

perform certain actions and also require the private sector to perform certain duties. The rules being approved by this action will impose no new requirements because affected sources are already subject to these regulations under State law. Therefore, no additional costs to State, local, or tribal governments or to the private sector result from this action. EPA has also determined that this final action does not include a mandate that may result in estimated costs of \$100 million or more to 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 Executive Order 12866 review.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: September 5, 1995.  
Felicia Marcus,  
Regional 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 D—Arizona**

2. Section 52.120 is amended by revising paragraph (c)(72) and by adding paragraphs (c) (79) and (80) to read as follows:

**§ 52.120 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*  
(72) New and amended plans and regulations for the following agencies were submitted on November 13, 1992 by the Governor's designee.

(i) Incorporation by reference.  
(A) Arizona Department of Environmental Quality.

(I) Small Business Stationary Source Technical and Environmental Compliance Assistance Program, adopted on November 13, 1992.

(B) Maricopa County Environmental Quality and Community Services Agency.

(I) Rule 340, adopted on September 21, 1992.

\* \* \* \* \*

(79) New and amended regulations for the following agencies were submitted on June 29, 1992 by the Governor's designee.

(i) Incorporation by reference.  
(A) Maricopa County Environmental Quality and Community Services Agency.

(I) Rule 353, adopted on April 6, 1992.

\* \* \* \* \*

(80) New and amended regulations for the following agencies were submitted on August 10, 1992 by the Governor's designee.

(i) Incorporation by reference.  
(A) Maricopa County Environmental Quality and Community Services Agency.

(I) Rules 331 and 333, adopted on June 22, 1992.

\* \* \* \* \*

[FR Doc. 96-1930 Filed 1-31-96; 8:45 am]  
BILLING CODE 6560-50-W

**40 CFR Part 52**

[CA 144-3-7121; FRL-5331-4]

**Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; San Joaquin Valley Unified Air Pollution Control District; South Coast Air Quality Management District**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

**SUMMARY:** EPA is finalizing the approval of revisions to the California State Implementation Plan (SIP) proposed in the Federal Register on March 28, 1995 and on April 20, 1995. The revisions concern San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) Rule 4403 and South Coast Air Quality Management District (SCAQMD) Rule 1164. SJVUAPCD Rule 4403 controls volatile organic compound (VOC) emissions from components at light crude oil and gas production facilities and at natural gas processing facilities. SCAQMD Rule 1164 covers VOC emissions from semiconductor manufacturing operations. This approval action will incorporate the

rules into the Federally approved SIP. The intended effect of approving these rules is to regulate VOC emissions in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In addition, this action will serve as a final determination that deficiencies identified by EPA in limited approval/limited disapproval actions on August 30, 1993 and September 29, 1993 have been corrected and that any sanctions or Federal Implementation Plan obligations are permanently stopped. EPA is finalizing the approval of these rules into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

**EFFECTIVE DATE:** This action is effective on March 4, 1996.

**ADDRESSES:** Copies of these rules and EPA's evaluation report for each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rules 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.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95814.

South Coast Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, CA 91765-4182.

San Joaquin Valley Unified Air Pollution Control District, 1999 Tuolumne Street, Suite 200, Fresno, CA 93721.

**FOR FURTHER INFORMATION CONTACT:** Mae Wang, Rulemaking Section (A-5-3), Air and Toxics Division, U.S.

Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1200.

**SUPPLEMENTARY INFORMATION:**  
Background

On March 28, 1995 in 60 FR 15891, EPA proposed to approve the following rule into the California SIP: SJVUAPCD Rule 4403, Components Serving Light Crude Oil and Gases at Light Crude Oil and Gas Production Facilities and Components at Natural Gas Processing Facilities. Rule 4403 was adopted by SJVUAPCD on February 16, 1995. On

April 20, 1995 in 60 FR 19701, EPA proposed to approve SCAQMD Rule 1164, Semiconductor Manufacturing, into the California SIP. SCAQMD Rule 1164 was adopted on January 13, 1995. Both of these rules were submitted by the California Air Resources Board (CARB) to EPA on February 24, 1995.

The rules were submitted in response to EPA's 1988 SIP-Call and the CAA section 182(a)(2)(A) requirement that nonattainment areas fix their reasonably available control technology (RACT) rules for ozone in accordance with EPA guidance that interpreted the requirements of the pre-amendment Act. A detailed discussion of the background for the above rules and nonattainment areas is provided in the appropriate Notice of Proposed Rulemaking (NPRM) cited above.

