

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 August 28, 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, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

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: June 6, 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 C—Alaska

2. Section 52.70 is amended by adding paragraph (c)(23) to read as follows:

§ 52.70 Identification of plan.

* * * * *

(c) * * *

(23) On March 24, 1994, ADEC submitted a SIP revision to EPA to satisfy the requirements of sections 187(a)(2)(A) and 187(a)(3) of the CAA, forecasting and tracking VMT in the Anchorage area.

(i) Incorporation by reference.

(A) March 24, 1994 letter from the Alaska Governor to the EPA Regional Administrator including as a revision to the SIP the VMT requirement in the Anchorage area, contained in ADEC's State Air Quality Control Plan, Volume III: Appendices, Modifications to Section III.B.6, III.B.8, III.B.10 and III.B.11, adopted January 10, 1994; and

further description on pages 10-14, 57-60 and 69-75 contained in ADEC's State Air Quality Control Plan, Volume III: Appendices, Modifications to Section III.B, III.B.1, and III.B.3, adopted January 10, 1994.

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40 CFR Part 52

[ME-23-1-6827a; ME-4-1-6848; A-1-FRL-5214-4]

Approval and Promulgation of Air Quality Implementation Plans; Maine; Gasoline Marketing Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Maine on July 6, 1994. This revision consists of several regulations which require the implementation of reasonably available control technology (RACT) for controlling volatile organic compound (VOC) emissions from gasoline marketing operations. The intended effect of this action is to approve the gasoline marketing regulations submitted by Maine on July 6, 1994 into the Maine SIP. Some of these regulations are being approved as a direct final action, while others are being approved as a final rulemaking action. This action is being taken in accordance with the Clean Air Act.

DATES: Section 52.1020(c)(35) will become effective July 31, 1995. Section 52.1020(c)(36) and the amendments to §§ 52.1022 and 52.1031 will become effective August 28, 1995, unless notice is received by July 31, 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 on Section 52.1020(c)(36) may be mailed to Susan Studlien, Acting Director, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, JFK Federal Building, Boston, MA 02203. Copies of the documents relevant to this action 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; Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401

M Street, S.W., (LE-131), Washington, D.C. 20460; and the Bureau of Air Quality Control, Department of Environmental Protection, 71 Hospital Street, Augusta, ME 04333.

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

SUPPLEMENTARY INFORMATION: On July 11, 1994, EPA received a formal State Implementation Plan (SIP) submittal from the Maine Department of Environmental Protection (DEP) containing the following regulations: Chapter 100 "Definitions Regulation" Chapter 112 "Petroleum Liquids Transfer Vapor Recovery" Chapter 118 "Gasoline Dispensing Facilities Vapor Control" Chapter 120 "Gasoline Tank Truck Tightness Self-Certification" Chapter 133 "Petroleum Liquids Transfer Vapor Recovery at Bulk Gasoline Plants"

These regulations had been recently adopted (or amended) pursuant to the requirements of Sections 182(b)(2) and 184(b)(1)(B) of the Clean Air Act (CAA).

Background

Under the pre-amended Clean Air Act, ozone nonattainment areas were required to adopt RACT rules for sources of VOC emissions. EPA issued three sets of control technique guidelines (CTGs) documents, establishing a "presumptive norm" for RACT for various categories of VOC sources. The three sets of CTGs were (1) Group I—issued before January 1978 (15 CTGs); (2) Group II—issued in 1978 (9 CTGs); and (3) Group III—issued in the early 1980's (5 CTGs). Those sources not covered by a CTG were called non-CTG sources. EPA determined that the area's SIP-approved attainment date established which RACT rules the area needed to adopt and implement. Under Section 172(a)(1), ozone nonattainment areas were generally required to attain the ozone standard by December 31, 1982. Those areas that submitted an attainment demonstration projecting attainment by that date were required to adopt RACT for sources covered by the Group I and II CTGs. Those areas that sought an extension of the attainment date under Section 172(a)(2) to as late as December 31, 1987 were required to adopt RACT for all CTG sources and for all major (i.e., 100 ton per year or more of VOC emissions) non-CTG sources.

