

action, EPA is invoking the good cause exception to the 30-day notice requirement of the APA because the purpose of this notice is to relieve a restriction. See 5 U.S.C. 553(d)(1).

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 the 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. To the extent that the rules being approved by this action will impose no new requirements; 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. 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.

The Office of Management and Budget (OMB) has exempted this action from review under 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, EPA may certify that the rule will not have a significant economic 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.

This action temporarily relieves sources of an additional burden potentially placed on them by the sanctions provisions of the Act. Therefore, I certify that it does not have an impact on any small entities.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental regulations, Reporting and recordkeeping

requirements, Ozone, Volatile organic compounds.

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

Dated: June 27, 1995.

Felicia Marcus,

Regional Administrator.

[FR Doc. 95-17267 Filed 7-13-95; 8:45 am]

BILLING CODE 6560-50-W

40 CFR Part 52

[CA 144-5-7100a; FRL-5256-3]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District and Santa Barbara County Air Pollution Control 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: South Coast Air Quality Management District (SCAQMD) and Santa Barbara County Air Pollution Control District (SBAPCD). 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 deficiencies in these rules have been corrected and that on the effective date of this action, any sanctions or Federal Implementation Plan (FIP) obligations are permanently stopped. The revised rules control VOC emissions from marine coating operations, coating of metal parts and products, motor vehicle assembly line coating operations, solvent cleaning operations, architectural coatings, and motor vehicle and mobile equipment coating operations. 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 final rule is effective on September 12, 1995 unless adverse or critical comments are received by August 14, 1995. 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 95812-2815

South Coast Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, CA 91765-4182

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

FOR FURTHER INFORMATION CONTACT:

Daniel A. Meer, Chief 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) 744-1185.

SUPPLEMENTARY INFORMATION:

Applicability

The rules being approved into the California SIP include: SCAQMD's Rule 1106, Marine Coating Operations; Rule 1107, Coating of Metal Parts and Products; Rule 1115, Motor Vehicle Assembly Line Coating Operations; Rule 1171, Solvent Cleaning Operations and SBAPCD's Rule 323, Architectural Coatings and Rule 339, Motor Vehicle and Mobile Equipment Coating Operations. These rules were submitted by the California Air Resources Board (CARB) to EPA on February 24, 1995 (Rule 1106), April 13, 1995 (Rule 339), May 24, 1995 (Rule 323) and June 16, 1995 (Rules 1107, 1115 and 1171).

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 South Coast Air Basin and the Santa Barbara, Santa Maria and Lompoc Area (Santa Barbara County). 43 FR 8964, 40 CFR 81.305. Because these areas were unable to meet the statutory attainment date of December 31, 1982, California requested under section 172(a)(2), and EPA approved, an extension of the attainment date to December 31, 1987. (40 CFR 52.222). 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. 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 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.

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 South Coast Air Basin is classified as extreme, and Santa Barbara County is classified as moderate²; therefore, these areas were subject to the RACT fix-up requirement and the May 15, 1991 deadline.

The State of California submitted many revised RACT rules for incorporation into its SIP on February 24, 1995, April 13, 1995, May 24, 1995 and June 16, 1995, including the rules being acted on in this notice. This notice addresses EPA's direct-final action for the SCAQMD's Rule 1106, Marine Coating Operations; Rule 1107, Coating of Metal Parts and Products; Rule 1115, Motor Vehicle Assembly Line Coating Operations; Rule 1171, Solvent Cleaning Operations and for the SBAPCD's Rule 323, Architectural Coatings, and Rule 339, Motor Vehicle and Mobile Equipment Coating Operations. The SCAQMD adopted Rule 1106 on January 13, 1995 and Rules 1107, 1115, and 1171 on May 12, 1995.

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 South Coast Air Basin and Santa Barbara County retained their designation of nonattainment and were classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. See 55 FR 56694 (November 6, 1991).

The SBAPCD adopted Rule 323 on March 16, 1995 and Rule 339 on December 15, 1994. The submitted SCAQMD's Rule 1106 was found to be complete on March 10, 1995; SCAQMD's Rules 1107, 1115 and 1171 and SBAPCD's Rule 323 were found to be complete on June 23, 1995; and SBAPCD's Rule 339 was found to be complete on May 2, 1995 pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51 Appendix V³ and are being finalized for approval into the SIP.

