active piers and drydocks. Based on this review, the Commanding Officer concluded that swimmers, divers and other individuals not embarked in vessels may pose a serious threat to the security of the shipyard if those individuals are allowed to enter the waters of Sinclair Inlet adjacent to the shipyard. Moreover, persons swimming or diving in these waters may be exposed to numerous dangers associated with the industrial waterfront facilities at the shipyard. These dangers include maneuvering U.S. Naval vessels, underwater pump suctions and discharges, rotating propellers, and rigging and crane operations over the water. Based on this review of the security and safety conditions at the shipyard, the Commanding Officer has requested that the restricted areas be amended to prohibit the trespassing of persons into the restricted areas at Sinclair Inlet; add a coordinate to accommodate the extension of the south end of ''mooring A'' maintaining a buffer 100 yards south of the end of this mooring, and to change the geographic coordinates for the restricted area to conform to the 1983 re-establishment of the National Geodetic Vertical Datum.

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective less than 30 days after the date of publication in the **Federal Register.** Publishing a proposed rule and delaying the effective date of this regulation would be contrary to the public interest because immediate action is necessary to safeguard the security of the Puget Sound Naval Shipyard and to insure public safety on the navigable waters of the United States. On June 27, 1995, the U.S. Coast Guard published a temporary final rule establishing a combined security and safety zone on the waters of Sinclair Inlet as an interim measure until the Corps could revise the existing restricted area regulations. The Coast Guard regulations expire on September 9, 1995.

In addition to the request for comments on these interim final rules, on July 21, 1995, the Corps Seattle District published and distributed a public notice to all known interested parties soliciting comments on the proposed amendments to 33 CFR 334.1240. The comment period for the District public notice was scheduled to expire on August 21, 1995, but is extended to end on the same date as the comment period for these interim final rules. The Corps will consider all comments received in response to the District public notice and this interim final rule and will make any changes to the regulations it deems to be in the public interest.

Economic Assessment and Certification

This interim final rule is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12866 do not apply. These interim final rules have been reviewed under the Regulatory Flexibility Act (Pub. L. 96–354), which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (i.e., small businesses and small governments). The Corps has determined that the economic impact of the changes to the restricted area will have practically no impact on the public, no anticipated navigational hazard or interference with existing waterway traffic and accordingly, no significant economic impact on small entities.

List of Subjects in 33 CFR Part 334

Danger zones. Navigation (water), Transportation.

In consideration of the above, the Corps is amending part 334 of title 33 to read as follows:

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

1. The authority citation for part 334 continues to read as follows:

Authority: 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).

2. Section 334.1240 is revised to read as follows:

§ 334.1240 Sinclair Inlet; Naval Restricted Areas.

(a) Sinclair Inlet; naval restricted areas.—(1) *Area No. 1.* All the waters of Sinclair Inlet westerly of a line drawn from the Bremerton Ferry Landing at latitude 47°33′48″ N, longitude 122°37′23″ W on the north shore of Sinclair Inlet and latitude 47°32′52″ N, longitude 122°36′58″ W on the south shore of Sinclair Inlet.

(2) *Area No. 2.* That area of Sinclair Inlet to the north and west of an area bounded by a line commencing at latitude 47°33′43″ N, longitude 122°37′31″ W thence south to latitude 47°33′39″ N, longitude 122°37′27″ W thence southwest to latitude 47°33′23″ N, longitude 122°37′45″ W thence southwest to latitude 47°33′19″ N, longitude 122°38′12″ W thence southwest to latitude 47°33′10″ N, longitude 122°38′19″ W thence southwest to latitude 47°33′07″ N, longitude 122°38′29″ W thence west to latitude 47°33′07″ N, longitude 122°38′58″ W thence southwest to latitude 47°33′04″ N, longitude 122°39′07″ W thence west to the north shore of Sinclair Inlet at latitude 47°33′04″ N, longitude 122°39′41″ W.

(3) *The regulations.* (i) Area No. 1. No vessel of more than 100 gross tons shall enter this area or navigate therein without permission from the enforcing agency.

(ii) This area is for the exclusive use of the U.S. Navy. No person, vessel, craft, article or thing except those under supervision of military or naval authority except Washington State Ferries or Horluck Transportation Company Ferries on established routes shall enter this area without permission from the enforcing agency.

