

offer the possibility that subsequent adjustments to the modeling results due to the completed model validation process, as well as the inclusion of area-specific and source category-specific emissions projection factors, may result in changes that could alter the conclusions presently reached with respect to the effects of NO_x reductions on nonattainment areas within the domain. Although this result seems highly unlikely, it does remain a possibility. In light of the above, EPA has concluded that the LADCo exemption demonstration is adequate to support the granting of a NO_x waiver. Therefore, pursuant to section 182(f)(3) of the Act, and based on the results provided by the modeling data that is available at this time, and on the modeling analyses' conformance to the criteria contained in relevant EPA guidance, including the Guideline, the EPA proposes to approve the LADCo NO_x exemption petition. The EPA reserves the right to reverse this approval to the extent necessary if subsequent modeling results, such as may be available through the final attainment demonstration submittal, or through any other subsequent modeling data, demonstrate that additional NO_x emission reductions will contribute to attainment of the ozone NAAQS in all or part of any nonattainment areas within the LMOS modeling domain. For a more detailed analysis of the petition, please see the August 22, 1994 technical support document entitled "Technical Review of a Four State Request for a Section 182(f) Exemption from Oxides of Nitrogen (NO_x) Reasonably Available Control Technology (RACT) and New Source Review (NSR) Requirements."

IV. Implication of Action

The EPA is proposing to approve the LADCo petition. If granted, the approval will exempt ozone nonattainment areas in the LMOS modeling domain from any applicable NO_x requirements set forth in the Act, such as those for NO_x RACT, NSR, I/M, and conformity. Therefore, the sanctions clocks currently underway for the applicable ozone nonattainment areas in the States of Illinois, Indiana, Michigan, and Wisconsin for failing to submit a complete NO_x RACT SIP will be stopped upon final approval of the exemption. The EPA reserves the right, however, to reverse the proposed approval if subsequent modeling, such as may be available through the final attainment demonstration, or any other subsequent modeling data, demonstrate an ozone attainment benefit from NO_x emission controls within all or part of the ozone nonattainment areas within the LMOS modeling domain. In that

case, the EPA would notify the States that the exemption no longer applies for the relevant nonattainment areas, and would also provide notice to the public in the **Federal Register**.

There are also consequences if the EPA disapproves the petition. The requirement to submit NO_x RACT rules and implement the NSR, conformity, and I/M NO_x requirements for the LMOS modeling domain area remain in place. Therefore, the sanctions clocks currently underway for the applicable ozone nonattainment areas in the States of Illinois, Indiana, Michigan, and Wisconsin for failing to submit a complete NO_x RACT SIP will not be stopped. As provided under section 179(a) of the Act, if the State did not make a complete submittal within 18 months after the finding of failure to submit, the EPA would be required to impose the requirements to provide two-to-one NSR offsets. If the State had not corrected its deficiency within 6 months after imposing the offset sanction, the EPA would impose a second sanction related to Federal highway funding restrictions. Any sanction the EPA imposes must remain in place until the EPA determines that the State has corrected the deficiency. In addition, the finding of failure to submit would trigger the 24-month clock for the EPA to impose a Federal Implementation Plan as provided under section 110(c)(1) of the Act.

V. Request for Public Comments

Interested parties are invited to submit comments on this petition and on EPA's proposed rulemaking action. Public comments received by the date indicated above will be considered in the development of the final rule.

VI. Regulatory Process

The Office of Management and Budget has exempted this rule from the requirements of section 6 of Executive Order 12866. 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, under 5 U.S.C. 605(b), the EPA may certify that the rule will not have a significant economic impact on a substantial number of small entities. See 46 FR 8709. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

Because any type of approval of a section 182(f) petition 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 Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Oxides of Nitrogen, Ozone, Reporting and recordkeeping requirements.

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

Dated: February 27, 1995.

Carol M. Browner,
Administrator.

[FR Doc. 95-5402 Filed 3-3-95; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Part 52

[MA-30-1-6846b; A-1-FRL-5158-5]

Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; VOC RACT for Brittany Dyeing and Printing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the Commonwealth of Massachusetts. This revision consists of a reasonably available control technology (RACT) Plan Approval for controlling volatile organic compound (VOC) emissions from Brittany Dyeing and Printing Corporation of New Bedford, Massachusetts. In the final rules section of this **Federal Register**, EPA is approving the Massachusetts' SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment 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 document. Any parties interested in commenting on this document should do so at this time.

DATES: Comments must be received on or before April 5, 1995.

