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 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 small entities. 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 or District 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. section 7410 (a)(2).

This action has been classified as a Table 2 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 an October 4, 1993 memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The OMB has exempted this regulatory action from E.O. 12866 review. 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 July 25, 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 approving the District of Columbia Emission Statement SIP submittal may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: January 25, 1995.

Peter H. Kostmayer,

Regional Administrator, Region III.

40 CFR part 52, subpart J of chapter I, title 40 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 J—District of Columbia

2. Section 52.470 is amended by adding paragraph (c)(32) to read as follows:

§ 52.470 Identification of plan.

* * * * *

(c) * * *

(32) Revisions to the District of Columbia Regulations State Implementation Plan submitted on October 22, 1993 by the Government of the District of Columbia Department of Consumer and Regulatory Affairs.

(i) Incorporation by reference.

(A) Letter of October 22, 1993 from the Government of the District of Columbia Department of Consumer and Regulatory Affairs transmitting a revised regulation which require owners of stationary sources to submit emission statements annually.

(B) D.C. ACT 10–56 amendments to District of Columbia Air Pollution Control Act of 1984, Section 20 DCMR 199, specifically the addition of new definitions, and the addition of Section 20 DCMR 500.7. Effective on September 30, 1993.

[FR Doc. 95–12927 Filed 5–25–95; 8:45 am]

BILLING CODE 6560–50–P

---

40 CFR Part 52

[ID12–1–6992a; FRL -5206–6]

Approval and Promulgation of Implementation Plans: State of Idaho

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: On August 25, 1994, the Environmental Protection Agency (EPA) issued a direct final rule approving the State Implementation Plan for the Pinehurst, Idaho, PM–10 (particulate matter with an aerodynamic diameter of less than or equal to a nominal ten micrometers) nonattainment area (59 FR 43745 (August 25, 1994)). In this rulemaking action, EPA is approving the provisions of that plan for the area just outside the City of Pinehurst which was designated nonattainment in January 1994.

EFFECTIVE DATE: This direct final rule will be effective on July 25, 1995 unless adverse or critical comments are received by June 26, 1995. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments should be addressed to: Montel Livingston, SIP Manager, EPA, Air & Radiation Branch (AT–082), 1200 Sixth Avenue, Seattle, Washington 98101.

Copies of material submitted to EPA may be examined during normal business hours at the following locations: EPA, Region 10, Air & Radiation Branch, 1200 Sixth Avenue (AT–082), Seattle, Washington 98101, and the State of Idaho Division of Environmental Quality, 1410 N. Hilton, Boise, ID 83720.

FOR FURTHER INFORMATION CONTACT: Doug Cole, EPA, Idaho Operations Office, 1435 N. Orchard St., Boise, ID 83706, (208) 334–9555.

SUPPLEMENTARY INFORMATION:

I. Background

On August 25, 1994, EPA issued a direct final rule approving the State Implementation Plan (SIP) for the Pinehurst PM–10 nonattainment area in Shoshone County, Idaho. *See* 59 FR 43745. The rule became effective October 24, 1994. In that document, EPA described its approval action as covering the Pinehurst, Idaho nonattainment area that was designated nonattainment for PM–10 and classified as moderate under sections 107(d)(4)(B) and 188(a) of the Clean Air Act upon enactment of the 1990 Clean Air Act Amendments (citing 56 FR 56694 (November 6, 1991)).[1] The document inadvertently failed to explain, however, that, effective January 20, 1994, EPA approved the redesignation of an additional area in Shoshone County, adjacent to the Pinehurst nonattainment area, as nonattainment for PM–10. *See* 58 FR 67334, 67339 (December 21, 1993) and 40 CFR 81.313 (codified air quality designations for the State of Idaho). Further, the August 25, 1994 document did not explain that the SIP revision submitted by Idaho to address certain moderate PM–10 nonattainment planning requirements for Pinehurst also applied to the adjacent moderate PM–10 nonattainment area.

II. This Action

In this action, EPA is approving the PM–10 SIP submitted by the State of Idaho on April 14, 1992 and described in the August 25, 1994 **Federal Register**

[1] The 1990 Amendments to the Clean Air Act made significant changes to the Act. *See* Public Law No. 101–549, 104 Stat. 2399. References herein are to the Clean Air Act, as amended (''Act'' or ''CAA''). The Clean Air Act is codified, as amended, in the U.S. Code at 42 U.S.C. 7401, et seq.

document (59 FR 43745), as meeting certain Clean Air Act moderate PM–10 nonattainment area planning requirements for the portion of the Shoshone County, Idaho nonattainment area outside the City of Pinehurst.

