

revision submitted by the State of New Hampshire. This revision establishes and allows for extension of the date for the State of New Hampshire to meet the conditions delineated in the **Federal Register** of October 12, 1994 (59 FR 51514), from July 29, 1995, until November 14, 1995. New Hampshire must meet these conditions before the motor vehicle inspection and maintenance program can be approved. In the Final Rules Section of this **Federal Register**, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency believes this is a noncontroversial revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this proposal. Any parties interested in commenting on this proposal should do so at this time.

**DATES:** Comments must be received on or before October 12, 1995.

**ADDRESSES:** Comments may be mailed to Susan Studlien, Acting Director, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, JFK Federal Bldg., Boston, MA 02203. Copies of the State submittal and EPA's technical support document 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 and at the Air Resources Division, Department of Environmental Services, 64 North Main Street, Caller Box 2033, Concord, NH 03302-2033.

**FOR FURTHER INFORMATION CONTACT:** Peter Hagerty, (617) 565-3224.

**SUPPLEMENTARY INFORMATION:** For additional information, see the direct final rule which is located in the Rules Section of this **Federal Register**.

**Authority:** 42 U.S.C. 7401-7671q.

Dated: July 27, 1995.

**John P. DeVillars,**

*Regional Administrator, EPA-New England.*  
[FR Doc. 95-22166 Filed 9-11-95; 8:45 am]

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#### 40 CFR Part 52

[30-1-6372, VA32-1-5999; FRL-5294-1]

#### Approval and Promulgation of Air Quality Implementation Plans; Virginia; Proposed Approval of Revised Confidentiality Provisions; Proposed Approval and Disapproval of Minor New Source Permit Provisions

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve in part and disapprove in part State Implementation Plan (SIP) revisions submitted by the Commonwealth of Virginia. This action proposes approval of changes submitted by Virginia in March 1993 to the provisions governing confidentiality of information. This action proposes disapproval of the public participation requirements associated with the permitting of minor new sources, and proposes approval of all other revisions to Virginia's revised new source permit provisions. The intended effect of this action is to propose approval of those State provisions which meet the requirements of the Clean Air Act, and disapprove those State provisions which do not.

**DATES:** Comments must be received on or before October 12, 1995.

**ADDRESSES:** Comments may be mailed to Marcia L. Spink, Associate Director, Air Programs, Mailcode 3AT00, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

**FOR FURTHER INFORMATION CONTACT:** Harold A. Frankford, (215) 597-1325.

**SUPPLEMENTARY INFORMATION:** On March 18, 1993 and March 29, 1993, the Virginia Department of Environmental Quality submitted a series of amendments to its Regulations for the Control and Abatement of Air Pollution as formal revisions to its State Implementation Plan (SIP). These SIP revision submittals are described below.

#### I. March 18, 1993 Submittal

Virginia submitted revised provisions in Part II (General Provisions), Section 120-02-30 (Availability of Information) in order to establish criteria for

determining confidential information. A definition of "confidential information," including the criteria used to determine confidentiality, is added to Part I (General Definitions), Section 120-01-02 (Terms Defined).

Section 120-02-30 is revised to (1) emphasize that emissions data shall be available to the public without exception; (2) provide for criteria to determine whether information submitted by a regulated entity may be kept confidential; (3) substitute non-confidential information for confidential information, or challenge the request to keep information confidential; determine an owner who files confidential information which does not meet the established criteria to be in violation of Commonwealth law. Confidential information must meet the following criteria:

(1) The owner has taken measures in the past to keep such information confidential.

(2) The information has not been reasonably obtainable without the owner's consent by private citizens or other firms. (Exception: Information obtained through judicial discovery based on a showing of "special need" may still be kept confidential from the public.)

(3) Information may not be readily available from sources other than the owner.

(4) Disclosure of the information would cause "substantial harm" to the owner.

Virginia also submitted additional revisions to Parts I and II (General Provisions). EPA will act upon these revisions in a separate rulemaking action.

