

action from Executive Order 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 6, 1995 unless, by October 5, 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If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action.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 6, 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 6, 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, Incorporation by reference, Small Business Assistance Program.

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

Dated: August 15, 1995.

Jane S. Moore,
Acting Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

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

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

Subpart C—Alaska

2. Section 52.70 is amended by adding paragraph (c) (20) to read as follows:

§ 52.70 Identification of plan.

* * * * *

(c) * * *

(20) On April 18, 1994, the Commissioner of the Alaska Department of Environmental Conservation (ADEC) submitted "The Alaska Air Quality Small Business Assistance Program State Air Quality Control Plan Amendment," adopted April 8, 1994, as a revision to the Alaska SIP.

(i) Incorporation by reference.

(A) Letter dated April 8, 1994, from the Commissioner of ADEC to the Regional Administrator of EPA, submitting "The Alaska Air Quality Small Business Assistance Program State Air Quality Control Plan Amendment" to EPA; the Alaska Air Quality Small Business Assistance Program State Air Quality Control Plan Amendment (which includes Appendix A the Alaska Statutes Title 46, Chapter 14, Article 3), dated April 1994, and adopted April 8, 1994.

(ii) Additional information.

(A) Letter dated July 24, 1995, from Alaska Department of Environmental Conservation, submitting information necessary for approval of the SBAP revision to EPA; the July 1995 SBAP Update, Responses to EPA Comments, and the Air Quality/Small Business Assistance Compliance Advisory Panel Board Information.

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BILLING CODE 6560-50-P

40 CFR Part 52

[AZ 17-1-6710; FRL-5279-8]

Approval and Promulgation of Implementation Plans; Arizona State Implementation Plan Revision, Maricopa County Environmental Services Department—Air Pollution Control

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 March 10, 1994. The revisions concern rules from the Maricopa County Environmental Services Department—Air Pollution Control (Maricopa County). 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). This final action serves as a final determination that the findings of non-submittal that were issued for these rules have been corrected and that any sanctions or Federal Implementation Plan (FIP) obligations triggered by such non-submittal are permanently stopped. These rules control VOC emissions from graphic arts printing and coating operations and from the storage, loading, and transport of organic liquids. Thus, EPA is finalizing the approval of these rules 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 DATES: This action is effective on October 5, 1995.

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 94105-3901.

Environmental Protection Agency, Air Docket (6102), 401 "M" Street SW., Washington, D.C. 20460.

Maricopa County Environmental Services Department, 2406 South 24th Street, Suite E-214, Phoenix, AZ 85034-6822.

Arizona Department of Environmental Quality, Air Quality Planning Office, 3003 N. Central Avenue, Fifth Floor, Phoenix, AZ 85004.

FOR FURTHER INFORMATION CONTACT: Erik H. Beck, Rulemaking Section, Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901. Telephone: (415) 744-1190. Internet E-mail: beck.erik@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

Background

On March 10, 1994, EPA proposed approval of the following rules into the Arizona SIP: 337 ("Graphic Arts"), 350 ("Storage of Organic Liquids at Bulk Plants and Terminals"), 351 ("Loading of Organic Liquids"), and 352 ("Gasoline Delivery Vessels"), as

adopted by Maricopa County on April 6, 1992 (Rules 337, 350, and 351) and November 16, 1992 (Rule 352). These rules were submitted by the Arizona Department of Environmental Quality to EPA on June 29, 1992 (Rules 337, 350, and 351) and February 4, 1993 (Rule 352). These 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 each of the above rules and nonattainment areas is provided in the Notice of Proposed Rulemaking (NPRM) cited above.

EPA has evaluated all of the above rules for consistency with the requirements of the CAA and with EPA's regulations and 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 requirements. A detailed discussion of the rule provisions and evaluations has been provided in 59 FR 11228 and in technical support documents (TSDs) available at EPA's Region IX office. These TSDs are dated: June 23, 1993 (Rule 337) and July 30, 1993 (Rules 350, 351, and 352).

Response to Public Comments

A 30-day public comment period was provided in 59 FR 11228. EPA did not receive comments on any of the rules.

EPA Action

EPA is finalizing action to approve the above rules for inclusion into the Arizona 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. The intended effect of approving these rules is to regulate emissions of VOCs in accordance with the requirements of the CAA.

On June 12, 1991 EPA notified Maricopa County that required elements of the SIP had not been submitted to EPA, thus beginning a FIP clock (under section 110(c) of the CAA) and a sanction clock (under section 179(a) of the CAA). These missing elements included the following source categories: Fixed Roof Storage (Rule 350), Gasoline Bulk Plants and Loading Terminals (Rule 351), Stage I: Service Stations Gasoline Transfer (Rule 353), and Graphic Arts (337). The section 179(a) sanction clock associated with

these elements was terminated upon submittal of the rules to EPA. This Final Rule permanently terminates the section 110(c) FIP clock that commenced upon Maricopa County's failure to submit rules 337, 350, and 351.

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.

Unfunded Mandates

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 Part D 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. 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.

Regulatory Process

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

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

Dated: August 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 adding paragraphs (c) (70) and (78) to read as follows:

§ 52.120 Identification of plan.

* * * * *

(c) * * *

(70) New and amended regulations for the Maricopa County Environmental Services Department—Air Pollution Control were submitted on June 29, 1992, by the Governor's designee.

(i) Incorporation by reference.

(A) New Rules 337, 350, and 351, adopted on April 6, 1992.

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(78) New and amended regulations for the Maricopa County Environmental Services Department—Air Pollution Control were submitted on February 4, 1993, by the Governor's designee.

(i) Incorporation by reference.

(A) New Rule 352, adopted on November 16, 1992.

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BILLING CODE 6560–50–P

40 CFR Part 52

[OR–31–1–5932a; FRL–5283–4]

Approval and Promulgation of Implementation Plans: Oregon

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) approves the State of Oregon Implementation Plan (SIP) revision submitted by the State of Oregon for the purpose of establishing a Small Business Stationary Source Technical and Environmental Compliance Assistance Program. The implementation plan was submitted by the State to satisfy the Federal mandate, found in Section 507 of the Clean Air Act (CAA or the Act), to ensure that small businesses have access to the