requirements of the pre-amendment Act. A detailed discussion of the background for each of the above rules and nonattainment areas is provided in the notice of proposed rulemaking (NPRM) cited above.

EPA has evaluated all of the above rules for consistency with the requirements of the CAA and EPA regulations and EPA interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in the NPRM cited above. EPA has found that the rules meet the applicable EPA requirements. A detailed discussion of the rule provisions and evaluations has been provided in 59 FR 47578 and in the technical support document (TSDs) available at EPA's Region IX office (TSD's dated April 5, 1994 for Rule 4603, and February 11, 1994 for Rule 410.4).

Response to Public Comments

A 30-day public comment period was provided in 59 FR 47578. EPA received no comments.

EPA Action

EPA is finalizing this action to approve the above rules for inclusion into the California SIP EPA is approving the submittal under section 110(k)(3) as meeting the requirements of section 110(a) and Part D of the CAA. This approval action will incorporate these rules into the federally approved SIP In addition, this action serves as a final determination that the deficiencies in Rule 410.4, previously identified in 58 FR 28357 (May 13, 1993), have been corrected. The intended effect of approving these rules is to regulate emissions of VOCs 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 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.

Regulatory Process

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: November 4, 1994.

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)(194)(i) (B) and (C) to read as follows:

§ 52.220 Identification of plan.

(c)

(194)

(i)

(B) Kern County Air Pollution Control District.

(*1*) Rule 410.4, adopted on July 12, 1993.

(C) San Joaquin Valley Unified Air Pollution Control District.

(*1*) Rule 4603, adopted on May 20, 1993.

[FR Doc. 94–29578 Filed 11–30–94; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[ID8–1–6600a; FRL–5107–6]

Approval and Promulgation of State Implementation Plans: Idaho

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) approves a revision of the Northern Ada County, Idaho State Implementation Plan (SIP) for carbon monoxide (CO), which was submitted to EPA Region 10 Administrator, Chuck Clarke, on June 29, 1994. The action deletes transportation control measures from the CO SIP which was last updated in 1984. The action also adds to the CO SIP enhancements to three ongoing programs: Transit, rideshare, and vehicle inspection and maintenance.

EFFECTIVE DATE: This direct final rule will be effective on January 30, 1995 unless adverse or critical comments are received by January 3, 1995. If the effective date is delayed, timely notice will be published in the **Federal Register.**

ADDRESSES: Written comments should be addressed to: Montel Livingston, SIP Manager, Air & Radiation Branch (AT–082), EPA, Docket #ID8–1–6600, 1200 Sixth Avenue, Seattle, Washington 98101.

Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, Environmental Protection Agency 401 M Street, SW., Washington, DC 20460. Copies of material submitted to EPA may be examined during normal business hours at the following locations: EPA, Region 10, Air & Radiation Branch, 1200 Sixth Avenue (AT–082), Seattle, Washington 98101, and the Idaho Division of Environmental Quality 1410 N. Hilton, Boise, Idaho 83706.

FOR FURTHER INFORMATION CONTACT: Michael J. Lidgard, Air & Radiation Branch (AT–082), EPA, Seattle, Washington 98101 (206) 553–4233.

SUPPLEMENTARY INFORMATION:

I. Background

Northern Ada County is a CO nonattainment area. The area was initially designated as a nonattainment area in 1978. The CO SIP was submitted to EPA in a series of submittals in the early 1980's. EPA approved the CO SIP and published the **Federal Register** document on June 6, 1985. The area was designated after the 1990 Clean Air Act Amendments as a "not classified" nonattainment area, since no violations of the CO standard have occurred since 1987 (**Federal Register** November 6, 1991). Since the area is not classified, there is no requirement under the Clean Air Act for the state to submit an attainment demonstration for this area. The state plans on developing a maintenance plan and requesting a reclassification to attainment status in 1995.

The Idaho CO SIP submitted in 1984 includes 14 transportation control measures (TCMs) five of which were quantified as providing specific CO emission reductions. Of the five measures that were quantified in the original SIP three measures (transit, rideshare and improved parking design) fell short of the SIP goals, one measure met the goal (staggered work hours), and one measure (transportation improvement) exceeded the goal. The remaining nine TCMs which were not quantified were either partially implemented or not implemented. The

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vehicle inspection and maintenance (I/M) program, not defined as a TCM, exceeded the goals of the 1984 SIP Changes in the socioeconomic trends of the community over the last 10 years, federal funding of transit budgets and unrealistic goals are all responsible for the shortfalls of the 1984 TCMs.