In the **Federal Register** document approving the redesignation of the area just outside the City of Pinehurst (hereinafter, the ''Pinehurst expansion area''), EPA noted that if the moderate area PM–10 SIP developed by the State for the City of Pinehurst also addressed the Pinehurst expansion area and was ultimately approved by EPA, it would satisfy the applicable planning requirements and therefore be unnecessary for the State to submit a separate moderate area plan addressing the Pinehurst expansion area. *See* 58 FR 67339. The control strategies, attainment demonstration and other plan elements of the SIP submitted by the State for the City of Pinehurst did in fact cover the nonattainment boundary as revised effective January 20, 1994, although EPA inadvertently failed to discuss this in its August 25, 1994 approval action. There are no differences in the manner in which the control strategies and other plan elements apply within the City of Pinehurst, on the one hand, and within the Pinehurst expansion area, on the other hand. The plan cites the resolution of the Pinehurst City Council supporting the voluntary wood burning curtailment program as a factor in the program's effectiveness. However, there is no reason to expect that the program would have less effect in the Pinehurst expansion area, which is just outside city limits. Additionally, the woodstove replacement and weatherizations programs are being applied to the Pinehurst expansion area. Therefore, the evaluation and conclusions in EPA's August 25, 1994 action approving the SIP for the City of Pinehurst apply equally to the Pinehurst expansion area. Thus, EPA is approving the Idaho SIP revision addressed in the August 25, 1994, **Federal Register** document as also satisfying certain moderate PM–10 nonattainment planning requirements for the additional PM–10 nonattainment area in Shoshone County referred to as the Pinehurst expansion area. *See* 40 CFR 81.313. EPA concludes that the State has satisfied the requirements calling for: reasonably available control measures (including reasonably available control technology); a demonstration that the area will attain the PM–10 national ambient air quality standards (NAAQS) as expeditiously as practicable; an accurate emissions inventory; and the other moderate PM–10 nonattainment planning requirements discussed in the August 25, 1994 **Federal Register** document and underlying documents. EPA is also determining that major stationary sources of PM–10 precursors do not contribute significantly to PM–10 levels in excess of the NAAQS in the Pinehurst expansion area and is therefore granting the exclusion from precursor control requirements set out at section 189(e) of the CAA. *See generally* CAA section 172 (c), 188 & 189; 57 FR 13498 (April 16, 1992) & 57 FR 18070 (April 28, 1992).

However, as indicated in the August 25, 1994 **Federal Register** document, the State has not satisfied the requirement for contingency measures for either the City of Pinehurst or the Pinehurst expansion area. *See* CAA section 172 (c)(9) and 59 FR at 43750–43751. Contingency measures for the City of Pinehurst were due on November 15, 1993 and the State has until July 13, 1995 to correct this deficiency for the City of Pinehurst or it will face federal highway or offset sanctions. *See* 57 FR 13543 & 59 FR 43751. Contingency measures for the Pinehurst expansion area are due July 20, 1995. *See* 58 FR 67341. The State's obligation to submit a permit program for the construction and operation of new and modified stationary sources of PM–10 (NSR program) in the Pinehurst expansion area by July 13, 1995, has been satisfied by the State's May 17, 1994 submittal of an NSR program covering all nonattainment areas in the State. EPA is currently in the process of reviewing the State's NSR program to determine if the program meets the requirements of the CAA. EPA intends to take action on Idaho's NSR program when EPA has completed its review.

For additional discussion of the control measures and other planning requirements contained in the SIP and EPA's analysis, please see the State submittal, EPA's approval of the plan for the City of Pinehurst (59 FR 43745) and the docket supporting that approval.

III. Administrative Review

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 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 Act, 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).

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 July 25, 1995 unless, within 30 days of its publication, adverse or critical comments are received.

If EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent notice 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 July 25, 1995.

The EPA has reviewed this request for revision of the federally-approved SIP for conformance with the provisions of the 1990 Clean Air Act Amendments enacted on November 15, 1990. The EPA has determined that this action conforms with those requirements.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for 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.

