

Rule 2012 Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Nitrogen (NO<sub>x</sub>) Emissions (Adopted 10/15/93)

Appendix A Volume V—(Protocol for oxides of Nitrogen) (Adopted 10/93)

Rule 2015 Backstop Provisions (Adopted 10/15/93) except (b)(1)(G) and (b)(3)(B)

(8) The following requirements are contained in *Ventura County Air Pollution Control District Requirements Applicable to OCS Sources*, August 30, 1994:

Rule 2 Definitions (Adopted 12/15/92)

Rule 5 Effective Date (Adopted 5/23/72)

Rule 6 Severability (Adopted 11/21/78)

Rule 7 Zone Boundaries (Adopted 6/14/77)

Rule 10 Permits Required (Adopted 7/5/83)

Rule 11 Application Contents (Adopted 8/15/78)

Rule 12 Statement by Application Preparer (Adopted 6/16/87)

Rule 13 Statement by Applicant (Adopted 11/21/78)

Rule 14 Trial Test Runs (Adopted 5/23/72)

Rule 15.1 Sampling and Testing Facilities (Adopted 10/12/93)

Rule 16 Permit Contents (Adopted 12/2/80)

Rule 18 Permit to Operate Application (Adopted 8/17/76)

Rule 19 Posting of Permits (Adopted 5/23/72)

Rule 20 Transfer of Permit (Adopted 5/23/72)

Rule 21 Expiration of Applications and Permits (Adopted 6/23/81)

Rule 23 Exemptions from Permits (Adopted 3/22/94)

Rule 24 Source Recordkeeping, Reporting, and Emission Statements (Adopted 9/15/92)

Rule 26 New Source Review (Adopted 10/22/91)

Rule 26.1 New Source Review—Definitions (Adopted 10/22/91)

Rule 26.2 New Source Review—Requirements (Adopted 10/22/91)

Rule 26.3 New Source Review—Exemptions (Adopted 10/22/91)

Rule 26.6 New Source Review—Calculations (Adopted 10/22/91)

Rule 26.8 New Source Review—Permit To Operate (Adopted 10/22/91)

Rule 26.10 New Source Review—PSD (Adopted 10/22/91)

Rule 28 Revocation of Permits (Adopted 7/18/72)

Rule 29 Conditions on Permits (Adopted 10/22/91)

Rule 30 Permit Renewal (Adopted 5/30/89)

Rule 32 Breakdown Conditions: Emergency Variances, A., B.1., and D. only. (Adopted 2/20/79)

Appendix II—A Information Required for Applications to the Air Pollution Control District (Adopted 12/86)

Appendix II—B Best Available Control Technology (BACT) Tables (Adopted 12/86)

Rule 42 Permit Fees (Adopted 5/4/93)

Rule 44 Exemption Evaluation Fee (Adopted 1/8/91)

Rule 45 Plan Fees (Adopted 6/19/90)

Rule 45.2 Asbestos Removal Fees (Adopted 8/4/92)

Rule 50 Opacity (Adopted 2/20/79)

Rule 52 Particulate Matter-Concentration (Adopted 5/23/72)

Rule 53 Particulate Matter-Process Weight (Adopted 7/18/72)

Rule 54 Sulfur Compounds (Adopted 6/14/94)

Rule 56 Open Fires (Adopted 3/29/94)

Rule 57 Combustion Contaminants-Specific (Adopted 6/14/77)

Rule 60 New Non-Mobile Equipment-Sulfur Dioxide, Nitrogen Oxides, and Particulate Matter (Adopted 7/8/72)

Rule 62.7 Asbestos—Demolition and Renovation (Adopted 6/16/92)

Rule 63 Separation and Combination of Emissions (Adopted 11/21/78)

Rule 64 Sulfur Content of Fuels (Adopted 6/14/94)

Rule 66 Organic Solvents (Adopted 11/24/87)

Rule 67 Vacuum Producing Devices (Adopted 7/5/83)

Rule 68 Carbon Monoxide (Adopted 6/14/77)

Rule 71 Crude Oil and Reactive Organic Compound Liquids (Adopted 6/8/93)

Rule 71.1 Crude Oil Production and Separation (Adopted 6/16/92)

Rule 71.2 Storage of Reactive Organic Compound Liquids (Adopted 9/26/89)

Rule 71.3 Transfer of Reactive Organic Compound Liquids (Adopted 6/16/92)

Rule 71.4 Petroleum Sumps, Pits, Ponds, and Well Cellars (Adopted 6/8/93)

Rule 72 New Source Performance Standards (NSPS) (Adopted 7/13/93)

Rule 74 Specific Source Standards (Adopted 7/6/76)

Rule 74.1 Abrasive Blasting (Adopted 11/12/91)

Rule 74.2 Architectural Coatings (Adopted 08/11/92)

Rule 74.6 Surface Cleaning and Degreasing (Adopted 5/8/90)

Rule 74.6.1 Cold Cleaning Operations (Adopted 9/12/89)

Rule 74.6.2 Batch Loaded Vapor Degreasing Operations (Adopted 9/12/89)

