

made to the ADEM Administrative Code for the Air Pollution Control Program and include regulations to be incorporated into the SIP. EPA is approving the following revisions to the Alabama SIP. These revisions are more fully discussed in the official SIP submittal that is available at the Region IV office listed under the ADDRESSES section of this document.

Chapter 335-3-14—Air Permits was amended to incorporate federal requirements for particulate matter 10 µg or smaller (PM-10). The EPA changed the requirement for the Prevention of Significant Deterioration (PSD) increment from Total Suspended Particulate (TSP) to PM-10 because the Agency found that particulate matter 10 µg or smaller is able to cause adverse health effects in humans. Sections 335-3-14-.04 and 335-3-14-.05 were revised to reflect the change from TSP to the new PM-10 PSD increment.

Final Action

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 April 12, 1996 unless, by March 13, 1996, 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If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed rule published with this action. 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 April 12, 1996.

Under section 307(b)(1) of the Clean Air Act (CAA), 42 U.S.C. 7607(b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 12, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for 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) of the CAA, 42 U.S.C. 7607(b)(2)].

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.

SIP approvals under section 110 and subchapter I, part D 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 does not impose any new requirements, I certify 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 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) and 7410(k)(3).

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a revision to any SIP. Each request for revision to the SIP 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.

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 CAA. These rules may bind State, local and tribal governments to perform certain actions and also require the private sector to perform certain duties. EPA has examined whether the rules being approved by this action would impose no new requirements, since 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, and therefore there will be no significant impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter.

Dated: December 4, 1995.

Patrick M. Tobin,
Acting Regional Administrator.

Chapter I, title 40, *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 B—Alabama

2. Section 52.50 is amended by adding paragraph (c)(68) to read as follows:

§ 52.50 Identification of plan.

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(c) * * *

(68) The State of Alabama submitted a SIP submittal to revise the ADEM Administrative Code for the Air Pollution Control Program on August 14, 1995. These revisions involve changes to Chapter 335-3-14—Air Permits.

(i) Incorporation by reference.

(1) Amendments to the following sections of the Alabama regulations—335-3-14-.04, and 335-3-14-.05 which were adopted on March 21, 1995.

(ii) Other material. None.

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40 CFR Part 52

[AZ 43-1-7199; FRL-5336-5]

Approval and Promulgation of Implementation Plans; Arizona State Implementation Plan Revision, Maricopa County Environmental Services Department**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: EPA is finalizing the approval of revisions to the Arizona State Implementation Plan (SIP) proposed in the Federal Register on July 26, 1995. The revisions concern rules from the Maricopa County Environmental Services Department (MCESD). The rules control VOC emissions from rubber sports ball manufacturing and metal casting operations. This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In addition, the final action on these rules serves as a final determination that the finding of nonsubmittal for these rules has been corrected and that on the effective date of this action, any Federal Implementation Plan (FIP) clock is stopped. Thus, EPA is finalizing the approval of these revisions into the Arizona 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 13, 1996.

ADDRESSES: Copies of the 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, S.W., Washington, D.C. 20460.

Arizona Department of Environmental Quality, 3033 North Central Avenue, Phoenix, AZ 85012.

Maricopa County Department of Environmental Services, 2406 South 24th Street, Suite E-204, Phoenix, AZ 85034-6822.

FOR FURTHER INFORMATION CONTACT:

Duane F. James, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901, Telephone: (415) 744-1191, email: james.duane@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:**Background**

On July 26, 1995, in 60 FR 38293, EPA proposed to approve the following rules into the Arizona SIP: MCESD's Rule 334, "Rubber Sports Ball Manufacturing," and Rule 341, "Metal Casting" (the NPRM). The MCESD adopted Rule 334 on September 20, 1994, and Rule 341 on August 5, 1994. These rules were submitted by the Arizona Department of Environmental Quality to EPA on August 16, 1994 (Rule 341) and December 19, 1994 (Rule 334). These rules were submitted in response to EPA's 1988 SIP-Call and the CAA section 182(b)(2)(C) requirement that nonattainment areas submit RACT rules for all major stationary sources of VOCs by November 15, 1992 (the RACT catch-up requirement). A detailed discussion of the background for each of the above rules and nonattainment areas is provided in the NPRM cited above.

EPA has evaluated all of the above rules for consistency with the requirements of the CAA and EPA regulations and EPA interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in the NPRM cited above. EPA has found that the rules meet the applicable EPA requirements. A detailed discussion of the rule provisions and evaluations has been provided in the NPRM and in technical support documents available at EPA's Region IX office, dated March 27, 1995.

Response to Public Comments

A 30-day public comment period was provided in the NPRM. EPA received no comments on Rules 334 and 341.

EPA Action

EPA is finalizing action to approve the above rules for inclusion into the California SIP. EPA is approving the submittal under section 110(k)(3) as meeting the requirements of section 110(a) and Part D of the CAA. This approval action will incorporate these rules into the federally approved SIP. In addition, on the effective date of this action, any FIP clock associated with the finding of nonsubmittal is stopped. The intended effect of approving these rules is to regulate emissions of VOCs in accordance with the requirements 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

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 California was approved by the Director of the Federal Register on July 1, 1982.