Virginia certified that public hearings were held on September 2, 1992 in Abingdon, Roanoke, Lynchburg, Fredericksburg, Richmond, Chesapeake, and Springfield.

#### EPA Evaluation

The determination of confidentiality provisions set forth in the definition of "confidential information" and the provisions of Section 120-02-30 have been revised to conform with the Virginia Administrative Code. EPA has determined that these revised provisions meet the requirements of 40 CFR Section 52.116(a), which requires states to make emissions data available for public inspection. However, should Virginia submit a SIP revision request on behalf of a source and submit information which has been judged confidential under the provisions of Section 120-02-30, Virginia must request EPA to consider confidentiality according to the provisions of 40 CFR

Part 2. EPA is obligated to keep such information confidential only if the criteria of 40 CFR Part 2 are met.

## II. March 29, 1993 Submittal

Virginia submitted revised provisions of Part VIII, Section 120-08-01 (Permits—new and modified stationary sources). Virginia has also revised Appendix R (Stationary Source Permit Exemption Levels) as part of this SIP revision request.

### Section 120-01-08A—Applicability

Section 120-08-01A.3 states that sources exempt from this section must still comply with all other applicable regulations, laws, ordinances and orders of governmental entities having jurisdiction (including the Federal government). In addition, any facility which is exempt from this section, but which exceeds the applicable emissions standard threshold of Part IV (as if it were an existing source) or the standard of performance threshold of Part V, shall still be subject to the more restrictive of these two provisions.

Section 120-08-01A.4 is added to state that increments of construction or modification, unless specifically part of an approved planned incremental construction/modification program, shall be added together to determine whether such activity is subject to the provisions of Section 120-08-01. This provision is currently found in Section V.B of SIP-approved Appendix R.

### Section 120-08-01B—Definitions

*Allowable emissions and potential to emit*—The revised wording makes clear that emission limitations must be both State and Federally enforceable.

*Commence*—from *cancelled to canceled*.

*Federally enforceable*—extends to *federally enforceable* operating permit programs.

*“Modification”*—(1) “Amount” is replaced with “uncontrolled emission rate”; (2) the revised definition clarifies that emissions associated with maintenance, repair and replacement activities which do not fall within the definition of “reconstruction” will not be considered “modifications” (3) the following exclusions are removed: use of an alternative fuel ordered under the 1974 Energy Supply and Environmental Coordination Act (ESECA), use of an alternative fuel ordered under section 125 of the Clean Air Act, and the change in ownership of an emissions unit.

### Section 120-08-01C—General

The provisions of current SIP Section 120-08-01.C.4 are deleted and replaced with the provisions of new Section 120-

08-01G. New Section 120-08-01C.4 is added to state that both the permit application and the permit itself may combine all applicable provisions of Sections 120-08-01, 120-08-02 and 120-08-03.

### Section 120-08-01D—Applications

The provisions of current SIP Section 120-08-01D.1, describing who is authorized to sign the permit application, is expanded and relocated in Section 120-08-01D.3. Section 120-08-01D.2 states that a single application should identify each emissions point in the emissions unit. Section 120-08-01D.4 provides the text of a statement which an applicant must sign certifying that the information is, to the best of the applicant's knowledge, true, accurate and complete. Section 120-08-01D.5 requires an applicant to provide a notice from the locality in which the source is located that the site and operation of the source are consistent with all local ordinances.

### SIP Section 120-08-01F—Standards for Granting Permits

This section is moved to Section 120-08-01H.

### Section 120-08-01F—Action on Permit Application (SIP Section 120-08-01G)

Section 120-08-01F.1 is rewritten to state that within 30 days of the receipt of a permit application, the board will notify the applicant as to the status of the application, including (1) a determination as to which provisions of part VIII are applicable; (2) identification of deficiencies; and (3) a determination as to whether the permit application contains sufficient information to begin review. This provision further distinguishes as to what is meant by “sufficient” (i.e., Virginia has enough information to begin review of the application), and what is meant by “complete” (i.e., Virginia has enough information to forward the application to the State Air Pollution Control Board for final review and analysis, as well as final decision).