SCAQMD's Rule 1106 controls VOC emissions from the coating of marine vessels and their parts, SCAQMD's Rule 1107 controls VOC emissions from the coating of metal parts and products except those performed on aerospace assembly, magnet wire, marine craft, motor vehicle, metal container, and coil coating operations, SCAQMD's Rule 1115 limits VOC emissions from coating operations conducted on assembly lines during manufacturing of new motor vehicles, and SCAQMD's Rule 1171 controls VOC emissions from solvent cleaning operations and activities. SBAPCD's Rule 323 controls emissions of VOCs from the application of coatings to architectural structures and their appurtenances, to mobile homes, to pavements and to curbs, and SBAPCD's Rule 339 limits emissions of VOCs from automotive refinishing operations. VOCs contribute to the production of ground level ozone and smog. These rules were originally adopted as part of SCAQMD's and SBAPCD's effort to achieve the National Ambient Air Quality Standard (NAAQS) for ozone and in response to EPA's SIP-Call and the section 182(a)(2)(A) CAA requirement. The following is EPA's evaluation and final action for this rule.

EPA Evaluation and Action

In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and part D of the CAA 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 the various EPA policy guidance documents listed in footnote 1. Among those provisions is the requirement that a VOC rule must, at a minimum, provide for the implementation of RACT for stationary

³ EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

sources of VOC emissions. This requirement was carried forth from the pre-amended Act.

For the purpose of assisting state and local agencies in developing RACT rules, EPA prepared a series of Control Technique Guideline (CTG) documents. The CTGs are based on the underlying requirements of the Act and specify the presumptive norms for what is RACT for specific source categories. Under the CAA, Congress ratified EPA's use of these documents, as well as other Agency policy, for requiring States to "fix-up" their RACT rules. See section 182(a)(2)(A). The CTG applicable to SCAQMD's Rule 1107 is entitled Control of Volatile Organic Emissions from Existing Stationary Sources—Volume VI: Surface Coating of Miscellaneous Metal Parts and Products, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, June 1978, EPA-450/2-78-015. The CTG applicable to SCAQMD's Rule 1115 is entitled Control of Volatile Organic Emissions from Existing Stationary Sources—Volume I: Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks, U.S. Environmental Protection Agency, Office of Air Quality and Standards, May 1977, EPA-450/2-77-008. SCAQMD's Rules 1106 and 1171 and SBAPCD's Rules 323 and 339 control emissions from source categories for which EPA has not issued a CTG. Accordingly, these rules were evaluated against the interpretations of EPA policy found in the Blue Book, referred to in footnote 1 and against other EPA policy including the EPA Region 9/CARB document entitled: Guidance document for correcting VOC rule deficiencies (April 1991). In general, these guidance documents have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

SCAQMD's submitted Rule 1106, Marine Coating Operations, includes the following significant changes from the current SIP:

- Revised statement of rule applicability.
- Added definition for aerosol product.
- Revised definition of exempt compounds.
- Revised table of VOC content standards.
- Added control device equivalency language.
- Added test method specification.
- Added aerosol exemption.

SCAQMD's submitted Rule 1107, Coating of Metal Parts and Products, includes the following significant changes from the current SIP:

- Added rule applicability section.

- Revised the VOC content limits for coatings covered by this rule.
- Removed executive officer discretion to choose capture efficiency source testing methodology.
- Added EPA method 25 and 25A with respect to determining efficiency of add-on control equipment.
- Incorporated SCAQMD "Spray Equipment Transfer Efficiency Test Procedure dated May 24, 1989.
- Modified exemption for all non-compliant coating use to an aggregate of 55 gallons per year.
- Added the requirements to keep records of key operating parameters of control equipment.
- Added EPA approved test methods to determine VOC content and exempt solvent content.

SCAQMD's submitted Rule 1115, Motor Vehicle Assembly Line Coating Operations, includes the following significant changes from the current SIP:

- Added purpose and applicability section.
- Reduced VOC limits to be in line with applicable CTG limits.
- Added the requirement to use EPAs "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operation".
- Added specification for EPA approved capture and control efficiency source test method.
- Included record keeping requirement for emission control systems.

SCAQMD's submitted Rule 1171, Solvent Cleaning Operations, includes the following significant changes from the current SIP:

- Added medical device category.
- Added specialty flexographic printing category.
- Modified and supplemented test method section to correct rule deficiencies cited by EPA.
- Added small usage exemption for specialty medical device and pharmaceutical operations.
- Added exemption for cleaning of application equipment used to manufacture transdermal drug delivery systems.

SBAPCD's submitted Rule 323, Architectural Coatings, includes the following significant changes from the current SIP:

- Clarifies requirements of the rule by moving exemption section to section B.
- Added a definition for reactive organic compound (ROC).
- Removes executive officer discretion by revising the language in the test section.
- Added test method for determination of exempt solvent content.

SBAPCD's submitted Rule 339, Motor Vehicle and Mobile Equipment Coating Operations, includes the following significant changes from the current SIP:

- Deleted spray booth requirement for undercoating if undercoating contains no lead or chromium compounds and if the area covered does not exceed 16 square feet.
- Added definition for multi-stage topcoat.
- Added definition for undercoat.
- Revised VOC limits and compliance dates.
- Limits pre-coat usage to no more than 25% of the amount of primer/primer surfacer monthly usage.