(iii) The regulations in this section shall be enforced by the Commander, Naval Base, Seattle, Washington, or his/her authorized representative.

(b) [Reserved]

Dated: August 14, 1995.

Approved.

Stanley G. Genega,

Major General, USA, Director of Civil Works.

[FR Doc. 95–20588 Filed 8–18–95; 8:45 am]

BILLING CODE 3710–92–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA105–5–7055; 5270–6]

Approval and Promulgation of State Implementation Plans; California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final and interim final rule.

SUMMARY: EPA is approving state implementation plan (SIP) revisions submitted by the State of California on November 15, 1994, relating to antiperspirants and deodorants and other consumer products sold in California; reformulated gasoline and diesel fuel sold or supplied as motor vehicle fuels in California; and certain new-technology measures adopted by the California Air Resources Board (CARB) and South Coast Air Quality Management District (SCAQMD). EPA is finalizing the approval of these revisions to the California SIP under provisions of the Clean Air Act (CAA) regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards, and plan requirements for nonattainment areas.

DATES: *Effective dates.* The final and interim final SIP actions are effective on September 20, 1995.

Comments. The deadline for written comments on the interim final SIP actions (40 CFR 52.220(c)(204)(i)(A)(*4*) and 40 CFR 52.220(c)(204)(i)(B)(*1*)) is September 20, 1995.

ADDRESSES: Written comments on the interim final SIP actions must be received by EPA at the address below on or before the close of the public comment period. Comments should be submitted (in duplicate, if possible) to: Regional Administrator, Attention: Office of Federal Planning (A–1–2), Air and Toxics Division, Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the rules and additional background materials are available for review at EPA's Region IX office at the above address during normal business hours. Interested persons may make an appointment with Ms. Virginia Petersen at (415) 744–1265, to inspect the materials at EPA's San Francisco office on weekdays between 9 a.m. and 4 p.m.

Copies of the rules are also available for inspection at the addresses listed below:

Environmental Protection Agency, Air Docket (6102), 401 M Street, SW., Washington, DC

California Air Resources Board, 2020 L Street, Sacramento, California

South Coast Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, California

FOR FURTHER INFORMATION CONTACT: Julia Barrow, (415) 744–2434, at the Office of Federal Planning (A–1–2), Air and Toxics Division, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, California 94105–3901.

SUPPLEMENTARY INFORMATION:

I. Background

On November 15, 1994, CARB submitted as a revision to the California SIP:

(1) The California Antiperspirants and Deodorants regulations and Consumer Products regulations, as contained in Title 17 of the California Code of Regulations, Sections 94500–94506.5 and 94507–94517, adopted on December 27, 1990, August 14, 1991, and September 21, 1992;

(2) The California Diesel Fuel regulations, as contained in Title 13 of the California Code of Regulations, Sections 2281 and 2282, adopted on August 22, 1989, June 21, 1990, April 15, 1991, October 15, 1993, and August 24, 1994;

(3) The California Reformulated Gasoline regulations, as contained in Title 13 of the California Code of Regulations, Sections 2250, 2252, 2253.4, 2254, 2257, 2260, 2261, 2262.1, 2262.2, 2262.3, 2262.4, 2262.5, 2262.6, 2262.7, 2263, 2264, 2266–2272, 2296, and 2297, initially approved by CARB on November 17, 1988, and formally adopted on August 22, 1989, June 21, 1990, April 15, 1991, October 15, 1993, and August 24, 1994;

(4) California new-technology measures M–2, M–9, CP–4, and Additional Measures, adopted on November 15, 1994; and

(5) SCAQMD new-technology measures ADV–CTS–01, ADV–FUG, ADV–PRC, ADV–UNSP, and ADV–CTS–02, adopted on September 9, 1994.

All of these rules and measures were submitted as part of the 1994 California SIP for Ozone. These portions of the California ozone submittal were found to be complete on January 13, 1995, January 30, 1995, and April 18, 1995, pursuant to EPA's completeness criteria that are set forth in 40 CFR Part 51 Appendix V.[1]

On February 14, 1995, the Administrator signed a final approval action on all of these rules and measures, as part of the Notice of Final Rulemaking (NFRM) issuing Federal Implementation Plans (FIPs) for Sacramento, Ventura, and the South Coast. On April 10, 1995, legislation was enacted mandating that these FIPs ''shall be rescinded and shall have no further force and effect'' (Public Law 104–6, Defense Supplemental Appropriation, H.R. 889), prior to publication of the FIP and SIP actions in the **Federal Register**. In the Notices Section of this issue of the **Federal Register**, EPA announces the FIP rescission and cancellation of the FIP public hearing. EPA is in this action reissuing the SIP approvals, which were integrated into the FIP NFRM.