The provisions in subsections 120-08-01F.2 through F.5 are rewritten or revised to reflect that all applicable public participation requirements are now spelled out in Section 120-08-01G.

### Section 120-08-01G—Public Participation

Section 120-08-01G consolidates the applicable public participation requirements that are currently located in SIP sections 120-08-01C.4. and 120-08-01G.2 through G.6. This section, as revised, applies to all major stationary sources or major modifications with a

net emissions increase of 100 tons per year of any single pollutant. In addition, Section 120-08-01G.4 specifies that applications from the following categories of sources shall be subject to a 30-day public comment period and if necessary, a public hearing:

(1) major stationary sources and modifications with a net emissions increase of 100 tons per year of any single pollutant, and which are not subject to the requirements of either Section 120-08-02 or 120-08-03; (2) stationary sources which have the potential for public interest concerning air quality issues; (3) stationary sources of which any provision of the permit would exceed the height allowed by the State's definition of good engineering practice (GEP).

### Section 120-08-01I—Application Review and Analysis

The provisions of SIP section 120-08-01I have been moved to this section.

### Section 120-08-01J (Former Section 120-08-01H)—Compliance Determination and Verification by Performance Testing

1. Section 120-08-01J.3 adds language specifying that the owner of a source is responsible for conducting initial source testing, as well as providing the State with written report stating the results of such testing.

2. Sections 120-08-01J.3, J.4, J.5, and J.6 contain revised provisions to conform with the revised organization of this subsection.

### Section 120-08-01K—Permit Invalidation, Revocation and Enforcement (SIP Title: Revocation of Permit)

1. Sections 120-08-01K.1 and K.3 contain revised provisions to conform with the revised organization of this subsection.

2. Sections 120-08-01K.4 through K.9 are added to specify conditions under which construction and operating permits would be subject to enforcement action (K.4), limiting terms and conditions (K.5.), revocation (K.6), suspension (K.7), and civil charges, penalties and other relief contained under the State's regulatory and statutory authority (K.8). Section 120-08-01K.9 provides that the State shall notify applications in writing of its decision and reasons to change, suspend, revoke, or invalidate a permit. Reasons for revoking a permit include: (1) Knowingly making misstatements on the permit application, (2) failing to comply with the terms and conditions of the permit, (3) failing to comply with any emission standards applicable to an

emissions unit included in the permit, (4) causing emissions which result in violations of any ambient air quality standard or applicable control strategy, including the SIP-enforceable emission limit in effect at the time that the application is submitted, and (5) failing to comply with the applicable provisions of Section 120-08-01. Although not specified in the language of Section 120-08-09K, EPA interprets the violation of an "applicable control strategy" to also include the violation of any applicable Prevention of Significant Deterioration (PSD) increment.

*Section 120-08-01L—Existence of Permit No Defense (SIP Section 120-08-01J); Section 120-08-01M—Compliance With Local Zoning Requirements (SIP Section 120-08-01K)*

There are no changes other than the new subsection designation within either of these sections.

*Section 120-08-01N—Reactivation and Permanent Shutdown (New)*

This section establishes provisions for determining what constitutes a permanent shutdown. Section 120-08-01.N.2 provides that if a source is shut down permanently, the State shall revoke the permit by written notification to the owner, and remove the source from its emissions inventory. If such source chooses to resume operation, then the owner must apply for another permit. Section 120-08-01N.3 provides that where the State determines that a source has not operated for a year or more, it shall notify the owner in writing of its intent to consider the shutdown as permanent. This section further provides that a source owner is entitled to a formal hearing on the State's determination. Section 120-08-01N.4 provides that nothing would prevent State and the source from making a mutual shutdown prior to any decision rendered at the formal hearing.

