992) is revoked.

(i) Incorporation by reference.

(A) Amendments, all effective December 21, 1994, to administrative orders approved in paragraph (c)(29) of this section for: Ashbach Construction Company; Commercial Asphalt, Inc.; Great Lakes Coal & Dock Company; Harvest States Cooperatives; LaFarge Corporation; Metropolitan Council; North Star Steel Company; Rochester Public Utilities; and J.L. Shiely Company.

(B) Amendments, effective December 21, 1994, to the administrative order approved in paragraph (c)(30) of this section for United Defense, LP (formerly FMC/U.S. Navy).

(C) Amendments, effective December 21, 1994, to the administrative order approved in paragraph (c)(35) of this section for Northern States Power-Inver Hills Station.

[FR Doc. 95–14450 Filed 6–12–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Parts 52 and 62

[IA–13–1–6572a; FRL–5210–7]

Approval and Promulgation of Implementation Plans and Section 111(d) Plans; State of Iowa, Polk County

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: This final action approves the State Implementation Plan (SIP) revision submitted by the state of Iowa on behalf of Polk County, and approves the addition of an emissions limit for sulfuric acid mist from sulfuric acid manufacturing to Iowa's section 111(d) plan.

The state's revision involves modifications to the Polk County air pollution control rules. Polk County is an attainment area for all criteria pollutants. The Polk County air rules were revised to make them consistent with the state of Iowa's rules contained in the Iowa Administrative Code (IAC), which have been previously approved by EPA as meeting the requirements of the Clean Air Act.

DATES: This final rule is effective August 14, 1995 unless by July 13, 1995 adverse or critical comments are received.

ADDRESSES: Copies of the state submittal and the EPA-prepared technical support document (TSD) are available for public inspection during normal business hours at the Environmental Protection Agency, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101; and EPA Air and Radiation Docket and Information Center, 401 M Street, S.W., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Christopher D. Hess at (913) 551–7213.

SUPPLEMENTARY INFORMATION: Beginning with its initial submission in 1972, the state of Iowa has operated a Federally approved SIP pursuant to the requirements of the Clean Air Act (CAA). During the past two decades, numerous revisions and updates have been made to the SIP in response to new Federal requirements.

The state of Iowa's section 111(d) plan for the control of sulfuric acid mist emissions from existing sulfuric acid production plants and for the control of fluoride emissions from existing phosphate fertilizer plants was approved by EPA in a **Federal Register** notice, under the Code of Federal Regulations Part 62 (50 FR 52920), published December 27, 1985.

REVIEW OF STATE SUBMITTAL: On May 5, 1994, the state of Iowa submitted to EPA Polk County Ordinance No. 132, which

modifies the Polk County Board of Health regulation Chapter 5, Air Pollution. Polk County Ordinance No. 132, which was adopted by the Polk County Board of Supervisors on October 26, 1993, and became effective December 2, 1993, made a number of revisions to the Polk County air pollution control regulations. The state has provided evidence of control regulations. The state has provided evidence of the lawful adoption of regulations, public notice, and public hearing requirements.

The state has requested that these revisions be approved as a modification of the SIP, with the exception of the following articles and sections: Chapter V, Article VI, Section 5–16 (n) and (p) (Specific Emissions Standards); Chapter V, Article VIII (Emission of Odors; Slaughterhouses; Reduction of Animal Matter); and Chapter V, Article XIII (Variances). The revisions include air pollution control definitions that parallel those in the IAC and in various Federal requirements for state programs; for example, definitions relating to new source permitting.

Other revisions that were made in the Polk County air pollution control regulations include the following items.

1. Visible Emission Measurement. In Chapter V, Articles III and IV, Sections 5–6, 5–8, and 5–9, references to the Ringelmann Chart as a measure of visible emissions were deleted, leaving opacity as the standard by which visible emissions are measured. The opacity standard by which visible emissions are measured has not been modified from that in the approved SIP. The deletion of the Ringelmann Chart as a measure of visible emissions makes the requirements consistent with the EPA-approved, state rules, in chapter 23, sections 3(d) and 4(12).