Section 176(c) of the Clean Air Act (CAA) prohibits any metropolitan planning organization (MPO) designated under section 134 of title 23, United States Code, from approving any transportation project, program, or plan which does not conform to a SIP approved under section 110 of the CAA. The federal transportation conformity regulation (40 CFR part 51, subpart T) implements the transportation related requirements of section 176(c). Section 51.418 of the regulation requires the transportation plan and program to provide for the timely implementation of transportation control measures (TCMs) from the applicable implementation plan. Nothing in the transportation plan or program may interfere with the implementation of any TCM in the applicable implementation plan. Section 51.392 defines a TCM as any measure that is specifically identified and committed to in the applicable implementation plan that is either one of the types listed in section 108 of the CAA, or any other measure for the purpose of reducing emissions or concentration of air pollutants from transportation sources by reducing vehicle use or changing traffic flow or congestion conditions.

Under the federal conformity rule, before the Federal Highway Administration can approve the transportation plan, program, and projects for Northern Ada County a conformity determination must be made which shows timely implementation of all of the TCMs in the SIP and demonstrates that all obstacles in the way of implementation have been removed. In the Northern Ada County case, the 14 TCMs identified in the 1984 SIP must meet the timely implementation criterion in order for the transportation plan or program to be approved and projects to be funded. As noted above, a number of TCMs have not been, and are currently not intended to be implemented. The State of Idaho has therefore opted to revise the SIP to delete the 14 TCMs from the 1984 SIP and replace the measures with alternative TCMs and with vehicle I/M program enhancements. The state submitted, on June 29, 1994, a SIP revision which revises the TCM commitments and amends the I/M program. As part of the SIP revision, the state also has provided a demonstration that the substitute measures achieve at least as much emission reductions as the reductions from the deleted 1984 SIP measures.

The purpose of the SIP revision submitted to EPA on June 29, 1994, is threefold. One is to delete old TCMs from the CO SIP Secondly the SIP revision establishes new TCMs and new I/M requirements for the Northern Ada County CO SIP Finally the 1994 submittal demonstrates that the new TCMs, together with the enhancements of the I/M program, have equal or greater than anticipated cumulative effects on CO emission reductions than did the TCMs from the 1984 SIP submittal, thus demonstrating that the SIP submittal does not weaken the existing CO SIP

II. This Action

This action approves the "Minor Revision of the Northern Ada County Idaho 1984 State Implementation Plan (SIP) for carbon monoxide (CO)" submitted to EPA Regional Administrator Chuck Clark, from the State of Idaho on June 29, 1994. The action deletes the 14 TCMs from the 1984 CO SIP The 14 TCMs from the 1984 SIP are no longer required to demonstrate the timely implementation test of the conformity regulation. The action approves enhancements to three existing programs: transit, rideshare, and vehicle inspection and maintenance (I/M).

A. Transit

The SIP commits to the following transit level:

1. Boise Urban Stages, Boise Transit System (BUS), will purchase 32 compressed natural gas (CNG) buses between 1994 and 1997 to replace its entire fleet and increase the fleet size from 26 to 30 buses.

2. BUS will maintain its recently enhanced marketing efforts to promote transit use in the area.

3. BUS has established the goal of breaking through the 1,000,000 ridership benchmark in 1994 and increasing ridership by 4% per year. Therefore, the ridership levels will reach approximately 1,124,800 by 1997 These increases are, at a minimum, to maintain the existing levels and offset the area's growth.

4. The City of Boise will launch the development of a three-phase long range transit plan for the period of FY95–FY2006. The first phase of the plan will address the transit system in the Boise Service Area, the second phase will address the service in Ada County and the third phase will address a multi-county service area in cooperation with all cognizant agencies. Approximately $60,000 and 1.5 full time employees have been committed to this effort for FY94.

B. Rideshare

The SIP commits to the following rideshare program:

1. Through marketing and promotion efforts by the Valley Commuteride, rideshare level goals will increase to 16% of all commuter trips by 1995 and to 17.5% by 1997

2. Currently, 17 routes serve the Boise Area. The Ada County Highway District (ACHD) Valley Commuteride goal will be to increase the vanpool fleet by 10% per year; 19 vans by 1995, and 23 by 1997

3. The Valley Commuteride Program will work with other public and private entities to increase the number of Park and Ride lots and promote the usage of existing lots. The goal is to initiate two Park and Ride lots each year, expanding from 19 in 1994 to 25 in 1997 It is also a goal to increase Park and Ride usage by 10% each year. These increases are, at a minimum, to maintain the existing levels and offset the area's growth.

