

(J) Rule 234, adopted on April 25, 1995.

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[FR Doc. 95-22154 Filed 9-11-95; 8:45 am]

BILLING CODE 6560-50-W

#### 40 CFR Part 52

[AK-4-1-6027a, WA-7-1-5542a, WA-38-1-6974a; FRL-5277-9]

#### Clean Air Act Attainment Extensions for PM-10 Nonattainment Areas: Alaska and Washington

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

**ACTION:** Direct final rule.

**SUMMARY:** This action identifies those nonattainment areas in the State of Alaska and the State of Washington which have failed to attain the National Ambient Air Quality Standards (NAAQS) for particulate matter with an aerodynamic diameter of less than or equal to ten micrometers (PM-10) by the applicable attainment date. This action also serves to grant a 1 year attainment date extension for three nonattainment areas: Mendenhall Valley, Alaska; Spokane, Washington; and Wallula, Washington, for PM-10.

**DATES:** This action will be effective on November 13, 1995 unless adverse or critical comments are received by October 12, 1995. If the effective date is delayed, timely notice will be published in the **Federal Register**.

**ADDRESSES:** Copies of the State's request and other information supporting this proposed action are available for inspection during normal business hours at the following locations: EPA, Air & Radiation Branch (AT-082), 1200 Sixth Avenue, Seattle, Washington 98101; the Alaska Department of Environmental Conservation, 410 Willoughy, Suite 105, Juneau, Alaska, 99801-1795; and the Washington State Department of Ecology, P.O. Box 47600, PV-11, Olympia, WA 98504-7600.

**FOR FURTHER INFORMATION CONTACT:** Christi Lee, Environmental Scientist, Air & Radiation Branch (AT-082), EPA, Seattle, Washington, (206) 553-1814, or George Lauderdale, Environmental Protection Specialist, Air & Radiation Branch (AT-082), EPA, Seattle, Washington, (206) 553-6511.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

##### A. CAA Requirements Concerning Designation and Classification

Areas meeting the requirements of section 107(d)(4)(B) of the Act<sup>1</sup> were designated nonattainment for PM-10 by operation of law and classified "moderate" upon enactment of the 1990 Clean Air Act Amendments. See generally Section 107(d)(4)(B). These areas included all former Group I PM-10 planning areas identified in 52 FR 29383 (August 7, 1987), as further clarified in 55 FR 45799 (October 31, 1990), and any other areas violating the National Ambient Air Quality Standards (NAAQS) for PM-10 prior to January 1, 1989.<sup>2</sup> A **Federal Register** notice announcing the areas designated nonattainment for PM-10 upon enactment of the 1990 Amendments, known as "initial" PM-10 nonattainment areas, was published on March 15, 1991 (56 FR 11101), and a subsequent **Federal Register** notice correcting the description of some of those areas was published on August 8, 1991 (56 FR 37654). See 56 FR 56694 (November 6, 1991) and 40 CFR 81.303 and 40 CFR 81.348 (for codified air quality designations and classifications in the State of Alaska and Washington, respectively). All initial moderate PM-10 nonattainment areas have the same applicable attainment date of December 31, 1994.

States containing initial moderate PM-10 nonattainment areas were required to develop and submit to EPA by November 15, 1991, a SIP revision providing for, among other things, implementation of reasonably available control measures (RACM), including reasonably available control technology (RACT), and a demonstration either that the plan would provide for attainment of the PM-10 NAAQS by December 31, 1994 or that attainment by that date was impracticable. See Section 189(a).

##### B. Attainment Determinations

All PM-10 areas designated nonattainment pursuant to section 107(d)(4)(B) of the Act were initially classified "moderate" by operation of law upon enactment of the 1990 Clean Air Act Amendments. See Section 188(a). Pursuant to sections 179(c) and 188(b)(2) of the Act, EPA has the

responsibility of determining within six months of the December 31, 1994, attainment date whether PM-10 nonattainment areas have attained the NAAQS. Determinations under section 179(c)(1) of the Act are to be based upon an area's "air quality as of the attainment date." Section 188(b)(2) is consistent with this requirement. Generally, EPA will determine whether an area's air quality is meeting the PM-10 NAAQS for purposes of section 179(c)(1) and 188(b)(2) based upon data gathered at established State and Local Monitoring Stations (SLAMS) in the nonattainment area and entered into the Aerometric Information Retrieval System (AIRS). Data entered into the AIRS has been determined by EPA to meet federal monitoring requirements (see 40 CFR 50.6 and appendix J, 40 CFR part 53, 40 CFR 58, appendix A & B) and may be used to determine the attainment status of areas. EPA will also consider air quality data from other air monitoring stations in the nonattainment area provided that it meets the federal monitoring requirements for SLAMS. All data will be reviewed to determine the area's air quality status in accordance with EPA guidance at 40 CFR part 50, appendix K.