Rule 74.7 Fugitive Emissions of Reactive Organic Compounds at Petroleum Refineries and Chemical Plants (Adopted 1/10/89)

Rule 74.8 Refinery Vacuum Producing Systems, Waste-water Separators and Process Turnarounds (Adopted 7/5/83)

Rule 74.9 Stationary Internal Combustion Engines (Adopted 12/21/93)

Rule 74.10 Components at Crude Oil Production Facilities and Natural Gas Production and Processing Facilities (Adopted 6/16/92)

Rule 74.11 Natural Gas-Fired Residential Water Heaters—Control of NO<sub>x</sub> (Adopted 4/9/85)

Rule 74.12 Surface Coating of Metal Parts and Products (Adopted 11/17/92)

Rule 74.15 Boilers, Steam Generators and Process Heaters (5MM BTUs and greater) (Adopted 12/3/91)

Rule 74.15.1 Boilers, Steam Generators and Process Heaters (1–5MM BTUs) (Adopted 5/11/93)

Rule 74.16 Oil Field Drilling Operations (Adopted 1/8/91)

Rule 74.20 Adhesives and Sealants (Adopted 6/8/93)

Rule 74.24 Marine Coating Operations (Adopted 3/8/94)

Rule 75 Circumvention (Adopted 11/27/78) Appendix IV—A Soap Bubble Tests (Adopted 12/86)

Rule 100 Analytical Methods (Adopted 7/18/72)

Rule 101 Sampling and Testing Facilities (Adopted 5/23/72)

Rule 102 Source Tests (Adopted 11/21/78)

Rule 103 Stack Monitoring (Adopted 6/4/91)

Rule 154 Stage 1 Episode Actions (Adopted 9/17/91)

Rule 155 Stage 2 Episode Actions (Adopted 9/17/91)

Rule 156 Stage 3 Episode Actions (Adopted 9/17/91)

Rule 158 Source Abatement Plans (Adopted 9/17/91)

Rule 159 Traffic Abatement Procedures (Adopted 9/17/91)

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[FR Doc. 94-24641 Filed 10-5-94; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Part 81

[Region II Docket No. 135, NY14-2-6676; FRL-5086-3]

#### Clean Air Act Promulgation of Reclassification of Ozone Nonattainment Area; States of New Jersey and New York

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is announcing its final decision to reclassify the Poughkeepsie ozone nonattainment area from a marginal nonattainment area to a moderate nonattainment area. This action also announces a final determination that the Albany-Schenectady-Troy, NY; Allentown-Bethlehem-Easton, NJ-PA; Buffalo-Niagara Falls, NY; Essex County, NY; and, Jefferson County, NY ozone nonattainment areas classified as marginal have attained the ozone air quality standard by the attainment date of November 15, 1993. These actions are based on monitored air quality readings of the national ambient air quality standard for ozone during the years 1991-1993.

**EFFECTIVE DATE:** This action will be effective on November 7, 1994.

**ADDRESSES:** Materials relevant to this rulemaking are included in Air Docket A-90-42, located in Rm. M-1500, First Floor, Waterside Mall, 401 M St., SW., Washington, DC, and may be inspected at this location during the hours from 8:30 a.m. to 12 noon and from 1:30 p.m. to 3:30 p.m., Monday through Friday,

except for legal holidays. A duplicate copy of the docket is located in the EPA Regional Office listed below.

**FOR FURTHER INFORMATION CONTACT:** William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II, 26 Federal Plaza, Room 1034A, New York, New York 10278, (212) 264-2517.

**SUPPLEMENTARY INFORMATION:** On July 28, 1994, the EPA published in the *Federal Register* (59 FR 38410) a Notice of Proposed Rulemaking (NPR) concerning the reclassification of the Poughkeepsie ozone nonattainment area from marginal to moderate. The NPR also proposed a determination that the Albany-Schenectady-Troy, NY; Allentown-Bethlehem-Easton, NJ-PA; Buffalo-Niagara Falls, NY; Essex County, NY; and, Jefferson County, NY marginal nonattainment areas attained the ozone air quality standard by the attainment date of November 15, 1993. The reclassification and determinations are based solely on ozone air quality data measured during the 1991-1993 period.

The rationale for EPA's proposed action was explained in the NPR and will not be restated here since EPA's final action does not differ from the proposed action in the NPR. EPA received eleven separate letters submitted by the public in support of the proposed reclassification of the Poughkeepsie area. No adverse comments were received on the NPR. Therefore, EPA is finalizing the proposed reclassification of the Poughkeepsie nonattainment area. This rule fulfills EPA's obligations under Section 181(b)(2) to determine whether the Poughkeepsie area attained the ozone national ambient air quality standards (NAAQS) by its attainment date, and to publish its determination in the *Federal Register*.

No comments were received on the proposed attainment determinations of the Albany-Schenectady-Troy, NY; Allentown-Bethlehem-Easton, NJ-PA; Buffalo-Niagara Falls, NY; Essex County, NY; and, Jefferson County, NY marginal nonattainment areas. Therefore, this rule also fulfills EPA's

obligation under Section 181(b)(2)(A) which requires the Administrator, shortly after the attainment date, to determine whether ozone nonattainment areas attained the NAAQS.