2. Stack Testing. In Chapter V, Article VII, Section 5–18, the conditions that must be satisfied when stack emission tests are required were revised to include earlier notification of stack testing by equipment owners. The revisions make the requirements consistent with the state rule in chapter 25, section 1(7).

3. Fuel-Burning Permit Exemptions. In Chapter V, Article X, Sections 5–33 and 5–39, the capacity of fuel-burning equipment that is exempt from needing a permit was reduced from equipment with a capacity of less than 50 million Btu per hour input (in the previously approved SIP) to equipment with a capacity of less than 10 million Btu per hour input.

Additionally, the exemption from needing a permit for fuel-burning equipment for indirect heating with a capacity less than one million Btu per hour input when burning No. 1 or No. 2 fuel, exclusively, was deleted. These revisions expand the coverage of emission-control requirements for fuel-burning sources. In addition, the revisions make these local requirements consistent with the state rule in chapter 22, section 1(2).

4. Sulfuric Acid Emissions Limits. Polk County Ordinance No. 132 also sets emissions limits for sulfuric acid mist from sulfuric acid manufacturing. The sulfuric acid mist emissions limit, as set in the ordinance, is 0.5 pounds of sulfuric acid mist per ton of acid produced. This is identical to the limit contained in EPA's ''Final Guideline Document: Control of Sulfuric Acid Mist Emissions from Existing Sulfuric Acid Production Units'' (EPA–450/2–77–019).

For additional information on revisions made in the Polk County air pollution control regulations, the reader may refer to EPA's TSD prepared for this Iowa SIP revision.

EPA Action: EPA is taking final action to approve the revisions to the SIP and 111(d) plan submitted on May 5, 1994, for the state of Iowa, Polk County. As discussed previously, this does not include the rules contained in Chapter V, Article VI, Section 5–16(n) and (p); Chapter V, Article VIII; and Chapter V, Article XIII.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP or 111(d) plan. Each request for a revision to the SIP or 111(d) 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, and 111(d) plan approvals under section 111 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 and 111(d) plan approval do not impose any new requirements, EPA certifies that they do 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 these actions from review under Executive Order 12866.

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 14, 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)).

The 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 the **Federal Register** publication, the EPA is proposing to approve the SIP revisions and 111(d) plan revision should adverse or critical comments be filed.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent notice that will withdraw the final action. All public comments received will then be addressed in a subsequent 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.

List of Subjects in 40 CFR Parts 52 and 62

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: May 2, 1995.

Dennis Grams,

Regional Administrator.

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 Q—Iowa

2. Section 52.820 is amended by adding paragraph (c)(60) to read as follows:

§ 52.820 Identification of plan.

* * * * *

(c) * * *

(60) On May 5, 1994, the Director of the Iowa Department of Natural Resources submitted revisions to the State Implementation Plan (SIP) to update the state's incorporation by reference and conformity to various Federally approved regulations.

(i) Incorporation by reference.

(A) Revised rules, ''Polk County Ordinance No. 132—Polk County Board of Health Rules and Regulations,'' effective December 2, 1993. This revision approves all articles in Chapter V, except for Article VI, Section 5–16(n) and (p), Article VIII, and Article XIII.

(ii) Additional material.

(A) None.

PART 62—[AMENDED]

1. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart Q—Iowa

2. Section 62.3850 is amended by adding paragraph (b)(3) to read as follows:

§ 62.3850 Identification of plan.

* * * * *

(b) * * *

(3) Control of sulfur dioxide and sulfuric acid mist from sulfuric acid manufacturing plants in Polk County were adopted on October 26, 1993, and submitted on March 23, 1994.