Dated: November 8, 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)(77) and adding paragraph (c)(81) to read as follows:

§ 52.120 Identification of plan.

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(c) * * *

(77) Amended regulations for the following agency were submitted on December 19, 1994, by the Governor's designee.

(i) Incorporation by reference.
(A) Maricopa County Environmental Services Department.

(I) Rule 310, adopted on September 20, 1994.

(2) Rule 334, adopted on September 20, 1994.

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(81) Amended regulation for the following agency was submitted on August 16, 1994, by the Governor's designee.

(i) Incorporation by reference.

(A) Maricopa County Environmental Services Department.

(J) Rule 341, adopted on August 5, 1994.

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40 CFR Part 52

[CA 33-3-7130a; FRL-5339-7]

Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision, Santa Barbara County, Ventura County, Monterey Bay Unified, and Placer County Air Pollution Control Districts; and Yolo-Solano Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on revisions to the California State Implementation Plan (SIP). The revisions concern rules from the following districts: Santa Barbara County Air Pollution Control District (SBCAPCD), Ventura County Air Pollution Control District (VCAPCD), Monterey Bay Unified Air Pollution Control District (MBUAPCD), Yolo-Solano Air Quality Management District (YSAQMD), and Placer County Air Pollution Control District (PCAPCD). This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In addition, the final action on three of these rules, MBUAPCD's Rule 416, 433, and 434, serves as a final determination that the finding of nonsubmittal for the rules has been corrected and that on the effective date of this action, any Federal Implementation Plan (FIP) clock is stopped. The revised rules control VOC emissions from operations involving the following: the coating or assembly of aircraft or aerospace vehicle parts and products, the use of organic solvents and organic solvent cleaners, the coating of miscellaneous metal parts and

products, the application of adhesives, and the coating of flat wood paneling. Thus, EPA is finalizing the approval of these revisions 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.

DATES: This action is effective on April 12, 1996, unless adverse or critical comments are received by March 13, 1996. If the effective date is delayed, a timely notice will be published in the Federal Register.

ADDRESSES: Copies of the rule revisions 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 rule revisions 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, S.W., Washington, D.C. 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 92123-1095.

Placer County Air Pollution Control District, 11464 B Avenue, Auburn, CA 95603.

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

Santa Barbara County Air Pollution Control District, 26 Castilian Drive B-23, Goleta, CA 93117.

Ventura County Air Pollution Control District, 669 County Square Drive, Ventura, CA 93003.

Yolo-Solano Air Quality Management District, 1947 Galileo Court, Suite 103, Davis, CA 95616.

FOR FURTHER INFORMATION CONTACT: Helen Liu, 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) 744-1199.

SUPPLEMENTARY INFORMATION:

Applicability

The rules being approved into the California SIP include: SBCAPCD Rule 337—Surface Coating of Aircraft or Aerospace Vehicle Parts and Products, VCAPCD Rule 74.13—Aerospace Assembly and Component Manufacturing Operations, MBUAPCD Rule 416—Organic Solvents, MBUAPCD Rule 433—Organic Solvent Cleaning, MBUAPCD Rule 434—Coating of Metal Parts and Products, YSAQMD Rule 2.25—Metal Parts and Products Coating Operations, YSAQMD Rule 2.33—

Adhesives Operations, PCAPCD Rule 238—Factory Coating of Flat Wood Paneling.

Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 Act or pre-amended Act), that included the Santa Barbara, Ventura County, Monterey Bay, and Sacramento Metro areas. 43 FR 8964, 40 CFR 81.305. On May 26, 1988, EPA notified the Governor of California, pursuant to section 110(a)(2)(H) of the 1977 Act, that the above districts' portions of the California SIP were inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Public Law 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q. In amended section 182(a)(2)(A) of the CAA, Congress statutorily adopted the requirement that nonattainment areas fix their deficient reasonably available control technology (RACT) rules for ozone and established a deadline of May 15, 1991 for states to submit corrections of those deficiencies. In amended section 182(b)(2) of the CAA, Congress also statutorily required nonattainment areas to submit RACT rules for all VOC sources covered by any control technique guideline (CTG) by November 15, 1992 (the RACT "catch-up" requirement).

Section 182(a)(2)(A) applies to areas designated as nonattainment prior to enactment of the amendments and classified as marginal or above as of the date of enactment. It requires such areas to adopt and correct RACT rules pursuant to pre-amended section 172 (b) as interpreted in pre-amendment guidance.¹ EPA's SIP-Call used that guidance to indicate the necessary corrections for specific nonattainment areas. The Santa Barbara Area and the Monterey Bay Area are classified as moderate, the Ventura County Area and the Sacramento Metro Area are classified as severe;² therefore, these

¹ Among other things, the pre-amendment guidance consists of those portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 Federal Register Notice" (Blue Book) (notice of availability was published in the Federal Register on May 25, 1988); and the existing control technique guidelines (CTGs).

² The Santa Barbara, Ventura County, Monterey Bay, and Sacramento Metro areas retain their designation of nonattainment and were classified by