Under the pre-amended Clean Air Act, portions of Maine were designated as rural nonattainment (i.e., the Metropolitan Portland Intrastate Air Quality Control Region (AQCR) and the Androscoggin Valley Interstate AQCR) and, therefore, were required to adopt

regulations pursuant to the Group I and Group II CTGs for major sources. Based on monitored ozone exceedances in Maine, EPA notified the Governor of Maine on May 25, 1988 and November 8, 1988 that portions of the 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, amendments to the 1977 CAA were enacted. Pub. L. 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 pre-enactment ozone nonattainment areas that retained their designation of nonattainment and were classified as marginal or above fix their deficient RACT rules for ozone by May 15, 1991. Pursuant to the amended CAA, two counties in Maine were classified as marginal (these two counties constitute one marginal ozone nonattainment area) and seven counties in Maine were classified as moderate (these seven counties constitute three moderate ozone nonattainment areas). 56 FR 56694 (Nov. 6, 1991). In response to the RACT fix-up requirement, Maine submitted revisions to its SIP and EPA approved these revisions on February 3, 1992 and March 22, 1993 (57 FR 3946 and 58 FR 15281).

In addition, Section 182(b)(2) of the amended Act requires States to adopt RACT rules for all areas designated nonattainment for ozone and classified as moderate or above. There are three parts to the Section 182(b)(2) RACT requirement: (1) RACT for sources covered by an existing CTG—i.e., a CTG issued prior to the enactment of the CAAA of 1990; (2) RACT for sources covered by a post-enactment CTG; and (3) all major sources not covered by a CTG, i.e., non-CTG sources. This RACT requirement requires nonattainment areas that previously were exempt from certain RACT requirements to “catch up” to those nonattainment areas that became subject to those requirements during an earlier period. In addition, it requires newly designated ozone nonattainment areas to adopt RACT rules consistent with those for previously designated nonattainment areas. As previously mentioned, the State of Maine contains three moderate ozone nonattainment areas. These areas are thus subject to the Section 182(b)(2) RACT catch-up requirement.

Also, the State of Maine is located in the Northeast Ozone Transport Region (OTR). The entire State is, therefore, subject to Section 184(b) of the amended CAA. Section 184(b) requires that RACT be implemented in the entire state for

all VOC sources covered by a CTG issued before or after the enactment of the CAAA of 1990 and for all major VOC sources (defined as 50 tons per year for sources in the OTR).

Since Maine had previously submitted regulations for only bulk gasoline terminals, fixed roof petroleum tanks, and paper coating sources pursuant to the RACT fix-up requirement, in order to meet the RACT catch-up requirement, the State must, therefore, adopt regulations (or affirm that no sources exist) for the remaining 26 CTG categories as well as adopt rules for all major non-CTG sources. (Rules for non-CTG sources are not part of this SIP revision. These rules will be addressed in a separate action and, therefore, will not be further discussed in this document.)

In response to the RACT catch-up requirement, on May 14, 1992 and June 12, 1992, Maine submitted negative declarations for 15 CTG categories. Maine then proceeded with the process of adopting regulations to control the remaining CTG categories which included surface coating processes, solvent metal cleaning, graphic arts operations, the use of cutback asphalt, and gasoline marketing operations. On January 13, 1993, Maine submitted a SIP submittal containing regulations for surface coating processes, solvent metal cleaning, graphic arts operations, and the use of cutback asphalt. These regulations were approved into the Maine SIP on June 16, 1994 (59 FR 31154). Maine's gasoline marketing RACT catch-up regulations were not included in the State's January 13, 1993 submittal. On July 6, 1994, Maine submitted a formal SIP revision containing its gasoline marketing regulations. EPA's evaluation of this SIP submittal is summarized below.

EPA's Evaluation of Maine's Submittal

In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the Act and EPA regulations, as found in Section 110 and Part D of the Act and 40 CFR Part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for today's action, appears in various EPA policy guidance documents. For the purpose of assisting State and local agencies in developing RACT rules, EPA prepared a series of Control Technique Guidelines (CTG) documents. The CTGs are based on the underlying requirements of the Act and specify the presumptive norms for RACT for specific source categories. EPA has not yet developed CTGs to

cover all sources of VOC emissions. Further interpretations of EPA policy are found in: (1) Those portions of the proposed Post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); (2) the document entitled “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); (3) the existing CTGs; and (4) the “Model Volatile Organic Compound Rules for Reasonably Available Control Technology” issued as a staff working draft in June of 1992. In general, these guidance documents have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

The VOC regulations that are included in Maine's July 6, 1994 SIP submittal are briefly summarized below.

Chapter 100: Definitions Regulation

This regulation was amended by adding or revising definitions of the following terms: bulk gasoline plant, gasoline, leak, tank truck, and vapor control system.