Attainment of the annual PM-10 standard is achieved when the annual arithmetic mean PM-10 concentration over a three-year period (1992, 1993 and 1994 for areas with a December 31, 1994 attainment date) is equal to or less than 50 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ). Attainment of the 24-hour standard is determined by calculating the expected number of days in a year with PM-10 concentrations greater than  $150 \mu\text{g}/\text{m}^3$ . The 24-hour standard is attained when the expected number of days with levels above  $150 \mu\text{g}/\text{m}^3$  (averaged over a three-year period) is less than or equal to one (1.0). Three consecutive years of air quality data is generally necessary to show attainment of the annual and 24-hour standard for PM-10. See 40 CFR part 50 and appendix K.

##### C. Extension of the Attainment Date

The Act provides the Administrator with the discretion to grant a one-year extension of the attainment date for a moderate PM-10 nonattainment area, provided certain criteria are met. See Section 188(d). If an area does not have the necessary number of consecutive years of clean air quality data to show attainment of the NAAQS, a State may apply for up to two one-year extensions of the attainment date for that area. The statute sets forth two criteria a moderate nonattainment area must satisfy in order to obtain an extension: (1) The State has complied with all the requirements and

<sup>1</sup>The 1990 Amendments to the Clean Air Act made significant changes to the Act. See Public Law No. 101-549, 104 Stat. 2399. References herein are to the Clean Air Act as amended ("Act" or "CAA"), which is codified at 42 U.S.C. § 7401 *et seq.*

<sup>2</sup>Many of these other areas were identified in footnote 4 of the October 31, 1990 **Federal Register** notice.

commitments pertaining to the area in the applicable implementation plan; and (2) the area had no more than one exceedance of the 24-hour PM-10 standard in the year preceding the extension year, and the annual mean concentration of PM-10 in the area for the year preceding the extension year is less than or equal to the standard. See Section 188(d).

The authority delegated to the Administrator to extend attainment dates for moderate PM-10 nonattainment areas is discretionary: Section 188(d) of the Act provides that the Administrator "may" extend the attainment date for areas that meet the minimum requirements specified above. The provision does not dictate or compel that EPA grant extensions to such areas even if these conditions are met.

In exercising this discretionary authority for PM-10 nonattainment areas, EPA examines, in addition to the two statutory criteria discussed above, the air quality planning progress made in the moderate area. See November 14, 1994 Memorandum from Sally L. Shaver, Director, Air Quality Strategies and Standards Division entitled "Criteria for Granting 1-Year Extensions of Moderate PM-10 Nonattainment Area Attainment Dates, Making Attainment Determinations, and Reporting on Quantitative Milestones." EPA is disinclined to grant an attainment date extension unless a State has, in substantial part, addressed its moderate PM-10 nonattainment area planning obligations. In order to determine whether the State has substantially met these planning requirements, EPA reviews the State's application for the attainment date extension to determine whether the State has: (1) Adopted and substantially implemented control measures that represent RACM/RACT in the moderate nonattainment area; and (2) demonstrated that the area has made emission reductions amounting to reasonable further progress (RFP) toward attainment of the PM-10 NAAQS as defined in section 171(1) of the Act. RFP for PM-10 nonattainment areas is defined in section 171(1) of the Act as annual incremental emission reductions to ensure attainment of the applicable NAAQS (PM-10) by the applicable attainment date.

If the State does not have the requisite number of years of clean air quality data to show attainment and does not apply or qualify for an attainment date extension, the area will be reclassified to serious by operation of law under section 188(b)(2) of the Act. If an extension of the attainment date is granted, at the end of the extension year

EPA will again determine whether the area has attained the PM-10 NAAQS. If the requisite three consecutive years of clean air quality data needed to determine attainment are not met for the area, the State may apply for a second one-year extension of the attainment date. In order to qualify for the second one-year extension of the attainment date, the State must satisfy the same requirements listed above for the first extension. In addition, EPA will consider the State's PM-10 planning progress for the area during the year for which the first extension was granted. If a second extension is granted and the area does not have the requisite three consecutive years of clean air quality data needed to demonstrate attainment at the end of the second extension, no further extensions of the attainment date can be granted and the area will be reclassified serious by operation of law. See Section 188(d).