EPA has evaluated the above rules 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 NPRMs cited above. EPA has found that the rules meet the applicable EPA requirements. A detailed discussion of each rule and its evaluation has been provided in the NPRMs and in the technical support documents (TSDs) available at EPA's Region IX office. (TSDs dated March 7, 1995 and April 7, 1995, respectively.)

**Response to Public Comments**

A 30-day public comment period was provided in each NPRM. No comments were received regarding SCAQMD Rule 1164. EPA received letters from two commenters regarding SJVUAPCD Rule 4403. The comments, listed below, have not affected EPA's decision to take final approval action on this rule.

*Comment:* Annual inspection of flanges goes beyond RACT. Data are available which demonstrate that flange leaks are rare, and therefore annual flange inspections are not cost-effective. Flanges should be exempted from inspection requirements.

*Response:* A requirement that flanges be inspected annually is consistent with similar requirements in several other California district rules covering this source category. District rules are not precluded from requiring controls which may exceed Federal RACT. The SJVUAPCD is conducting a field study to gather additional data on the historical leak frequency of flanges in order to determine if the annual flange inspection requirement should be amended. If the District determines that this requirement should be amended, the District may revise Rule 4403 and

submit the revised version for incorporation into the SIP.

*Comment:* The definitions of "component" and "component type" should be amended to reference pump seals and compressor seals rather than the pump and compressor itself. The current definitions create enforcement confusion as to how a leak on a pump or compressor device will count towards the leak thresholds.

*Response:* SJVUAPCD is in the process of writing an enforcement policy to clarify and formalize the District's inspection practices regarding pumps and compressors.

*Comment:* Small oil and gas producers should be exempt from annual instrument inspection due to cost-effectiveness considerations.

*Response:* This concern, along with supporting evidence, should be presented to the SJVUAPCD in order for the District to determine if a small producer exemption is appropriate.

*Comment:* Rule 4403 should be amended prior to EPA's final rulemaking action.

*Response:* The decision to amend Rule 4403 lies with the SJVUAPCD. The current submitted version of Rule 4403 is consistent with the CAA and EPA policy. EPA has determined that it is appropriate to approve this rule into the SIP.

**EPA Action**

EPA is finalizing action to approve the above rules for inclusion into the California SIP. EPA is approving the submittals under section 110(k)(3) as meeting the requirements of section 110(a) and Part D of the CAA.

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.

**Regulatory Process**

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or 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 this state implementation plan or plan revision,

the State and any affected local or tribal governments have elected to adopt the program provided for under Section 110 of the Clean Air Act. These rules may bind State, local and tribal governments to perform certain actions and also require the private sector to perform certain duties. To the extent that the rules being finalized for approval by this action will impose no new requirements, such sources are already subject to these regulations under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. EPA has also determined that this final action does not include a mandate that may result in estimated costs of \$100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

The OMB has exempted this action from review under Executive Order 12866.

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

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: October 31, 1995.

Felicia Marcus,  
*Regional 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 F—California**

2. Section 52.220 is amended by adding paragraphs (c)(215)(i)(A)(4) and (c)(215)(i)(C) to read as follows:

**§ 52.220 Identification of plan.**

\* \* \* \* \*

- (c) \* \* \*
- (215) \* \* \*
- (i) \* \* \*
- (A) \* \* \*

(4) Rule 1164, adopted on January 13, 1995.

\* \* \* \* \*

(C) San Joaquin Valley Unified Air Pollution Control District.

(I) Rule 4403, adopted on February 16, 1995.

\* \* \* \* \*

[FR Doc. 96-1847 Filed 1-31-96; 8:45 am]

BILLING CODE 6560-50-W

## 40 CFR Part 52

[IN57-1-7204a; FRL-5333-9]

### Approval and Promulgation of Implementation Plans; Indiana

**AGENCY:** Environmental Protection Agency.

**ACTION:** Direct final rule.

**SUMMARY:** On August 25, 1995, the State of Indiana submitted a State Implementation Plan (SIP) revision request to the United States Environmental Protection Agency (USEPA) for open burning as part of the State's 15 percent (%) Rate of Progress (ROP) Plan control measures for Volatile Organic Compounds (VOC). VOC is one of the air pollutants which combine on hot summer days to form ground-level ozone, commonly known as smog. Ozone pollution is of particular concern because of its harmful effects upon lung tissue and breathing passages. These ROP plans are intended to bring areas which have been exceeding the public health based Federal ozone air quality standard closer toward the goal of attaining and maintaining this standard. The control measures specified in this open burning SIP revision prohibit residential open burning in Clark, Floyd, Lake, and Porter Counties beginning June 1, 1995. Indiana expects that these measures will reduce VOC emissions by 921 pounds per day in Lake and Porter Counties, and 704 pounds per day in Clark and Floyd Counties.