A. California Antiperspirant and Deodorant and Consumer Product Rules

At the time of the California FIP proposal (59 FR 23318–23220, May 5, 1994), CARB had not yet submitted its antiperspirant and deodorant and consumer products rules. Therefore, EPA had no choice but to propose equivalent federal measures to achieve federally enforceable VOC emission reductions from consumer products (40 CFR 52.2957(a)) and antiperspirants and deodorants (40 CFR 52.2957(b)). As discussed above, CARB submitted on November 15, 1994, the California Consumer Products and Antiperspirant and Deodorant rules.

[1] 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).

Because the proposed FIP measures were virtually identical to the CARB submittal, EPA did not finalize its FIP proposal but invoked the ''good cause'' provision in the Administrative Procedures Act (APA, 5 U.S.C. 551 *et seq.*) to approve, in final action, the CARB Consumer Products and Antiperspirant and Deodorant rules without further opportunity for comment. Further comment is unnecessary under section 553(b)(1)(B) of the APA, since EPA cannot envision any comment on the CARB measure which could not have been made with respect to EPA's FIP proposal. It is therefore unnecessary to solicit additional comment on the CARB submittal, especially since EPA's role with respect to the SIP approval is narrower than for FIP promulgation. EPA has considered the comments on the FIP proposal as applicable to the CARB SIP submittal and has found that submittal to be approvable.

The FIP proposal generated several comments. EPA believes that very similar or identical comments would have been received if EPA had proposed a Notice of Proposed Rulemaking to approve the CARB submittal as a SIP revision. EPA believes that the appropriate issues for comment on the SIP rule are whether it is enforceable and how much credit is deserved. Since the proposed FIP rule was based on the CARB rule, and the FIP proposal was enforceable and claimed the same amount of credit as the SIP rule, these issues have already been addressed. Therefore, further public comment regarding today's action of approving the nearly indistinguishable State rules is unnecessary and not in the public interest.

Several commenters expressed a preference for CARB administration of the consumer products and antiperspirant/deodorant rules. Although CARB always would have maintained primary responsibility for administering the rule regardless of the FIPs, EPA concurs and through this approval action reaffirms CARB's primary administrative role.

Several commenters stated their opposition to perceived technology forcing limits adopted by CARB and proposed in the FIPs. EPA believes that CARB's approach of adopting future effective limits is appropriate given the need to reduce VOC emissions in California's ozone nonattainment areas. In addition, the State rule allows time for manufacturers to make the necessary adjustments to meet the requirements of the rule. CARB's inclusion of flexibility in their rules (i.e., the Innovative Products provision and Alternative

Compliance Plan [2] provision) also affords manufacturers compliance options if they are unable to reformulate a given product. In the event that a future effective limit is revised by CARB, EPA will work with CARB to help develop an alternative strategy for achieving the needed reductions.

Several commenters recommended changing the consumer products and antiperspirant and deodorant rules to allow automatic acceptance by EPA of innovative product exemptions, alternative test methods, and variances approved by CARB. In order to make the innovative product and variance provisions federally enforceable, EPA worked closely with the State to add the ''Federal Enforceability'' language to the rule. EPA will expedite review of actions covered under these provisions. EPA is also working with CARB to explore options to further streamline EPA review of innovative product applications.

One commenter indicated that EPA's action should not subvert its efforts under 183(e) of the Act. EPA believes that approving the SIP submittal is consistent with section 183(e), which does not prohibit states from adopting consumer product measures nor does it prohibit EPA from acting on such submittals.

A commenter noted that in the proposed FIP measure if a product label indicates that the product is suitable for use in more than one consumer product category, the applicable VOC content limit will be the lowest of the categories for which suitability is claimed. EPA believes that this provision, which is also in the CARB rules, is important to ensure that manufacturers do not make multiple claims just to allow for a higher limit. EPA believes that the ''Most Restrictive Limit'' provision is justified in order to prevent labeling abuses.