## II. Summary of Today's Action

Today's action announces EPA's determination that the Mendenhall Valley, Alaska, PM-10 nonattainment area and the Spokane and Wallula, Washington, PM-10 nonattainment areas have each failed to attain the PM-10 NAAQS by the applicable attainment date of December 31, 1994. This determination is based upon air quality data which show there were violations of the PM-10 NAAQS in each of these areas during the period from 1992 to 1994.

The State of Alaska has requested a one-year extension of the PM-10 attainment date for the Mendenhall Valley nonattainment area. The State of Washington has requested a one-year extension of the PM-10 attainment date for both the Spokane PM-10 nonattainment area and the Wallula PM-10 nonattainment area. EPA has reviewed these extension requests and is granting a one-year extension of the attainment date for each area. This determination is based upon available air quality data and a review of the State's progress in implementing the planning requirements that apply to moderate PM-10 nonattainment areas.

### A. Mendenhall Valley, Alaska, PM-10 Nonattainment Area

The Mendenhall Valley PM-10 nonattainment area is located nine miles from downtown Juneau and is Juneau's largest residential area.

#### 1. Air Quality Data

The Mendenhall Valley nonattainment area has three PM-10 monitoring sites: Floyd Dryden, Glacier Auto and Trio Street. These SLAMS

sites were established in 1986, 1988, and 1989 respectively. Glacier Auto was discontinued in 1993. Sampling at the Floyd Dryden and Trio Street sites are every day. Sampling at Glacier Auto is every other day. Data from these sites have been deemed valid by EPA and submitted by the State of Alaska for inclusion in the AIRS system.

A review of the data for calendar years 1992, 1993 and 1994 for the Mendenhall Valley PM-10 nonattainment area shows no violation of the annual PM-10 standard. During this same three year period, the Trio monitor reported one measurement above the level of the 24-hour NAAQS in calendar year 1992 and three measurements above the level of the 24-hour NAAQS in calendar year 1993. There were no measured levels above the 24-hour NAAQS in calendar year 1994.

#### 2. Attainment of the PM-10 NAAQS

The Mendenhall Valley PM-10 nonattainment area does not attain the 24-hour PM-10 NAAQS. PM-10 concentrations reported from the SLAMS monitoring station at Trio Street exceeded the level of the NAAQS three times in 1993. Because of the sampling frequency, the expected exceedance rate for this three-year period is 3.07 (calculated in accordance with appendix K), which represents a violation of the 24-hour standard.

#### 3. Extension of Attainment Date

EPA is granting the State's request for a one-year extension of the attainment date, from December 31, 1994 to December 31, 1995, for the Mendenhall Valley PM-10 nonattainment area.

#### a. Compliance With Applicable SIP

Based on information available to EPA, EPA believes the State of Alaska is in compliance with all requirements and commitments in the applicable implementation plan that pertains to the Mendenhall Valley PM-10 nonattainment area. EPA has fully approved the State's moderate PM-10 nonattainment area plan as a SIP revision for the Mendenhall Valley PM-10 nonattainment area. (52 FR 13885). EPA believes that the State is meeting the requirements and commitments of the statewide SIP and is in compliance with the Mendenhall Valley PM-10 SIP revision.

#### b. Air Quality Data

As discussed above, there were no measured levels above the 24-hour NAAQS during calendar year 1994. The annual mean concentration of PM-10 was 21  $\mu\text{g}/\text{m}^3$  during 1994, well below

the standard. Therefore, the Mendenhall Valley PM-10 nonattainment area meets the extension criteria of no more than one exceedance of the 24-hour NAAQS and an annual mean concentration less than or equal to the standard for the year preceding the extension year.

#### c. Substantial Implementation of Control Measures

The State of Alaska has developed and implemented a significant control measure on the major PM-10 source within the Mendenhall Valley nonattainment area. The measure consists of controlling fugitive road dust by implementing a Valley-wide street paving project. The EPA determined this control measure met EPA's guidance for RACM/RACT for sources in the nonattainment area and approved the State's SIP revision on April 25, 1994 (52 FR 13885).

