

EPA,⁶ section 182(f) exemptions are granted on a contingent basis and last for only as long as the area's monitoring data continue to demonstrate attainment. Monterey Bay is required to continue to operate an appropriate air quality monitoring network, in accordance with 40 CFR part 58, to verify the attainment status of the area.

If, prior to redesignation of the area to attainment, a violation of the ozone NAAQS is monitored in Monterey Bay (consistent with the requirements contained in 40 CFR part 58 and recorded in AIRS), the section 182(f) exemption would no longer apply, as of the date EPA makes a determination that a violation has occurred. EPA would notify the area that the exemption no longer applies, and would also provide notice to the public in the **Federal Register**. If the exemption is revoked, the area must comply with any applicable NO_x requirements set forth in the CAA. Thus, a determination that the NO_x exemption no longer applies would mean that the applicable NO_x NSR, general and transportation conformity, and I/M provisions would immediately be applicable (see 58 FR 63214 and 58 FR 62188) in Monterey Bay.

If Monterey Bay is redesignated to attainment of the ozone NAAQS, NO_x RACT is to be implemented as provided for as contingency measures in the maintenance plan.

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

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the EPA must determine whether the regulatory action is "significant", and therefore subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. It has been determined that this action is not a "significant regulatory action" under the terms of Executive Order 12866, and is therefore not subject to OMB review.

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 assess whether various actions undertaken in association with proposed or final regulations 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.

EPA's final action relieves requirements otherwise imposed under the CAA and, hence does not impose and Federal intergovernmental mandate, as defined in section 101 of the Unfunded Mandates Act. This action also will not impose a mandate that may result in estimated costs of \$100 million or more to either State, local or tribal governments in the aggregate, or to the private sector.

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 25, 1995. Filing a petition for reconsideration by the Administrator of this 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 a rule. This action may not be challenged later in proceedings to enforce its requirements. Section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: April 12, 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 D—California

2. Subpart F is amended by adding § 52.235 to read as follows:

§ 52.235 Control strategy for ozone: Oxides of nitrogen.

EPA is approving an exemption request submitted by the Monterey Bay Unified Air Pollution Control District on April 26, 1994 for the Monterey Bay ozone nonattainment area from the NO_x RACT requirements contained in

section 182(f) of the Clean Air Act. This approval exempts the area from implementing the oxides of nitrogen (NO_x) requirements for reasonably available control technology (RACT), new source review (NSR), the related requirements of general and transportation conformity regulations, and applicable inspection and maintenance (I/M). The exemption is based on ambient air monitoring data and lasts for only as long as the area's monitoring efforts continue to demonstrate attainment without NO_x reductions from major stationary sources.

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BILLING CODE 6560-50-W

40 CFR Part 81

[CA132-1-6898; 5159-6]

California, Sacramento Ozone Nonattainment Area, Reclassification to Severe

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On November 6, 1991, the Sacramento Metro ozone nonattainment area was classified under the Clean Air Act (CAA) as "Serious" with an attainment date of no later than 1999. On November 15, 1994, California submitted the State implementation plan (SIP) for ozone attainment. For the Sacramento Metro ozone nonattainment area, the SIP relied on an attainment date of 2005. On December 29, 1994, the State submitted a revision to the SIP which reaffirmed the 2005 attainment date. EPA construes these submittals to be a voluntary request for a reclassification of the Sacramento Metro area from a "Serious" to a "Severe" ozone nonattainment area pursuant to section 181(b)(3) of the CAA. EPA is granting California's request for reclassification of the Sacramento Metro area to "Severe" in today's document.

EFFECTIVE DATE: June 1, 1995.

ADDRESSES: Materials relevant to this document can be found in the following locations: EPA Air Docket Section, Attn: Docket No. A-94-09, Environmental Protection Agency (Mail Code-6102), Waterside Mall, Room M-1500, 401 M Street, S.W., Washington, DC 20460, (phone 202-260-7549).

The docket is available for public inspection between 8:30 a.m. and 12 noon, and between 1:30 p.m. and 3:30 p.m. EPA may charge a reasonable fee for copying.