One commenter indicated that the definition of VOC is not clear with respect to the handling of negligibly photochemically reactive compounds and asked for clarification regarding whether pre-market clearance was needed from EPA. EPA believes the handling of these compounds in the SIP rule is adequate but could be further clarified. EPA will work with CARB to this end during its next rule revision. EPA believes that there was no intent to require a pre-market clearance but rather that, for compliance purposes, manufacturers may be required to demonstrate to regulators the amount of negligibly reactive compounds claimed to be in a given product.

A commenter suggested that EPA should consider removing the VOC content standard for the dual purpose Air Freshener/Disinfectant product category. Another commenter suggested that EPA extend the compliance date for aerosol fabric protectants to January 1, 1997. EPA believes that removing or adjusting these standards would not be prudent, and that CARB was technically justified in creating the content standards. In addition, because this is a SIP action, it is not appropriate for EPA to modify CARB's rule.

A commenting organization noted its concern that the consumer product measure has a disproportionate impact on aerosols because CFCs and HCFCs cannot legally be used as propellants and HFCs are not a viable option for use in consumer products because of US Department of Transportation regulations and limited availability of the product. The commenter recommended that EPA maintain the February 1995 HVOC limits in place beyond 1999. EPA supports the future effective VOC content limits originally established by CARB. In this instance, alternative product forms are readily available or the source can seek an alternative compliance option.

A commenter requested the removal of the ''grandfather clause'' for companies using ethanol prior to January 1, 1994, and stated that the antiperspirant and deodorant MVOC standards should be modified to allow fair competition among firms. EPA and CARB are aware that the grandfather clause may affect some manufacturers more than others. CARB has acknowledged that the ethanol issue will be reexamined in the near future. EPA believes that this issue can best be addressed by the affected parties working with CARB to develop suggested changes which will accomplish or enhance the same overall reduction goals. CARB's expected reexamination does not affect EPA's SIP approval at this time.

A commenter stated that the antiperspirant and deodorant limits are not technologically feasible or realistic and amount to a ban on the aerosol form of these products. As mentioned previously, EPA supports the future effective limits originally established by CARB. In this instance, alternative product forms are readily available, or the source can seek an alternative compliance option.

B. California Diesel Fuel and Reformulated Gasoline Rules

In EPA's proposed FIP (see 59 FR 23385–6), EPA concluded that fuels meeting California's diesel fuel specifications would likely produce lower emissions of oxides of nitrogen (NO_X) than fuels meeting EPA's current low sulfur diesel specifications. Similarly, California's Phase I and Phase II gasoline standards appear to provide at least as great emission reductions as the federal Phase I and Phase II standards prescribed by section 211(k) of the Act (see 59 FR 23384–5).

In EPA's FIP proposal California's diesel fuel and reformulated gasoline programs were continued without amendment and were fully credited. No negative comments were received regarding the CARB programs. Following the proposal, CARB submitted these programs to EPA. Approval of these programs as part of the SIP has the same effect as the original proposal on all regulated and otherwise affected parties. Therefore, approval of the submitted fuels programs into the SIP may be finalized without further opportunity for public comment.

C. CARB and SCAQMD New-Technology Measures

The 1990 Amendments to the Act added section 182(e)(5), which applies exclusively to ''Extreme'' ozone areas. This provision authorizes the State to use conceptual, as yet unadopted measures for its ozone attainment demonstration and rate-of-progress after the year 2000, if these measures anticipate new or improved technology or control techniques and are not needed to meet the progress requirements for the first 10 years.

The South Coast Air Quality Management Plan (AQMP) generally discusses control areas and approaches that are appropriate for long-range development and adoption in accordance with section 182(e)(5). To illustrate the SCAQMD's commitment in this area, the AQMP also includes a summary of a broad range of clean technology development projects sponsored by the SCAQMD's Technology Advancement Office (TAO) (Appendix IV–G) and lists of TAO current or recently-completed projects for mobile sources (Executive Summary, Table 7–5) and stationary sources (Executive Summary, Table 7–6).

As required by the Act, the SCAQMD's 1994 AQMP Board Resolution 94–36, includes the following finding:

[2] Although CARB did not submit the Alternative Compliance Plan (ACP) regulation to EPA as part of their November 15th submittal, CARB indicated their intent to submit it to EPA in early 1995. EPA intends to act on the ACP regulation as soon as it is received.