#### d. Emission Reduction Progress

On April 19, 1995, the State of Alaska submitted to EPA the milestone report required by section 189(c)(2) of the Act to demonstrate annual incremental emission reductions and reasonable further progress in the Mendenhall Valley area. In that report, which is contained in the docket supporting this rulemaking, the State discusses implementation of the control measures adopted as part of the control strategy in the SIP and the emission reductions that have been achieved as a result of the State's control strategy. At the end of 1994, 96 percent of the proposed road paving had been completed which reduced particulate emissions by 654 tons. EPA believes that the estimated reductions in emissions from the aggressive paving project demonstrates reasonable further progress in the Mendenhall Valley nonattainment area.

In summary, for the reasons discussed above, EPA is granting the State's request for a one-year extension of the attainment date for the Mendenhall Valley PM-10 nonattainment area from December 31, 1994 to December 31, 1995.

#### B. Spokane PM-10 Nonattainment Area

The Spokane PM-10 nonattainment area is an urban area located in the northeastern portion of the State of Washington.

##### 1. Air Quality Data

The Spokane nonattainment area has a relatively large PM-10 monitoring system. PM-10 monitoring began in 1985 and there are currently three SLAMS sites and one NAMS site in the urban area. Sampling frequencies are one sample every six days at two sites

and daily sampling at two sites. Data from all the sites have been deemed valid by EPA and submitted by the State of Washington for inclusion in the AIRS system.

A review of the data for calendar years 1992, 1993 and 1994 shows no violations of the annual PM-10 standard in the Spokane PM-10 nonattainment area. During this same three-year period, there were a total of nine reported measurements above the level of the 24-hour NAAQS at the NAMS monitoring site located near downtown Spokane which has historically exceeded the standard with greatest frequency. In calendar year 1992 there were five recorded values above the NAAQS in September and October. In 1993 a total of four values were above the NAAQS (two in March, one in September and one in November). The three other monitoring sites also recorded levels above the 24-hour NAAQS in 1992 and 1993. In calendar year 1994, there were no measurements at any site above the 24-hour NAAQS.

##### 2. Attainment of the PM-10 NAAQS

The Spokane PM-10 nonattainment area does not attain the 24-hour PM-10 NAAQS. Because of the sampling frequencies, the expected exceedance rate for the three-year period, at three of the sampling locations, is in violation of the 24-hour standard.

##### 3. Extension of Attainment Date

EPA is by this action proposing to grant the State's request for a one-year extension of the attainment date, from December 31, 1994 to December 31, 1995, for the Spokane PM-10 nonattainment area.

##### a. Compliance With Applicable SIP

Based on information available to EPA, EPA believes the State of Washington is in compliance with all requirements and commitments in the applicable implementation plan and statewide SIP requirements that pertain to the Spokane PM-10 nonattainment area. Although the State has submitted its moderate PM-10 nonattainment area plan as a SIP revision, EPA has not yet taken action on that plan. Therefore, the submitted plan is not yet an "applicable implementation plan" for the Spokane PM-10 nonattainment area.

##### b. Air Quality Data

As discussed above, there were no measured levels above the 24-hour NAAQS during calendar year 1994. The annual mean concentration of PM-10 was 38  $\mu\text{g}/\text{m}^3$  during 1994, well below the standard. Therefore, the Spokane PM-10 nonattainment area meets the

extension criteria of no more than one exceedance of the 24-hour NAAQS and an annual mean concentration less than or equal to the standard for the year preceding the extension year.

#### c. Substantial Implementation of Control Measures

The State of Washington, along with the local air pollution control agency, has developed and implemented several significant control measures on sources within the Spokane PM-10 nonattainment area. The State submitted these control measures to EPA as a SIP revision on November 15, 1991, and in supplemental submissions since that time. These measures consist of a comprehensive residential wood combustion program, including a mandatory woodstove curtailment program; stringent controls on fugitive road dust, including controls on winter road sanding and road paving program; and emission limits on point sources in the nonattainment area. EPA has conducted a preliminary review of these measures and believes that they substantially meet EPA's guidance for RACM, including RACT, for purposes of granting an extension under section 188(d) of the Act.