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations, and EPA policy. Therefore, SCAQMD's Rule 1106, Marine Coating Operations; SCAQMD's Rule 1107, Coating of Metal Parts and Products; SCAQMD's Rule 1115, Motor Vehicle Assembly Line Coating Operations; SCAQMD's Rule 1171, Solvent Cleaning Operations; SBAPCD's Rule 323, Architectural Coatings; and SBAPCD's Rule 339, Motor Vehicle and Mobile Equipment Coating Operations are being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and Part D. The final action on these rules serves as a final determination that the deficiencies in these rules have been corrected. Therefore, if this direct final action is not withdrawn, on September 12, 1995, any sanction or FIP clock is stopped.

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

EPA is publishing this notice 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 on September 12, 1995, unless, within 30 days of its publication, 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 notice 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 September 12, 1995.

Regulatory Process

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 population of less than 50,000.

SIP approvals under sections 110 and 301(a) 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).

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 the 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. To the extent that the rules being approved by this action will impose no new requirements; 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. 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.

The Office of Management and Budget (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 California was approved by the Director of the Federal Register on July 1, 1982.

Dated: June 27, 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 F—California

2. Section 52.220 is amended by adding paragraphs (c)(215)(i)(A)(3), (c)(219), (c)(220), and (c)(222) and by adding and reserving paragraph (c)(221) to read as follows:

§ 52.220 Identification of plan.

* * * * *

- (c) * * *
- (215) * * *
- (i) * * *
- (A) * * *

(3) Rule 1106, adopted on January 13, 1995.

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(219) New and amended regulations for the following APCDs were submitted on April 13, 1995, by the Governor's designee.

(i) Incorporation by reference.

(A) Santa Barbara County Air Pollution Control District.

(J) Rule 339, adopted December 15, 1994.

(220) New and amended regulations for the following APCDs were submitted on May 24, 1995, by the Governor's designee.

(i) Incorporation by reference.

(A) Santa Barbara County Air Pollution Control District.

(I) Rule 323, adopted March 16, 1995.

* * * * *

(221) [Reserved]

(222) New and amended regulations for the following APCDs were submitted on June 16, 1995, by the Governor's designee.

(i) Incorporation by reference.

(A) South Coast Air Quality Management District.

(I) Rules 1107, 1115, and 1171 adopted on May 12, 1995.

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[FR Doc. 95-17269 Filed 7-13-95; 8:45 am]

BILLING CODE 6560-50-W

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 94-86; RM-8497; RM-8548]

Radio Broadcasting Services; Klamath Falls, Altamont, Butte Falls, OR, Dorris, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Terry A. Cowan, allots Channel 284C1 to Klamath Falls, OR, as the community's fourth local FM service. Channel 284C1 can be allotted to Klamath Falls in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates 42-12-56 North Latitude and 121-47-56 West Longitude. See 59 FR 38950, August 1, 1994. The Commission denies the proposal of Western States Broadcasting, Inc., to substitute Channel 284C1 for Channel 249C1 at Altamont, OR, reallocate Channel 249C2 to Butte Falls, OR, and modify Station KCHQ(FM)'s construction permit to specify Butte Falls as its community of license. The Commission also dismisses the late-filed counterproposal of Goldrush Broadcasting to allot Channel 284C3 to Dorris, California. With this action, this proceeding is terminated.

DATES: Effective August 24, 1995. The window period for filing applications will open on August 24, 1995, and close on September 25, 1995.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 94-86,

adopted June 29, 1995, and released July 10, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Oregon, is amended by adding Channel 284C1 at Klamath Falls.

Federal Communications Commission.

John A. Karousos,
Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95-17239 Filed 7-13-95; 8:45 am]

BILLING CODE 6712-01-F

47 CFR Part 73

[MM Docket No. 93-69; RM-8106]

Radio Broadcasting Services; San Carlos and Oracle, AZ

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 276C2 for Channel 279A at San Carlos, Arizona, and modifies the authorization of Station KCDX(FM) to specify operation on the higher powered channel, as requested by Desert West Air Ranchers Corporation. Additionally, in order to accommodate the modification at San Carlos, Channel 279A is substituted for Channel 276A at Oracle, Arizona, and the license issued to Golden State Broadcasting Corporation for Station KLQB(FM) is modified accordingly. See 58 FR 17819, April 6, 1993. Coordinates for Channel 276C2 at San Carlos are 33-23-13 and 110-44-25. Coordinates for Channel 279A at Oracle are 32-37-07 and 110-47-20. As San Carlos and Oracle are located within 320 kilometers (199