That the District is committed to develop contingency measures for the Section 182(e)(5) long-term measures and submit them to the U.S. Environmental Protection Agency no later than three years before implementation of the Section 182(e)(5) measures. Finding 33, page 11.

CARB also submitted a commitment to develop the required contingency measures for implementation in the event that the State or South Coast new-technology measures are unsuccessful (1994 California SIP for Ozone, Volume I, page I–34).

To qualify for the section 182(e)(5) authorization, the State submitted a demonstration that reductions from both the CARB and SCAQMD new-technology measures are not needed to achieve the first 10 years of progress required under the Act.

EPA interprets the Act to allow EPA to approve the State's new-technology measures and credit them toward the SIP's attainment demonstration, even before EPA determines that the South Coast ozone SIP attainment demonstration is fully approvable. Assuming the State makes the required commitment to submit contingency measures and the Administrator concludes that the measures are not needed to achieve the first 10 years of progress, the provisions of section 182(e)(5) authorize the Administrator to approve and credit the State's conceptual measures at this time.

These measures necessarily are preliminary, and as such lack both regulations and technical support or even decisions regarding specific directions and approaches. Complete SIP rule elements are dependent upon future years of research projects, analyses of technologies and associated commercial feasibility, public workshops, and public decisionmaking. Eventually, the measures must become federally enforceable regulations, and in that process undergo full public involvement both at the State and local level and through formal EPA SIP approval action.

CARB and SCAQMD have undertaken the new-technology measure obligations to achieve, in conjunction with other elements of the SIP submittal, ozone attainment in the South Coast by the year 2010. These initiatives rest upon past accomplishments and extensive present investments of both CARB and SCAQMD in developing new clean technologies through the commercialization and regulatory stages.

In the final FIP document, EPA took ''interim final'' action to approve the SCAQMD and CARB new-technology provisions listed below. EPA found that good cause existed to approve the State's measures, deferring further notice and comment until after promulgation, because of the impending court deadline for FIP issuance and the Agency's belief that the public interest strongly favored approval of the newly-adopted SIP measures rather than promulgation of Federal alternatives. In the final FIP action, therefore, EPA invoked the good cause exception under the APA, which allows for issuance of ''interim final'' rules in cases where it is ''impracticable, unnecessary, or contrary to the public interest'' to provide an opportunity for notice and comment before issuing the final rule (see 5 U.S.C. 702).

Thus, EPA determined that California's section 182(e)(5) measures warranted approval in an interim final rulemaking. The rescission of the FIP does not alter EPA's view. For EPA to formally withdraw its approval pending comment, simply because the FIP has been rescinded, would amount to an empty exercise. It would also confuse the public and retard progress on the state plan for reasons having nothing to do with the merits of the approval. Commenters will not be disadvantaged, since EPA intends to give them a full and immediate opportunity to be heard during the comment period.

Although these interim final SIP actions are effective on September 20, 1995, EPA invites public comments on the approval actions. Under the APA, interim final rules are final for the interim period lasting until the Agency takes further action following consideration of post-promulgation comments. Public comments must be submitted in writing to EPA at the address indicated at the beginning of this document on or before September 20, 1995. As discussed above, further and more extensive opportunities for public involvement will arise as the CARB and SCAQMD new-technology measures are developed and adopted in regulatory form, and again as EPA takes SIP rulemaking action on the submitted regulations.

1. SCAQMD New-Technology Measures

Advance Tech-CTS (Coating Technologies), ADV–CTS–01, adoption 2003, 23.9 tpd ROG [3];

Advanced Tech-Fugitives, ADV–FUG, adoption 2003, 23.1 tpd ROG;

Advance Tech-Process Related Emissions, ADV–PRC, adoption 2003, 12.3 tpd ROG;

Advance Tech-Unspecified, Stationary Sources, ADV–UNSP, adoption 2003, 67 tpd ROG;

Advance Tech-CTS (Coatings Technologies), ADV–CTS–02, 54.7 tpd ROG.

2. CARB New-Technology Measures

Improved Control Technology for LDVs, M–2, adoption 2000, implementation 2004–5, 2010 emission reductions—10 tpd ROG, 15 tpd NO_X;

Off-road diesel equipment—2.5 g/bhp–hr NO_X standard, M–9, adoption 2001, implementation 2005, 2010 emission reductions—3 tpd ROG, 31 tpd NO_X;

Consumer products advanced technology and market incentives measure, CP–4, adoption 2005, implementation 2009, 2010 emission reductions—46 tpd ROG;

Additional measures, 2009–2010 emission reductions—79 tpd ROG, 60 tpd NO_X. The measures include possible market-incentive measures and possible operational measures applicable to heavy-duty vehicles.