Chapter 112: Petroleum Liquids Transfer Vapor Recovery

This regulation requires bulk gasoline terminals which load tank trucks and have a daily throughput of greater than 20,000 gallons to install a vapor control system. This regulation also prohibits bulk terminals from loading gasoline into a tank truck unless the truck has been certified as vapor-tight pursuant to the requirements in Maine's Chapter 120. Chapter 112 was amended to no longer exempt tank trucks with a total capacity of less than or equal to 3500 gallons.

Chapter 118: Gasoline Dispensing Facilities Vapor Control

This regulation requires gasoline dispensing facilities with a throughput of 10,000 gallons or more per month to install and operate a Stage I vapor balance system. Also, all gasoline dispensing facilities, regardless of throughput, must install submerged fill pipes.

Chapter 120: Gasoline Tank Truck Tightness Self-Certification

This regulation requires gasoline tank trucks to undergo annual vapor tightness testing.

*Chapter 133: Petroleum Liquids
Transfer Vapor Recovery at Bulk
Gasoline Plants*

This regulation requires bulk gasoline plants with a throughput of 4000 gallons or more per day to install and operate a vapor balance system.

EPA has evaluated Maine's gasoline marketing regulations and has found that they are consistent with EPA model regulations and the following CTG documents: "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals" (EPA-450/2-77-026); "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems" (EPA-450/2-78-051); "Control of Volatile Organic Emissions from Bulk Gasoline Plants" (EPA-450/2-77-035); and "Hydrocarbon Control Strategies for Gasoline Marketing Operations" (EPA-450/3-78-017). As such, EPA believes that the submitted rules constitute RACT for the applicable sources.

Maine's gasoline marketing regulations and EPA's evaluation are detailed in a memorandum, dated December 29, 1994, entitled "Technical Support Document—Maine—Gasoline Marketing Regulations." Copies of that document are available, upon request, from the EPA Regional Office listed in the ADDRESSES section of this document.

EPA's Previous NPR

Previously, EPA published a notice of proposed rulemaking (NPR) for Maine's Chapter 120 tank truck regulation (57 FR 12791). EPA's NPR proposed approval of Chapter 120 on the condition that Maine address certain outstanding issues prior to final rulemaking. The issues outlined in EPA's NPR and Maine's response are summarized below.

1. The NPR noted that the term "vapor control system" was not used consistently throughout Chapter 120. Chapter 120(3)(B) alternatively used the term "vapor recovery system" which was not defined. The NPR stated that the State should change this term to "vapor control system" or define the term "vapor recovery system." In response to this issue, Maine has revised Chapter 120 so that the term "vapor control system" is used consistently throughout the regulation.

2. The NPR noted that Chapter 120(3)(A)(2) stated that the certification test approval expires June 1 of the year following the test. In some cases, the June 1 date would allow trucks to go longer than 12 months without a test. As stated in the NPR, such a provision is inconsistent with Maine's Chapter 112(3)(A) which requires that the truck

has been certified within the last 12 months. The June 1 expiration date is also inconsistent with Chapter 120(4)(B) which requires that a certified tank truck must remain leak-tight for the 12 months following the certification test. For these reasons, EPA's NPR stated that Maine must either amend Chapter 120(3)(A)(2) to read "expires 12 months after the certification test," or the State must change the above referenced sections which are inconsistent with the June 1 expiration date. In response to this issue, Maine has amended Section 3(A)(2) of Chapter 120 to read "expires 12 months after the certification test."

3. Chapter 120(5) requires that the Department be informed at least 24 hours in advance of each certification test. EPA's NPR stated that DEP should require earlier notification of the intent to test, so that the State can have the opportunity to monitor the test. The NPR also noted that EPA's model rules suggest that the State be notified in writing at least 10 days in advance of the test. Maine did not revise Chapter 120 to require earlier notification, however, the revised rule does require that the person conducting the test be registered with the DEP. The State and industry both report that this arrangement is working well. EPA, therefore, considers the testing requirements of Maine's revised Chapter 120 regulation approvable.

4. Finally, EPA's NPR noted that when Maine adopts a bulk gasoline plant regulation, Chapter 120 must be amended to apply to trucks that exclusively service bulk plants. Since the publication of EPA's NPR, Maine has adopted a bulk gasoline plant rule and the State has made the necessary changes to Chapter 120 so that it also applies to tank trucks that exclusively service bulk plants.

As outlined above, Maine has satisfactorily addressed the outstanding issues listed in EPA's previous NPR.