#### Final Action

The EPA is reclassifying the Poughkeepsie ozone nonattainment area from a marginal nonattainment area to a moderate nonattainment area. This action also determines that the Albany-Schenectady-Troy, NY; Allentown-Bethlehem-Easton, NJ-PA; Buffalo-Niagara Falls, NY; Essex County, NY; and, Jefferson County, NY ozone nonattainment areas classified as marginal have attained the ozone air quality standard by the attainment date of November 15, 1993. These actions are based on measured ozone air quality levels during the years 1991-1993. Consequently, these areas are eligible to be redesignated to attainment under section 107(d)(3), if the criteria of that provision are met.

Nothing in this final rule 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.

Under Executive Order 12866, which revoked and replaced Executive Order 12291, EPA is required to judge whether an action is a "significant regulatory action" and therefore subject to the requirement of a regulatory impact analysis. The Agency has determined that this reclassification would not adversely affect the economy to the degree set forth in section 3(f) of the Executive Order as grounds for a finding that an action is a "significant regulatory action." Furthermore, under the Executive Order, qualitative costs and benefits, such as environmental costs and benefits, are given as much weight in determining the impact of a regulatory action as quantifiable costs and benefits, such as economic costs and benefits. As such, the environmental benefits of this

reclassification far outweigh any economic effect of this regulatory action. Consequently, this action will not undergo review by the Office of Management and Budget.

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.

Reclassification of nonattainment areas under section 181 of the Act do not create any significant new requirements applicable to small entities. This action does not directly regulate small entities and there are no alternatives to taking this action of the types identified in sections 603(c) and 604(a)(3) of the Regulatory Flexibility Act. Therefore, I certify that this action does not have a significant impact on small entities.

#### List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

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

Dated: September 30, 1994.

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. In § 81.333 the table for "New York-Ozone" under "Poughkeepsie Area" is amended by revising the entries for "Dutchess County", "Orange County (remainder)", and "Putnam County" to read as follows:

§ 81.333 New York.

\* \* \* \* \*

## NEW YORK-OZONE

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Poughkeepsie Area:				
Dutchess County .....	1/6/92	Nonattainment .....	November 7, 1994 .....	Moderate.
Orange County (remainder) .....	<sup>2</sup> 4/21/94	Nonattainment .....	November 7, 1994 <sup>2</sup> .....	Moderate.
Putnam County .....	1/15/92	Nonattainment .....	November 7, 1994 .....	Moderate.

<sup>1</sup> This date is November 15, 1990, unless otherwise noted.

<sup>2</sup> However, the effective date is November 15, 1990 for purposes of determining the scope of a "covered area" under section 211(k)(10)(D), opt-in under section 211(k)(6), and the baseline determination of the 15% reduction in volatile organic compounds under section 182(b)(1).

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[FR Doc. 94-24805 Filed 10-5-94; 8:45 am]  
BILLING CODE 6560-50-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 94-25; RM-8441]

#### Radio Broadcasting Services; Cavalier, North Dakota

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** The Commission, at the request of Cavalier Radio, allots Channel 286C2 to Cavalier, ND, as the community's first local aural broadcast service. See 59 FR 13919, March 24, 1994. Channel 286C2 can be allotted to Cavalier in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates 48-47-36 North Latitude and 97-37-12 West Longitude. Canadian concurrence has been received since Cavalier is located within 320 kilometers (200 miles) of the U.S.-Canadian border. With this action, this proceeding is terminated.

**DATES:** Effective: November 17, 1994.

The window period for filing applications will open on November 18, 1994, and close on December 19, 1994.

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 94-25, adopted Sept. 21, 1994, and released October 3, 1994. 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, D.C. 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, D.C. 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: 47 U.S.C. 154, 303.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under North Dakota, is amended by adding Cavalier, Channel 286C2.

Federal Communications Commission.

John A. Karousos,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 94-24764 Filed 10-5-94; 8:45 am]

BILLING CODE 6712-01-M

### 47 CFR Part 73

[MM Docket No. 94-16; RM-8432]

#### Radio Broadcasting Services; Belle Fourche, South Dakota

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** The Commission, at the request of Ultimate Caps, Inc., allots Channel 271C3 to Belle Fourche, SD, as the community's second local FM service. See 59 FR 1035, March 7, 1994. Channel 271C3 can be allotted to Belle Fourche in compliance with the Commission's minimum distance separation requirements without the

imposition of a site restriction, at coordinates 44-40-18 North Latitude and 103-51-00 West Longitude. With this action, this proceeding is terminated.

**DATES:** Effective November 17, 1994. The window period for filing applications will open on November 18, 1994, and close on December 19, 1994.

#### FOR FURTHER INFORMATION CONTACT:

Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 94-16, adopted September 21, 1994, and released October 3, 1994. 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, D.C. 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: 47 U.S.C. 154, 303.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under South Dakota, is amended by adding Channel 271C3 at Belle Fourche.