*Section 120-08-01O—Transfer of Permits (New)*

This section establishes provisions for notifying the State when a permitted source undergoes transfer of ownership or change to the source's name. This section further establishes that a permit may not be transferred from one location to another or from one piece of equipment to another, unless the source is considered a portable facility under Section VII of Appendix R.

*Section 120-08-01P—Circumvention*

There are no changes other than the new subsection designations within this section.

**Note:** The following provisions of Section 120-08-01 pertain to sources which are not covered by the SIP, and will not be either reviewed or evaluated as part of this SIP revision action:

Sections 120-08-01C.1.b, 120-08-01G.4.a, 120-08-04H.1, 120-08-04.I.2.

*Appendix R*

This Appendix, which replaces current SIP Section 2.33(g), defines and describes those source categories and thresholds which are either subject to or exempted from the provisions of Section 120-08-01. The provisions of Sections VI and IX of Appendix R pertain to sources which are not covered by the SIP, and will not be either reviewed or evaluated as part of this SIP revision action. New exemptions from the provisions of Section 120-08-01 include the following sources: (1) Solid fuel burning units with a maximum heat input of between 350,000 btu/hr and 1,000,000 btu/hr; (2) new sources of volatile organic compounds (VOC) with uncontrolled emission rates of less than 25 tons per year; modified VOC sources with uncontrolled emissions increases of less than 10 tons per year; (3) new sources of particulate matter (PM<sub>10</sub>) with uncontrolled emission rates of less than 15 tons per year; modified PM<sub>10</sub> sources with uncontrolled emissions increases of less than 10 tons per year; (4) new sources of sulfur dioxide (SO<sub>2</sub>) with uncontrolled emission rates of less than 40 tons per year; (5) new sources of nitrogen dioxide (NO<sub>2</sub>) with uncontrolled emission rates of less than 40 tons per year; (6) addition of, relocation of, or change to a woodworking machine within a wood product manufacturing plant; (7) all wood sawmills.

Virginia has certified that public hearings were held on July 8, 1992 for all of the above revisions in accordance with 40 CFR Section 51.102. The public hearing locations were Abingdon, Roanoke, Lynchburg, Fredericksburg, Richmond, Chesapeake, and Springfield.

*EPA Evaluation*

The Agency requirements for new source permitting are found in 40 CFR part 51, subpart I (Review of New Sources and Modifications), sections 51.160 through 51.166 inclusive. Section 120-08-01 is designed to apply to permitting procedures for "minor" new sources and modifications, i.e., sources who would need a permit to

construct or modify, but not be subject to the federally enforceable permitting requirements established for sources subject to PSD or new source review in nonattainment areas. EPA is satisfied that the threshold exemption levels established in Section 120-08-01 and Appendix R would not exempt sources which should be subject to the permitting procedures in the latter two categories. Furthermore, EPA is satisfied that the revised requirements in Section 120-08-01 are consistent with the criteria listed in § 51.160. Similarly, EPA is satisfied that exemptions specified in specific types of emissions (such as the exemption of vessel emissions when calculating secondary emissions) are consistent with the current requirements of 40 CFR part 51, specifically the definition of "secondary emissions" found in §§ 51.165(a)(1)(viii) and 51.166(b)(18).

The provisions of Section 120-08-01N, concerning shutdowns, pertain only to the procedural mechanisms for permit determinations. In order to determine whether it is appropriate for shutdown credits to be used in an attainment demonstration, Virginia has developed a system which keeps track of shutdowns, pursuant to Section 120-08-03. Therefore, EPA's evaluation only focuses on the shutdown mechanism and not the application of shutdown credits. The shutdown mechanisms found in Section 120-08-01N, are consistent with the criteria listed in § 51.160.