#### d. Emission Reduction Progress

On March 24, 1995, the State of Washington submitted to EPA the milestone report required by section 189(c)(2) of the Act to demonstrate annual incremental emission reductions and reasonable further progress in the Spokane area. In that report, a copy of which is available in the docket, the State discusses implementation of the control measures adopted as part of the control strategy in the SIP and the emission reductions that have been achieved as a result of the State's control strategy. EPA believes that the reductions in emissions from the sources demonstrates reasonable further progress in the Spokane nonattainment area.

In summary, for the reasons discussed above, EPA is granting the State's request for a one-year extension of the attainment date for the Spokane PM-10 nonattainment area from December 31, 1994 to December 31, 1995.

#### C. Wallula, Washington PM-10 Nonattainment Area

The Wallula PM-10 nonattainment area is located in rural south central Washington State.

##### 1. Air Quality Data

The Wallula nonattainment area has one PM-10 monitoring site located on a hill overlooking the small

unincorporated community of Wallula. The SLAMS site was established in 1986. Sampling frequency is one sample every six days. Data from this site has been deemed valid by EPA and submitted by the State of Washington for inclusion in the AIRS system.

A review of the data for calendar years 1992, 1993 and 1994 shows no violations of the annual PM-10 standard at the site. During this same three-year period, there were two reported measurements above the level of the 24-hour NAAQS. In calendar year 1993 there was one level above the NAAQS in May and in 1994 one level was recorded above the NAAQS in June.

## 2. Attainment of the PM-10 NAAQS

The Wallula PM-10 nonattainment area does not attain the 24-hour PM-10 NAAQS. PM-10 concentrations reported from the SLAMS monitoring station exceeded the level of the NAAQS twice from 1992 to 1994. Because of the sampling frequency, the expected exceedance rate represents a violation of the 24-hour standard.

## 3. Extension of Attainment Date

EPA is by this action is granting the State's request for a one-year extension of the attainment date, from December 31, 1994 to December 31, 1995, for the Wallula PM-10 nonattainment area.

### a. Compliance With Applicable SIP

Based on information available to EPA, EPA believes the State of Washington is in compliance with all requirements and commitments in the applicable implementation plan that pertains to the Wallula PM-10 nonattainment area. Although the State has submitted its moderate PM-10 nonattainment area plan as a SIP revision, EPA has not yet taken action on that plan. Therefore, the submitted plan is not yet an "applicable implementation plan" for the Wallula PM-10 nonattainment area.

### b. Air Quality Data

As discussed above, there was one measured level above the 24-hour NAAQS during calendar year 1994. The annual mean concentration of PM-10 was 36.4  $\mu\text{g}/\text{m}^3$  during 1994, well below the standard. Therefore, the Wallula PM-10 nonattainment area meets the extension criteria of no more than one exceedance of the 24-hour NAAQS and an annual mean concentration less than or equal to the standard for the year preceding the extension year.

### c. Substantial Implementation of Control Measures

The State of Washington has implemented control measures on sources within the Wallula PM-10 nonattainment area. The State submitted the control measures to EPA as a SIP revision on November 15, 1991, and in supplemental submissions since that time. The major control measure is the federal Food Security Act's provisions requiring development and implementation of conservation plans for participating farms. EPA has conducted a preliminary review of these measures and believes that they substantially meet EPA's guidance for RACM, including RACT, for purposes of granting an extension under section 188(d) of the Act.

### d. Emission Reduction Progress

On March 24, 1995, the State of Washington submitted to EPA the milestone report required by section 189(c)(2) of the Act to demonstrate annual incremental emission reductions and reasonable further progress in the Wallula area. In that report, the State discusses implementation of the control measures adopted as part of the control strategy in the SIP and the emission reductions that have been achieved as a result of the State's control strategy. EPA believes that the reductions demonstrate reasonable further progress in the Wallula nonattainment area.

In summary, for the reasons discussed above, EPA proposes to grant the State's request for a one-year extension of the attainment date for the Wallula PM-10 nonattainment area from December 31, 1994 to December 31, 1995.

## III. Executive order (EO) 12866

Under E.O. 12866, 58 FR 51735 (October 4, 1993) EPA is required to determine whether regulatory actions are significant and therefore should be subject to the Office of Management and Budget (OMB) review, economic analysis, and the requirements of the Executive Order. The Executive Order defines a "significant regulatory action" as one that is likely to result in a rule that may meet at least one of the four criteria identified in section 3(f), including, under paragraph (1), that the rule may "have an annual effect on the economy of \$100 million or more or adversely affect, in a material way, the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities."