* * * * *

[FR Doc. 95–14389 Filed 6–12–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 82

[FRL–5219–1]

RIN 2060–AF99

Protection of Stratospheric Ozone

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This final rule restricts or prohibits substitutes for ozone depleting substances (ODSs) under the U.S. Environmental Protection Agency (EPA) Significant New Alternatives Policy (SNAP) program. SNAP implements section 612 of the amended Clean Air Act of 1990 which requires EPA to evaluate and regulate substitutes for the ODSs to reduce overall risk to human health and the environment. Through these evaluations, SNAP generates lists of acceptable and unacceptable substitutes for each of the major industrial use sectors. The intended effect of the SNAP program is to expedite movement away from ozone depleting compounds while avoiding a shift into high-risk substitutes posing other environmental problems.

In this final rule, EPA is issuing decisions on the acceptability of certain substitutes proposed by the Agency on September 26, 1994 (59 FR 49108). To arrive at determinations on the acceptability of substitutes, the Agency completed a cross-media evaluation of risks to human health and the environment by sector end-use.

Public comments received regarding this rulemaking have been fully summarized and responded to in the relevant sector sections of this rule. Therefore, no separate comment response document has been developed to accompany this rulemaking. Copies of the eleven public comments received on the NPRM are available in the public docket supporting this final rule.

EFFECTIVE DATE: This rule is effective on July 13, 1995.

ADDRESSES: Materials relevant to the rulemaking are contained in Air Docket A–91–42, Central Docket Section, South Conference Room 4, U.S. Environmental Agency, 401 M Street, SW., Washington, DC 20460. The docket may be inspected between 8 a.m. and 5:30 p.m. weekdays. Telephone (202) 260–7549. As provided in 40 CFR part 2, a reasonable fee may be charged for photocopying.

FOR FURTHER INFORMATION CONTACT: The Stratospheric Ozone Information Hotline at 1–800–296–1996 between 10 a.m. and 4 p.m. Eastern Time or Sally Rand at (202) 233–9739 or fax (202) 233–9577, Substitutes Analysis and Review Branch, Stratospheric Protection Division, 401 M Street, SW (6205J), Washington, DC 20460.

SUPPLEMENTARY INFORMATION:

I. Background

On March 18, 1994, EPA promulgated a final rulemaking setting forth its plan for administering the SNAP program (59 FR 13044), and issued its initial list of decisions on the acceptability and unacceptability of a number of substitutes. Since the March 1994 rulemaking, EPA has continued to evaluate and approve substitutes as they are submitted to the program.

II. Section 612 Program

A. Statutory Requirements

Section 612 of the Clean Air Act authorizes EPA to develop a program for evaluating alternatives to ozone-depleting substances. EPA is referring to this program as the Significant New Alternatives Policy (SNAP) program. The major provisions of section 612 are:

- *Rulemaking*—Section 612(c) requires EPA to promulgate rules making it unlawful to replace any class I (chlorofluorocarbon, halon, carbon tetrachloride, methyl chloroform, methyl bromide, and hydrobromofluorocarbon) or class II (hydrochlorofluorocarbon) substance with any substitute that the Administrator determines may present adverse effects to human health or the environment where the Administrator has identified an alternative that (1) reduces the overall risk to human health and the environment, and (2) is currently or potentially available.
- *Listing of Unacceptable/Acceptable Substitutes*—Section 612(c) also requires EPA to publish a list of the substitutes unacceptable for specific uses. EPA must publish a corresponding list of acceptable alternatives for specific uses.
- *Petition Process*—Section 612(d) grants the right to any person to petition EPA to add a substitute to or delete a substitute from the lists published in accordance with section 612(c). The Agency has 90 days to grant or deny a petition. Where the Agency grants the petition, EPA must publish the revised lists within an additional 6 months.
- *90-day Notification*—Section 612(e) requires EPA to require any person who produces a chemical substitute for a class I substance to notify the Agency not less than 90 days before new or existing chemicals are introduced into interstate commerce for significant new uses as substitutes for a class I substance. The producer must also provide the Agency with the producer's unpublished health and safety studies on such substitutes.