In addition, EPA received two comment letters pursuant to the publication of the Chapter 120 NPR. A summary of the comments received and EPA's response are outlined below.

The Maine Oil Dealers Association (MODA) submitted comments regarding Maine's Chapter 120 certification testing requirements. As previously noted, EPA's NPR stated that Maine should require earlier than 24 hour notification of the intent to test, so that the DEP can have an opportunity to monitor the test. The NPR also noted that EPA's model rules suggest that the State be notified in writing at least 10 days in advance of the test. MODA commented that the 24 hour notice required by Maine's Chapter 120 is adequate notice and that, because

of the day to day variations in market demand, it is both unusual and difficult to schedule tank truck testing 10 days in advance.

As previously mentioned, Maine did not revise Chapter 120 to require earlier notification, however, the revised rule included in the State's July 6, 1994 SIP submittal does require that the person conducting the test be registered with the DEP. The State and industry both report that this arrangement is working well. EPA is, therefore, approving the testing requirements of Maine's revised Chapter 120 regulation.

The U.S. Small Business Administration (SBA) also submitted comments pursuant to EPA's NPR. The SBA commented that in EPA's proposal of Maine's Chapter 120 compliance with the Regulatory Flexibility Act was inadequate. SBA noted that, although the NPR stated the proposed action would not have a significant impact on a substantial number of small entities, the notice did not provide an explanation for such a certification. SBA also had expressed similar concerns with **Federal Register** notices prepared by other EPA Regional Offices. In response to SBA's comments, this issue was addressed nationally by EPA's Regional Operations Branch. EPA's justification is addressed fully at the end of this notice. However, the central rationale for the above-mentioned certification is that 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, it does not have a significant impact on any small entities affected.

As stated above, Maine has satisfactorily addressed the issues raised in EPA's NPR and comments received pursuant to the NPR have also been addressed. EPA is, therefore, approving Maine's Chapter 120 tank truck tightness regulation as a revision to the Maine SIP.

In addition, as was previously stated, EPA has also evaluated the other gasoline marketing regulations included in Maine's July 6, 1994 SIP submittal and has found that they are consistent with EPA model regulations and the applicable CTG documents. EPA is, therefore, approving Maine's Chapters 100, 112, 118, and 133 without prior proposal because the Agency views these rules as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, EPA is proposing to

approve these rules should adverse or critical comments be filed. Approval of these rules will be effective August 28, 1995 unless by July 31, 1995 adverse or critical comments are received.

If the EPA receives such comments, approval of Maine's Chapters 100, 112, 118, and 133 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 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 on August 28, 1995.

Final Action

EPA is approving Maine's Chapter 100 "Definitions Regulation," Chapter 112 "Petroleum Liquids Transfer Vapor Recovery," Chapter 118 "Gasoline Dispensing Facilities Vapor Control," Chapter 120 "Gasoline Tank Truck Tightness Self-Certification," and Chapter 133, "Petroleum Liquids Transfer Vapor Recovery at Bulk Gasoline Plants" as meeting the requirements of Sections 182(b)(2) and 184(b) of the CAA for the following categories of VOC sources: gasoline bulk terminals, gasoline tank trucks, gasoline bulk plants, and gasoline dispensing facilities. EPA is also revising a section of the code, Section 52.1022, that is outdated due to the enactment of the CAAA of 1990.

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. A future document will inform the general public of these tables. The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 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 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).

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.

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 August 28, 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).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, and Ozone.

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

Dated: May 19, 1995.

John P. DeVillars,

Regional Administrator, Region I.

Part 52 of 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 U—Maine

2. Section 52.1020 is amended by adding paragraphs (c)(35) and (c)(36) to read as follows:

§ 52.1020 Identification of plan.

* * * * *

(c) * * *

(35) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on June 3, 1991, November 25, 1991, and July 6, 1994.

(i) Incorporation by reference.

(A) Letters from the Maine Department of Environmental Protection dated June 3, 1991, November 25, 1991, and July 6, 1994 submitting a revision to the Maine State Implementation Plan.

(B) Chapter 120 of the Maine Department of Environmental Protection Regulations, "Gasoline Tank Truck Tightness Self-Certification," effective in the State of Maine on July 11, 1994.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(36) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on July 6, 1994.

(i) Incorporation by reference.

(A) Letter from the Maine Department of Environmental Protection dated July 6, 1994 submitting a revision to the Maine State Implementation Plan.