ADDRESSES: Comments may be mailed to Linda M. Murphy, 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 Division of Air Quality Control, Department of Environmental Protection, One Winter Street, 8th Floor, Boston, MA 02108.

FOR FURTHER INFORMATION CONTACT: Anne E. Arnold, (617) 565-3166.

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: February 9, 1995.

John P. DeVillars,

Regional Administrator, Region I.

[FR Doc. 95-5351 Filed 3-3-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[TX-47-1-6705b; FRL-5161-6]

Approval and Promulgation of Air Quality Implementation Plans; Texas; Revision to the State Implementation Plan Addressing Sulfur Dioxide in Harris County

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA in this action proposes to approve a revision to the Texas State Implementation Plan (SIP) to include Agreed Orders limiting sulfur dioxide (SO₂) allowable emissions at certain nonpermitted facilities in Harris County, Texas. In the final rules section of this **Federal Register**, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment 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 this proposed rule, no further activity is contemplated in relation to this 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 by April 5, 1995.

ADDRESSES: Written comments on this action should be addressed to Mr. Thomas H. Diggs, Chief, Planning Section, at the EPA Regional Office listed below. Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least twenty-four hours before the visiting day.

U.S. Environmental Protection Agency, Region 6, Air Programs Branch (6T-A), 1445 Ross Avenue, suite 700, Dallas, Texas 75202.

Texas Natural Resource Conservation Commission, 12124 Park 35 Circle, Austin, Texas 78753.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Sather, Planning Section (6T-AP), Air Programs Branch (6T-A), USEPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-7258.

SUPPLEMENTARY INFORMATION: See the information provided in the direct final rule of the same title which is located in the final rules section of this **Federal Register**.

Dated: February 8, 1995.

William B. Hathaway,

Acting Regional Administrator.

[FR Doc. 95-5353 Filed 3-3-95; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Part 85

[FRL-5164-7]

Retrofit/Rebuild Requirements for 1993 and Earlier Model Year Urban Buses; Public Review of a Notification of Intent To Certify Equipment

AGENCY: Environmental Protection Agency.

ACTION: Notice of agency receipt of a notification of intent to certify equipment and initiation of 45 day public review and comment period.

SUMMARY: The Agency has received a notification of intent to certify urban bus retrofit/rebuild equipment pursuant to 40 CFR part 85, Subpart O. Pursuant to § 85.1407(a)(7), today's **Federal Register** notice summarizes the notification below, announces that the notification is available for public

review and comment, and initiates a 45-day period during which comments can be submitted. The Agency will review this notification of intent to certify, as well as comments received, to determine whether the equipment described in the notification of intent to certify should be certified. If certified, the equipment can be used by urban bus operators to reduce the particulate matter of urban bus engines.

DATES: Comments must be submitted on or before April 20, 1995.

ADDRESSES: Submit separate copies of comments to each of the two following addresses:

1. U.S. Environmental Protection Agency, Public Docket A-93-42 (Category V), Room M-1500, 401 M Street SW., Washington, DC 20460.
2. Anthony Erb, Technical Support Branch, Manufacturers Operations Division (6405J), 401 M Street SW., Washington, DC 20460.

This Engelhard notification of intent to certify, as well as other materials specifically relevant to it, are contained in the public docket indicated above. Docket items may be inspected from 8:00 a.m. until 5:30 p.m., Monday through Friday. As provided in 40 CFR part 2, a reasonable fee may be charged by the Agency for copying docket materials.

FOR FURTHER INFORMATION CONTACT: Anthony Erb, Manufacturers Operations Division (6405J), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Telephone: (202) 233-9259.

SUPPLEMENTARY INFORMATION:

I. Background

On April 21, 1993, the Agency published final Retrofit/Rebuild Requirements for 1993 and Earlier Model Year Urban Buses (58 FR 21359). The retrofit/rebuild requirements are intended to reduce the ambient levels of particulate matter (PM) in urban areas and are limited to 1993 and earlier model year (MY) urban buses operating in metropolitan areas with 1980 populations of 750,000 or more, whose engines are rebuilt or replaced after January 1, 1995. Operators of the affected buses are required to choose between two compliance programs: Program 1 sets particulate matter emissions requirements for each urban bus engine in an operator's fleet which is rebuilt or replaced; Program 2 is a fleet averaging program that sets out a specific annual target level for average PM emissions from urban buses in an operator's fleet.

A key aspect of this regulation is the certification of retrofit/rebuild