On October 13, 1994, Ada Planning Association, the Metropolitan Planning Organization (MPO) for the area, provided a letter to EPA Region 10 which provided additional clarification to the SIP commitments listed above (the letter is available in the docket for public review). The letter clarifies that the purchase of buses, vans and other equipment, the improvement/acquisition of Park and Ride lots, and the budgeted marketing dollars are clearly SIP commitments. EPA considers these commitments to be TCMs for the purpose of conformity determinations. Since these TCMs are eligible for federal funding under title 23 USC or the Federal Transit Act, their timely implementation must be demonstrated in order for a conformity determination to be made. The only exceptions from the conformity timely implementation test from the SIP commitments listed above are the ridership goals. The ridership levels of transit item 3 above, and the rideshare level of rideshare item 1 above, are goals, and not considered TCMs for conformity purposes. The ridership levels are expected to result from the commitments made but are goals only and not enforceable under the conformity criteria.

The October 13, 1994 letter also outlines the major components of the current promotional campaign aimed at increasing transit ridership and rideshare levels. The SIP commits to

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maintaining the marketing efforts to promote transit and rideshare use.

The MPO also submitted on October 13, 1994, the Transportation Improvement Program (TIP) for Northern Ada County for fiscal year 1995–2000. The TIP demonstrates the state and local agencies financial commitment to the TCMs listed in the SIP The TIP has been approved by the MPO and has been included in the State TIP By federal regulation, the TIP is financially constrained. Additionally the letter states that the TCM projects in the TIP have been included in the adopted budgets of the City of Boise and the Ada County Highway District (ACHD).

The implementation agency for the transit program is the Boise Urban Stages (BUS), a branch of the City of Boise government. Idaho Code § 50–322 allows the cities to operate a public transit system. The City of Boise is officially designated the recipient of the Federal Transit Administration (FTA) funds for transit operation and capital improvements. The implementation agency for the ridesharing program is the Commuteride Program, which is a department of the Ada County Highway District (ACHD). The Commuteride office operates carpooling, vanpooling and Park and Ride services in Ada County and the adjacent counties.

C. I/M

The SIP submitted and approved by EPA in 1984 established a decentralized, manual program that inspected 1970 and newer light-duty vehicles on an annual basis. Between 1990 and 1994, several changes occurred in the program:

1. An anti-tampering program was started in 1990.

2. The program also was amended in 1990 to include model years 1965–1970, versus the prior commitment to inspect vehicles manufactured from 1970 to the current year. This step increased the number of vehicles inspected (based on 1990 registration data) by approximately 1,000.

3. The repair limit for 1981 and newer vehicles was increased from $30 to $175 in 1990.

4. The program shifted to registration enforcement in 1993. Prior enforcement was based on a three step notification to vehicle owners, followed by court action. Since failure to have a vehicle inspected is considered an "infraction" under the law, the largest penalty would be $25 and a court order to get the vehicle inspected. Registration enforcement allows Air Quality Board to prevent vehicles from getting registered without proof of inspection.

5. The equipment specifications were changed in 1990. Inspection facilities are now required to use computerized emissions analyzers which further increases the effectiveness of the program.

6. The vehicle types covered was expanded in 1990 to include heavy duty gas trucks (8,500 + lbs gross vehicle weight).

Ada County Ordinance 228, incorporating these changes, was submitted with this SIP and is being approved with this action.

(Northern Ada County is a "non-classified" area since the CO standard has not been violated since 1987 As such, the area is not required to meet the "basic" or "enhanced" I/M program design as specified in EPA I/M regulations.)

The SIP anticipates a CO reduction of 93,675 Kg/day from the implementation of the transit, rideshare, and I/M programs. The 1984 CO SIP anticipated reductions of 89,446 Kg/day from the entire TCM program including the I/M program. This SIP revision has sufficiently demonstrated that it is not a weakening of the 1984 SIP but the test for demonstrating no weakening of the SIP is less vigorous than the test used to demonstrate emission reduction credit for control strategies in either an attainment SIP or maintenance plan. Boise is under no obligation to demonstrate attainment or to adopt TCMs, other than to protect the levels of the 1984 SIP As such, EPA's approval of this SIP revision should not be construed to mean that the SIPs estimation of emission reductions and commitments to the TCMs would be considered adequate for a control strategy SIP

In addition to the commitments identified above, other measures have been implemented or will be implemented which are mentioned in the SIP as voluntary measures. Although these additional programs were not submitted as commitments, and are not being approved as part of the federally enforceable SIP for Idaho, these additional measures will provide emission benefits. These include transportation improvements, additional CNG buses, improved parking design, and oxygenated fuel usage (encouraged through tax credits versus oxygen in gasoline specifications). Details of the quantification for both the committed and voluntary measures are available in the docket for public review

III. Administrative Review

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, Part D of the CAA do not create any new requirements, but simply approve requirements that the state is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the 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).