II. EPA Action

EPA is here finalizing action to approve the above rules and measures for inclusion into the California SIP. EPA is approving the submittals under section 110(k)(3) as meeting the requirements of section 110(a) of the CAA. This approval action will incorporate these rules and measures into the federally approved SIP. The intended effect of approving these rules and measures is to regulate emissions of VOCs, NO_X, sulfur oxides (SO_X), particulate matter, and air toxics in accordance with the requirements of the CAA.

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.

III. 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 business, small not-for-profit enterprises and government entities with jurisdiction over populations of less than 50,000.

[3] ROG (reactive organic gases) is used by California in lieu of EPA's VOC. Unlike VOC, ROG includes ethane.

SIP approvals under sections 110 and 301 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. 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 SIP's 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 OMB has exempted this action from review under Executive Order 12866.

IV. Unfunded Mandates

Under sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act'') signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

Through submission of these SIP revisions, the State and any affected local or tribal governments have elected to adopt the program provided for under section 110 and 182(b) of the CAA. 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 any mandate upon the State, local, or tribal governments either as the owner or operator of a source or as a regulator, or would impose any mandate upon the private sector, EPA's action will impose no new requirements; such sources are already subject to these requirements 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.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Oxides of nitrogen, 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: July 5, 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 paragraph (c)(204) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(204) New and amended plans and regulations for the following agencies were submitted on November 15, 1994, by the Governor's designee.

(i) Incorporation by reference.

(A) California Air Resources Board.

(*1*) Title 17, California Code of Regulations, Subchapter 8.5, Consumer Products, Article 1, Antiperspirants and Deodorants, Sections 94500–94506.5 and Article 2, Consumer Products, Sections 94507–94517, adopted on December 27, 1990, August 14, 1991, and September 21, 1992.

(*2*) Title 13, California Code of Regulations, Diesel Fuel Regulations, Sections 2281–2282, adopted on August 22, 1989, June 21, 1990, April 15, 1991, October 15, 1993, and August 24, 1994.

(*3*) Title 13, California Code of Regulations, Reformulated Gasoline Regulations, Sections 2250, 2252, 2253.4, 2254, 2257, 2260, 2261, 2262.1, 2262.2, 2262.3, 2262.4, 2262.5, 2262.6, 2262.7, 2263, 2264, 2266–2272, and 2296, 2297, adopted on April 1, 1991, May 23, 1991, and September 18, 1992.

(*4*) Long Term Measures, Improved Control Technology for Light-Duty Vehicles (Measure M2), Off-Road Industrial Equipment (Diesel), Consumer Products Long-Term Program (Measure CP4), and Additional Measures (Possible Market-Incentive Measures and Possible Operational Measures Applicable to Heavy-Duty Vehicles), as contained in ''The California State Implementation Plan for Ozone, Volume II: The Air Resources Board's Mobile Source and Consumer Products Elements,'' adopted on November 15, 1994.

(B) South Coast Air Quality Management District.

(*1*) Long Term Measures, Advance Technology for Coating Technologies (Measure ADV–CTS–01), Advance Technology for Fugitives (Measure ADV–FUG), Advance Technologies for Process Related Emissions (Measure ADV–PRC), Advance Technologies for Unspecified Stationary Sources (Measure ADV–UNSP), and Advance Technology for Coating Technologies (Measure ADV–CTS–02), as contained in the ''1994 Air Quality Management Plan,'' adopted on September 9, 1994.

* * * * *

[FR Doc. 95–20598 Filed 8–18–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[CA 126–1–7083a; FRL–5267–7]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, El Dorado County Air Pollution Control District and Yolo-Solano Air Quality Management 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. The revisions concern rules from the following districts: the El Dorado County Air Pollution Control District (EDCAPCD) and the Yolo-Solano Air Quality Management District (YSAQMD). 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). The revised rules control VOC emissions from cutback and emulsified asphalt and the storage and transfer of organic liquids. 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 October 20, 1995 unless adverse or critical comments are received by September 20, 1995. If the effective date is delayed, a timely notice will be published in the **Federal Register**.