The Agency has determined that the determinations of nonattainment and

attainment date extensions granted today would result in none of the effects identified in section 3(f). Under section 188(b)(2), findings of nonattainment and reclassification of nonattainment areas are based upon air quality considerations and must occur by operation of law in light of certain air quality conditions. They do not, in-and-of-themselves, impose any new requirements on any sectors of the economy. In addition, because the statutory requirements are clearly defined with respect to the differently classified areas, and because those requirements are automatically triggered by classifications that, in turn, are triggered by air quality values, the nonattainment determinations and reclassification cannot be said to impose a materially adverse impact on State, local, or tribal governments or communities. Attainment date extensions under section 188(d) of the Clean Air Act do not impose any new requirements on any sectors of the economy; nor do they result in a materially adverse impact on State, local, or tribal governments or communities.

## IV. Regulatory Flexibility

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.

Reclassification of nonattainment areas under section 188(b)(2) of the CAA and extensions of attainment dates under 188(d) do not create any new requirements. Therefore, because the federal SIP approval does not impose any new requirements, I certify that it does not have a significant impact on small entities.

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must assess whether various actions undertaken in association with proposed or final regulations 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.

EPA has determined, as discussed earlier in section "IV. Executive order (EO) 12866" of this notice, that the finding that is the subject of this final

action of failure to attain and grant of a one-year extension to the Mendenhall Valley, Alaska, and the Wallula and Spokane, Washington, PM-10 nonattainment areas do not impose any federal intergovernmental mandate, as defined in section 101 of the Unfunded Mandates Act. A finding that an area has failed to attain and should be granted a one-year extension of the attainment date consists of factual determinations based upon air quality considerations and the area's compliance with certain prior requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector result from this action. This action also will not impose a mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

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 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 November 13, 1995 unless, by October 12, 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 notice that will withdraw the final action. All public comments received will 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 November 13, 1995.

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 November 13, 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, Particulate matter, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: August 8, 1995.

**Charles Findley,**  
*Acting 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 C—Alaska

2. Section 52.82 is added to read as follows:

##### § 52.82 Extensions.

The Administrator, by authority delegated under section 188(d) of the Clean Air Act, as amended in 1990, hereby extends for one year (until December 31, 1995) the attainment date for the Mendenhall Valley, Alaska, PM-10 nonattainment area.

#### Subpart WW—Washington

2. Section 52.2472 is added to read as follows:

##### § 52.2472 Extensions.

The Administrator, by authority delegated under section 188(d) of the Clean Air Act, as amended in 1990, extends for one year (until December 31, 1995) the attainment date for the Spokane, Washington, PM-10 nonattainment area and the Wallula, Washington, PM-10 nonattainment area.

[FR Doc. 95-22160 Filed 9-11-95; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Parts 52 and 81

[LA-28-1-7053a, FRL-5292-6]

#### Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of Louisiana; Approval of the Maintenance Plan for St. James Parish; Redesignation of St. James Parish to Attainment

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

**ACTION:** Direct final rule.

**SUMMARY:** On December 15, 1994, the State of Louisiana submitted a revised maintenance plan and request to redesignate the St. James Parish ozone nonattainment area to attainment. This maintenance plan and redesignation request was initially submitted to the EPA on May 25, 1993. Although the EPA deemed this initial submittal complete on September 10, 1993, certain approvability issues existed. The State of Louisiana addressed these approvability issues and has revised its submissions. Under the Clean Air Act (CAA), nonattainment areas may be redesignated to attainment if sufficient data are available to warrant the redesignation and the area meets the other CAA redesignation requirements. In this action, EPA is approving Louisiana's redesignation request because it meets the maintenance plan and redesignation requirements set forth in the CAA, and EPA is approving the 1990 base year emissions inventory.

The approved maintenance plan will become a federally enforceable part of the State Implementation Plan (SIP) for Louisiana.

**DATES:** This action will become effective on November 13, 1995, unless notice is postmarked by October 12, 1995 that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the **Federal Register** (FR).

**ADDRESSES:** Comments should be mailed to Thomas H. Diggs, Chief, Air Planning Section (6PD-L), U.S. EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733. Copies of the State's petition and other information relevant to this action are available for inspection during normal hours at the following locations:

U.S. Environmental Protection Agency, Region 6, Air Planning Section (6PD-L), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733.

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