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective January 30, 1995, unless, by January 3, 1995, 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 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 January 30, 1995.

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

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP Each request for revision to the SIP shall be

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considered separately in light of specific technical, economic and environmental factors and in relation to relevant statutory and regulatory requirements.

This action has been classified as a Table 2 by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225), as revised by an October 4, 1993 memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The OMB has exempted this regulatory action from E.O. 12866 review.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 30, 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 Idaho was approved by the Director of the Office of Federal Register on July 1, 1982.

Dated: November 7 1994.

Gerald A. Emison,

Acting Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart N—Idaho

2. Section 52.670 is amended by adding paragraph (c) (29) to read as follows:

§ 52.670 Identification of plan.

*

(c)

(29) On June 29, 1994, the Idaho Department of Health and Welfare submitted a CO State Implementation Plan for Northern Ada County, Idaho.

(i) Incorporation by reference.

(A) June 29, 1994 letter from Idaho Department of Health and Welfare to EPA Region 10 submitting the CO SIP for Northern Ada County, Idaho.

(B) Minor Revision of the Northern Ada County, Idaho 1984 State Implementation Plan for CO, June 1994 (including Ada County Ordinance 228, City of Boise Ordinance 5273, City of Meridian Ordinance 547 City of Garden City Ordinance 558, and City of Eagle Ordinance 177), as adopted by the Idaho Department of Health and Welfare on June 28, 1994.

[FR Doc. 94–29579 Filed 11–30–94; 8:45 am]

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40 CFR Part 70

[AD-FRL–5112–3]

Clean Air Act Final Interim Approval of Operating Permits Program; State of Hawaii

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Interim Approval.

SUMMARY: The EPA is promulgating interim approval of the Operating Permits Program submitted by the State of Hawaii for the purpose of complying with Federal requirements for an approvable State program to issue operating permits to all major stationary sources, and to certain other sources.

EFFECTIVE DATE: December 1, 1994.

ADDRESSES: Copies of the State's submittal and other supporting information used in developing the final rule are available for inspection during normal business hours at the Region IX address.

FOR FURTHER INFORMATION CONTACT: Ed Pike (telephone 415/744–1248), A–5–2, US Environmental Protection Agency Region IX, Air and Toxics Division, 75 Hawthorne Street, San Francisco, CA 94105.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

A. Introduction

Title V of the Amendments to the Clean Air Act (the Act) and implementing regulations at 40 Code of Federal Regulations (CFR) part 70 require that States develop and submit operating permits programs to EPA by November 15, 1993, and that EPA act to approve or disapprove each program within 1 year after receiving the submittal. The EPA's program review occurs pursuant to section 502 of the Act and the part 70 regulations, which together outline criteria for approval or disapproval. Where a program substantially but not fully meets the requirements of part 70, EPA may grant the program interim approval for a period of up to 2 years. If EPA has not fully approved a program by 2 years after the November 15, 1993 date, or by the end of an interim program, it must establish and implement a Federal program.

On July 26, 1994, EPA proposed to grant interim approval of the operating permits program for Hawaii unless certain deficiencies were corrected, in which case EPA would grant full approval. See 59 FR 37957 EPA did not receive public comments objecting to EPA's determination that Hawaii's program substantially meets the requirement of part 70 and therefore qualifies for interim approval under § 70.4(d). The program was not revised prior to this final rulemaking (see the proposal for a full description of Hawaii's program). Therefore, EPA is promulgating interim approval at this time. EPA will fully approve Hawaii's program when Hawaii corrects the deficiencies identified in this document. EPA received several comments on the changes required for full approval, which are addressed in this document and the Response to Comments document in the docket.

II. Final Action and Implications

A. Final Action and Changes From Proposal

Hawaii must revise the State's list of insignificant activities to qualify for full approval. Specifically, Hawaii must eliminate director's discretion or include approvable emission levels that would limit this discretion. Hawaii must also delete several other activities with unlimited or potentially large emissions or add emission levels and/or other restrictions consistent with part 70. Hawaii must eliminate the activities identified in the proposal or add restrictions such as emission levels. EPA is also requiring the State to restrict or eliminate an exemption for certain ground engines at airfields. The acceptable emission levels or other restrictions are those stated in the proposal except as discussed below.

Hawaii must also provide existing sources that become subject to part 70 in the future the opportunity to qualify for the permit application shield. This requirement is unchanged from the proposal. If Hawaii corrects these two areas of the rule, EPA will grant full approval. This document also discusses the status of permit applications and permits that were completed prior to this approval.

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