⁶ See "Section 182(f) Nitrogen Oxides (NO_x) Exemptions—Revised Process and Criteria", issued by John S. Seitz, Director, Office of Air Quality Planning and Standards (MD-10), May 27, 1994.

A copy of the docket is also available for review at: 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.

Interested persons may make an appointment with Ms. Virginia Petersen at (415) 744-1265, to inspect the docket at EPA's San Francisco office on weekdays between 9 a.m. and 4 p.m.

Copies of this document and associated documents are also available for inspection at the addresses listed below:

- California Air Resources Board, 2020 L Street, Sacramento, California
- Sacramento Metropolitan Air Quality Management District, 8411 Jackson Road, Sacramento, California
- Sacramento Area Council of Governments, 3000 S Street, Suite 300, Sacramento, California
- El Dorado County Air Pollution Control District, 2850 Fair Lane Court, Bldg. C, Placerville, California
- Feather River Air Quality Management District, 463 Palora Avenue, Yuba City, California
- Placer County Air Pollution Control District, 11464 B Avenue, Auburn, California
- Yolo-Solano County Air Pollution Control District, 1947 Galileo Court, Suite 103, Davis, 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: On November 6, 1991 (40 CFR 81.305, 56 FR 56694) the Sacramento Metro area was classified as a "Serious" ozone nonattainment area under the Clean Air Act (CAA). A "Serious" ozone classification requires that the area attain the ozone standard as expeditiously as practicable, but not later than 1999.

On November 15, 1994, California submitted the Statewide SIP for ozone attainment. For the Sacramento Metro ozone nonattainment area, the SIP relied on an ozone attainment date of 2005. On December 29, 1994, the State submitted a revision to the SIP which reaffirmed the 2005 attainment date request for a reclassification of the Sacramento Metro area from a "Serious" to a "Severe" ozone nonattainment area pursuant to section 181(b)(3) of the CAA.

Section 181(b)(3) of the CAA provides for "voluntary reclassification" and states that "* * * [t]he Administrator shall grant the request of any State to reclassify a nonattainment area in that State * * * to a higher classification" and that "* * * [t]he Administrator

shall publish a notice in the **Federal Register** of any such request and of action by the Administrator granting the request." EPA is granting California's request for voluntary reclassification under section 181(b)(3) of the Sacramento Metro area to "Severe" in today's document.

List of Subjects in 40 CFR Part 81

Environmental Protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Oxides of nitrogen, Ozone, Volatile organic compounds.

Dated: February 14, 1995.

Carol M. Browner,
Administrator.

40 CFR part 81 is amended as follows:

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

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

2. Section 81.305 is amended in the table for California—Ozone by revising the entry for "Sacramento Metro Area" to read as follows:

§ 81.305 California.

* * * * *

CALIFORNIA—OZONE

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
Sacramento Metro Area	May 25, 1995	Non-attainment	May 25, 1995	Severe.

¹ This date is November 15, 1990, unless otherwise noted.

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40 CFR Part 271

[FRL-5196-4]

New Mexico: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: The State of New Mexico has applied for authorization of revision to its hazardous waste program under the

Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) reviewed New Mexico's application and determined that its hazardous waste program revision satisfies all of the requirements necessary to qualify for authorization. Unless adverse written comments are received during the review and comment period provided for public participation in this process, EPA intends to approve New Mexico's hazardous waste program revision subject to the authority retained by EPA in accordance with Hazardous and Solid Waste Amendments of 1984. New Mexico's application for the program revision is available for public review and comment.

DATES: This authorization for New Mexico shall be effective July 10, 1995 unless EPA publishes a prior **Federal Register** (FR) action withdrawing this immediate final rule. All comments on New Mexico's program revision application must be received by the close of business June 10, 1995.

ADDRESSES: Copies of the New Mexico program revision application and the materials which EPA used in evaluating the revision are available from 8:30 a.m. to 4 p.m., Monday through Friday at the following addresses for inspection and copying: New Mexico Environment Department, 1190 St Francis Drive, Santa Fe, New Mexico 87502, and U.S. EPA, Region 6 Library, 12th Floor, First Interstate Bank Tower at Fountain Place,