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225), as

revised by an October 4, 1993 memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The OMB has exempted this regulatory action from E.O. 12866 review.

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 July 25, 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, Particulate matter.

Dated: April 28, 1995.

Chuck Clarke,

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 N—Idaho

2. Section 52.670 is amended by revising paragraph (c)(28) introductory text to read as follows:

§ 52.670 Identification of plan.

* * * * *

(c) * * *

(28) On April 14, 1992, the State of Idaho submitted a revision to the SIP for Pinehurst, ID, for the purpose of bringing about the attainment of the national ambient air quality standards for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers. This submittal includes an additional area in Shoshone County adjacent to the City of Pinehurst which EPA designated nonattainment and moderate for PM–10 on January 20, 1994.

* * * * *

[FR Doc. 95–12929 Filed 5–25–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[SIPTRAX No. PA63–1–7032a; FRL–5211–1]

Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania: Determination of Attainment of Ozone Standard by the Pittsburgh-Beaver Valley and Reading Ozone Nonattainment Areas and Determination Regarding Applicability of Certain Reasonable Further Progress and Attainment Demonstration Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA has determined that the Pittsburgh-Beaver Valley and Reading ozone nonattainment areas have attained the National Ambient Air Quality Standard (NAAQS) for ozone. This determination is based upon three years of ambient air monitoring data for the years 1992–94 that demonstrate that the ozone NAAQS has been attained in these areas. On the basis of this determination, EPA is also determining that certain reasonable further progress and attainment demonstration requirements, along with certain other related requirements, of Part D of Title I of the Clean Air Act (CAA) are not applicable to these areas as long as these areas continue to attain the ozone NAAQS.

EFFECTIVE DATE: This action will become effective July 10, 1995 unless notice is received on or before June 26, 1995 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register**.

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.

FOR FURTHER INFORMATION CONTACT: Kathleen Henry, (215) 597–0545.

SUPPLEMENTARY INFORMATION:

I. Background

Subpart 2 of Part D of Title I of the Clean Air Act (CAA) contains various air quality planning and state implementation plan (SIP) submission requirements for ozone nonattainment areas. EPA believes it is reasonable to interpret provisions regarding reasonable further progress (RFP) and attainment demonstrations, along with certain other related provisions, so as not to require SIP submissions if an ozone nonattainment area subject to those requirements is monitoring attainment of the ozone standard (i.e., attainment of the NAAQS demonstrated with three consecutive years of complete, quality assured air quality monitoring data). As described below, EPA has previously interpreted the general provisions of subpart 1 of part D of Title I (sections 171 and 172) so as not to require the submission of SIP revisions concerning RFP, attainment demonstrations, or contingency measures. As explained in a memorandum dated May 10, 1995, from John S. Seitz, Director, Office of Air Quality Planning and Standards to the Regional Air Division Directors, entitled ''Reasonable Further Progress, Attainment Demonstration, and Related Requirements for Ozone Nonattainment Areas Meeting the Ozone National Ambient Air Quality Standard'', EPA believes it is appropriate to interpret the more specific RFP, attainment demonstration and related provisions of subpart 2 in the same manner.

First, with respect to RFP, section 171(1) states that, for purposes of part D of Title I, RFP ''means such annual incremental reductions in emissions of the relevant air pollutant as are required by this part or may reasonably be required by the Administrator for the purpose of ensuring attainment of the applicable national ambient air quality standard by the applicable date.'' Thus, whether dealing with the general RFP requirement of section 172(c)(2), or the more specific RFP requirements of subpart 2 for classified ozone nonattainment areas (such as the 15 percent plan requirement of section 182(b)(1)), the stated purpose of RFP is to ensure attainment by the applicable attainment date.[1] If an area has in fact attained the standard, the stated purpose of the RFP requirement will have already been fulfilled and EPA does not believe that the area need submit revisions providing for the

[1] EPA notes that paragraph (1) of subsection 182(b) is entitled ''PLAN PROVISIONS FOR REASONABLE FURTHER PROGRESS'' and that subparagraph (B) of paragraph 182(c)(2) is entitled ''REASONABLE FURTHER PROGRESS DEMONSTRATION,'' thereby making it clear that both the 15 percent plan requirement of section 182(b)(1) and the 3 percent per year requirement of section 182(c)(2) are specific varieties of RFP requirements.