While the revised provisions of Section 120-08-01 represent an improvement over the current SIP provisions, one revision significantly relaxes a current SIP requirement. According to the requirements of 40 CFR sections 51.160 and 51.161, an approved SIP must contain legally enforceable procedures which provide for the opportunity for public comment on information submitted by owners and operators of all sources covered by Section 120-08-01. This requirement is addressed by the SIP-approved provisions of Section 120-08-01C.4.a. However, the revised provisions of Sections 120-08-01G.1 and -01G.4.b specifically exempt major modifications of less than 100 tons per year from the prescribed public participation requirements. Therefore, the revised provisions of Sections 120-08-01G.1 and -01G.4.b would no longer meet the public participation requirements of 40 CFR Section 51.161 since certain major modifications currently subject to the public participation requirements of SIP-approved Section 120-08-01 would now be exempt from such requirements. Therefore, EPA proposes disapproval of

Virginia's revised Sections 120-08-01G.1 and 120-08-01G.4.b. as revisions to the Virginia SIP.

The revisions to the provisions of Section 120-08-01 serve to strengthen its overall enforceability. The definitions of "allowable emissions" and "potential to emit" found in Section 120-08-01B. clearly state that the applicable emissions rates and emissions limits must be federally enforceable. In addition, the permit exemption thresholds listed in Appendix R are consistent with those listed in 40 CFR Sections 51.165 and 51.166. Those new and modified sources which would be covered by the provisions of Section 120-08-01 and which have the potential to emit of 100 tons or more per year consist of sources which are not covered by the provisions for PSD (e.g., categories of sources where the PSD applicability threshold is 250 tons per year or more) or new source review in nonattainment areas. Section 120-08-01D. clearly defines the "responsible official" required to sign any application form, report or compliance certification. The revised definition of "modification" has been strengthened now that the ESECA exemption that had been previously part of the SIP has now been removed. In addition, the enforceability has been strengthened since "uncontrolled emissions rate" is more definitive than "amount." The definition of "federally enforceable" has been expanded to include operating permits issued under a federally approved program.

Section 120-08-01K expands the conditions under which the State may revoke a construction permit issued under this section. Although Section 120-08-01K.6.d. does not specifically state that Virginia will revoke a permit because of violation of any applicable PSD increment, EPA can enforce such revocation under the premise that any violation of the PSD increment constitutes a violation of the SIP control strategy in effect at the time that the application is submitted.

The revisions to Section 120-08-01 are administrative and procedural in nature, and contain no emission limits. Therefore, the revised provisions in and of themselves will have no adverse impact on air quality.

Section 51.160(a) of 40 CFR part 51 requires states to set forth enforceable procedures making a state agency responsible to determine whether the construction or modification of a facility, building, structure or facility will result in either (1) violations of an applicable control strategy, or (2) interference with the attainment or maintenance of a standard in the state

where the source is to be located, or in a neighboring state. States may exempt certain sources and or source modifications from their permitting requirements if such exemptions would not violate the provisions of 40 CFR § 51.160(a). Virginia lists its size threshold and source category exemptions in Appendix R. The revised Appendix R expands the threshold and categories of new or modified sources which would be exempt from the permitting requirements of Section 120-08-01.

In its analysis supporting the revised exemption levels of Appendix R, Virginia states that wood sawmills and wood manufacturing operations now exempted from the permitting requirements of Section 120-08-01 are considered "small businesses" whose emissions are likely to be below the revised PM<sub>10</sub> threshold exemption levels and thus, will not significantly contribute to ambient levels of PM<sub>10</sub> standards. Virginia further states that such operations which meet the applicability requirements of Sections 120-08-02 (Major Stationary Sources and Major Modifications Locating in PSD Areas) or 120-08-03 (Major Stationary Sources and Major Modifications Locating in Nonattainment Areas) must still obtain a permit from Virginia. In addition, owners of sources exempted from the permitting provisions of Section 120-08-01 by Appendix R will not be relieved from the applicability requirements of Section 120-08-01A.3. as described above.