(B) Chapter 100 of the Maine Department of Environmental Protection Regulations, "Definitions," effective in the State of Maine on July 11, 1994, with the exception of the definitions of the following terms: "curtailment," "federally enforceable," "major modification," "major source," "nonattainment pollutant," "shutdown," "significant emissions," and "significant emissions increase."

(C) Chapter 112 of the Maine Department of Environmental Protection Regulations, "Petroleum Liquids Transfer Vapor Recovery," effective in the State of Maine on July 11, 1994.

(D) Chapter 118 of the Maine Department of Environmental Protection Regulations, "Gasoline Dispensing Facilities Vapor Control," effective in the State of Maine on July 11, 1994.

(E) Chapter 133 of the Maine Department of Environmental Protection Regulations, "Petroleum Liquids Transfer Vapor Recovery at Bulk Gasoline Plants," effective in the State of Maine on July 11, 1994.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

§ 52.1022 [Amended]

3. Section 52.1022 is amended by removing all of the text in this section, with the exception of the first sentence.

4. In § 52.1031, Table 52.1031 is amended by adding new entries to existing state citations for Chapter 100

and Chapter 112 and by adding new state citations for Chapter 118, Chapter 120 and Chapter 133 to read as follows:

§ 52.1031 EPA-Approved Maine Regulations.

* * * * *

TABLE 52.1031.—EPA-APPROVED RULES AND REGULATIONS

State citation	Title/Subject	Date adopted by State	Date approved by EPA	Federal Register citation	52.1020
100	Definitions	6/22/94	June 29, 1995.	[Insert FR citation from published date].	36 Gasoline marketing definitions added
112	Petroleum liquids transfer recover.	6/22/94	June 29, 1995.	[Insert FR citation from published date].	36 Deleted exemption for tank trucks less than 3500 gallons
118	Gasoline Dispensing Facilities.	6/22/94	June 29, 1995.	[Insert FR citation from published date].	36
120	Gasoline Tank Trucks	6/22/94	June 29, 1995.	[Insert FR citation from published date].	35
133	Gasoline Bulk Plants	6/22/94	June 29, 1995.	[Insert FR citation from published date].	36

[FR Doc. 95-15957 Filed 6-28-95; 8:45 am]
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40 CFR Part 52

[WA-29-1-6724, WA-30-1-6725, WA-31-1-6853, WA-37-1-6952; FRL-5218-2]

Approval and Promulgation of Implementation Plans: Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to procedures described at 54 FR 2214 (January 19,

1989), EPA has recently approved a number of minor State implementation plan (SIP) revisions submitted by the Washington Department of Ecology (WDOE), namely local air pollution control agency regulations from Puget Sound Air Pollution Control Agency (PSAPCA) and a recodification of WDOE's SIP table of contents. This document lists the revisions EPA has approved and incorporates the relevant material into the Code of Federal Regulations.

EFFECTIVE DATE: June 29, 1995.

ADDRESSES: Copies of the State SIP revision requests and EPA's letter

notices of approval are available for public inspection during normal business hours at the following locations: EPA, Region 10, Air and Radiation Branch, Docket #WA-29-1-6724, WA-30-1-6725, WA-31-1-6853, WA-37-1-6952), 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION: Montel Livingston, Air & Radiation Branch (AT-082), EPA, Seattle, Washington 98101, (206) 553-0180.

SUPPLEMENTARY INFORMATION: EPA Region 10 has approved the following minor SIP revision requests under section 110(a) of the Clean Air Act (Act):

State	Subject matter	Date of submission	Date of approval
WA	Various revised amendments to SIP affecting PSAPCA's regulations I, II, and III. Updates amendments to be consistent with the federal air quality standards, repeals unused definitions, adds new definitions, clarifies applicability of requirements, etc.	5-9-94	11-16-94
WA	Various revised amendments to SIP affecting PSAPCA's regulations I, II, and III. Same reasons as above.	6-2-94	11-16-94
WA	Various revised amendments to SIP affecting PSAPCA's regulations I, II, and III. Same reasons as above.	12-13-94	1-11-95
WA	Recodification of SIP Table of Contents	2-6-95	3-27-95

EPA has determined that each of these SIP revisions complies with all applicable requirements of the Act and EPA policy and regulations concerning

such revisions. Due to the minor nature of these revisions, EPA concluded that conducting notice-and-comment rulemaking prior to approving the

revisions would have been "unnecessary and contrary to the public interest," and hence, was not required by the Administrative Procedure Act, 5