**DATES:** The "direct final" is effective on April 1, 1996, unless USEPA receives adverse or critical comments by March 4, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

**ADDRESSES:** Copies of the revision request and USEPA's analysis (Technical Support Document) are available for inspection at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone David Pohlman at (312) 886-3299 before visiting the Region 5 Office.)

Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Regulation Development Branch (AR-18J), U.S.

Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** David Pohlman at (312) 886-3299.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Section 182(b)(1) of the Act requires all moderate and above ozone nonattainment areas to achieve a 15 percent reduction of 1990 emissions of volatile organic compounds by 1996. In Indiana, Lake and Porter Counties are classified as "Severe" nonattainment for ozone, while Clark and Floyd Counties are classified as "Moderate" nonattainment. As such, these areas are subject to the 15 percent Rate of Progress (ROP) requirement. On August 25, 1995, the Indiana Department of Environmental Management (IDEM) submitted a SIP revision request which amends Title 326 Indiana Administrative Code Article 4 Rule 1 Section 3 (326 IAC 4-1-3), to include a ban on residential open burning in Clark, Floyd, Lake, and Porter Counties. In doing so, IDEM believes that these control measures will help reduce VOC emissions enough to meet the 15% ROP requirements. The USEPA is undertaking a separate analysis to determine whether the 15% ROP requirement has been met as a result of this and other States submissions, and will make that determination in a separate rulemaking action.

Public hearings were held on this rule on May 4, 1994, September 7, 1994, and April 5, 1995, in Indianapolis, Indiana. The rules were finally adopted by the Indiana Air Pollution Control Board on April 5, 1995, became effective on June 23, 1995, and were published in the Indiana Register on July 1, 1995.

##### II. Analysis of State Submittal

The USEPA first approved an Indiana open burning rule on June 22, 1978, (43 FR 26721) as rule APC-2. (Indiana has since recodified APC-2 as 326 IAC 4-1.) Changes in the rule since USEPA's approval include the addition of an exemption for prescribed burning by the Department of Natural Resources for wildlife habitat maintenance, forestry purposes, and Natural Area management (326 IAC 4-1-3(a)(8)), and an exemption for United States Department of the Interior burning in order to facilitate a National Park Service Fire Management Plan for the Indiana Dunes National Lakeshore (326 IAC 4-1-3(a)(9)). These exemptions have been in place on the State level for several years, but had not been

submitted for USEPA approval before the August 25, 1995, submittal.

The major change in the new rule is the addition of a ban on residential open burning for Clark, Floyd, Lake, and Porter Counties. The rule continues to allow residential open burning, with certain restrictions, in other parts of the State. There are no specific requirements or criteria for the USEPA to use in reviewing a ban against open burning. However, it is reasonable to conclude that this rule will provide reductions in VOC emissions. Therefore, this rule is approvable as part of Indiana's 15% ROP plan.

##### III. Final Rulemaking Action

Revised 326 IAC 4-1-3, contains a ban on residential burning in Clark, Floyd, Lake, and Porter Counties, and has been submitted as part of Indiana's 15% ROP Plan for VOC. The USEPA has undertaken an analysis of this SIP revision request based on a review of the materials presented by IDEM and has determined that it is approvable because it provides an enforceable mechanism for reducing VOCs and ozone. USEPA will take separate action on Indiana's ROP Plan in a future Federal Register document.

The USEPA is publishing this action without prior proposal because USEPA views this action as a noncontroversial revision and anticipates no adverse comments. However, USEPA is publishing a separate document in this Federal Register publication, which constitutes a "proposed approval" of the requested SIP revision and clarifies that the rulemaking will not be deemed final if timely adverse or critical comments are filed. The "direct final" approval shall be effective on April 1, 1996, unless USEPA receives adverse or critical comments by March 4, 1996. If USEPA receives comments adverse to or critical of the approval discussed above, USEPA will withdraw this approval before its effective date by publishing a subsequent Federal Register document which withdraws this final action. All public comments received will then be addressed in subsequent rulemaking. Please be aware that USEPA will institute another comment period on this action only if warranted by significant revisions to the rulemaking based on any comments received in response to today's action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, USEPA hereby advises the public that this action will be effective on April 1, 1996.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the