Except as noted below, EPA has determined that the revised threshold exemption levels established by Virginia and listed in Part II of Appendix R are stringent enough that the applicable national ambient air quality standards (NAAQS) and PSD increments will be protected, and that no applicable control strategy will be violated. EPA has concluded that the new and modified sources covered by the requirements of 40 CFR 52.21 and 52.24 contribute more significantly towards current ambient air quality levels. Although there currently are no PM<sub>10</sub> nonattainment areas in Virginia, EPA requests Virginia to expand on its analysis that the exemptions of wood sawmills and wood manufacturing operations from the permitting requirements of Section 120-08-01 (as stated in Appendix R) would meet the requirements of 40 CFR 51.160(a).

#### Proposed Action

EPA is proposing to approve the revised provisions of Sections 120-02-30 and 120-08-01 (except for Sections

120-08-01G.1 and -01G.4.a), as well as the definition of "confidential information." EPA is also proposing approval of the revised exemption levels of Appendix R, provided that Virginia supply additional documentation that the exemptions provided for wood manufacturing operations and wood sawmills are consistent with all applicable Agency criteria for minor new source permit programs. At the same time, EPA proposes to disapprove the public participation requirements set forth in Sections 120-01-08G.1 and -01G.4.a, and retain in its place the current Virginia SIP-approved public participation provisions of Section 120-08-01C.4.a.

EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA Regional office listed in the ADDRESSES section of this notice.

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 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 Clean Air Act 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, the Administrator certifies 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 flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such

grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (“Unfunded Mandates Act”), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under section 205, EPA the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that this proposed approval action does not include a Federal 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 proposed Federal action proposes approval of pre-existing requirements under State or local law, or retains currently-existing Federal requirements. This proposed action imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

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 R. Nichols, Assistant Administrator for Air and Radiation. The OMB has exempted this regulatory action from E.O. 12866 review.

The Administrator’s decision to approve or disapprove the SIP revision pertaining to Virginia’s confidentiality of information and minor new source permit provisions will be based on whether it meets the requirements of section 110(a)(2)(A)–(K) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51.

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

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

**Authority:** 42 U.S.C. 7401–7671q.

Dated: August 28, 1995.

**W. Michael McCabe,**

*Regional Administrator, Region III.*

[FR Doc. 95–22336 Filed 9–11–95; 8:45 am]

BILLING CODE 6560–50–P

#### 40 CFR Parts 52 and 81

[LA–28–1–7053b; FRL–5292–7]

#### 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:** Proposed rulemaking.

**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 again submitted this request. 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.

In the Final Rules Section of this **Federal Register**, the EPA is approving this redesignation request as a direct final rulemaking without prior proposal because the EPA views this action as noncontroversial and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this 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.

**DATES:** Comments on this proposed rule must be received in writing, postmarked by October 12, 1995. If no adverse comments are received, then the direct final rule will be effective on November 13, 1995.

**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:

Air and Radiation Docket and Information Center, U.S.

Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

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

Louisiana Department of Environmental Quality, Office of Air Quality, 7290 Bluebonnet Boulevard, Baton Rouge, Louisiana 70810.

Anyone wishing to review this petition at the Regional EPA office is asked to contact the person below to schedule an appointment 24 hours in advance.

**FOR FURTHER INFORMATION CONTACT:** Mr. Mick Cote, Air Planning Section (6PD–L), EPA Region 6, telephone (214) 665–7219.

**SUPPLEMENTARY INFORMATION:** See the information provided in the Direct Final Rule which is located in the Rules Section of this **Federal Register**.

#### List of Subjects in 40 CFR Parts 52 and 81

Environmental protection, Air pollution control, Area designations, Hydrocarbons, Incorporation by reference, Intergovernmental regulations, National Parks, Reporting and recordkeeping, Ozone, Volatile organic compounds, Wilderness areas.

Dated: August 24, 1995.

**A. Stanley Meiburg,**

*Acting Regional Administrator (6RA).*

[FR Doc. 95–22163 Filed 9–11–95; 8:45 am]

BILLING CODE 6560–50–P