

as amended by the Clean Air Act Amendments (CAAA) of 1990. The EPA has published a "General Preamble" describing the EPA's preliminary views on how the EPA intends to review SIPs and SIP revisions submitted under title I of the CAA, including those State submittals for ozone transport areas within the States (see 57 FR 13498 (April 16, 1992) ("SIP: General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990"), 57 FR 18070 (April 28, 1992) ("Appendices to the General Preamble"), and 57 FR 55620 (November 25, 1992) ("SIP: NO_x Supplement to the General Preamble")).

The EPA has also issued a draft guidance document describing the requirements for the emission statement programs discussed in this document, entitled "Guidance on the Implementation of an Emission Statement Program" (July 1992).

Section 182 of the Act sets out a graduated control program for ozone nonattainment areas. Section 182(a) sets out requirements applicable in marginal nonattainment areas, which are also made applicable in subsections (b), (c), (d), and (e) to all other ozone nonattainment areas. Among the requirements in section 182(a) is a program in paragraph (3) of that subsection for stationary sources to prepare and submit to the State each year emission statements showing actual emissions of volatile organic compounds (VOC) and nitrogen oxides (NO_x). This paragraph provides that the States are to submit a revision to their SIPs by November 15, 1992, establishing this emission statement program.

The State passed an emergency regulation after following all applicable State Administrative Procedures Act requirements for submittal to the EPA by November 15, 1992, to satisfy CAA requirements. The State subsequently entered into State rulemaking for a permanent regulation. It was submitted to public hearing on December 20, 1992. The State addressed public comments and made minor adjustments. Following the public hearing, the final rule was adopted by the State and submitted to the EPA as a proposed revision to the SIP on March 3, 1993. The permanent emission statement regulations were then codified at LAC 33:III.919.

Technical Correction

In reviewing the State's submitted permanent regulation, technical errors were discovered in subsections B.2.a. and B.2.d. Subsection B.2.a. contains a reference to subsection B.2.d., when it should refer to subsection B.2.c. Subsection B.2.d. omitted a reference to

subsection B.2.c. The State prepared a technical correction to the rule and submitted the revised rule to public hearing. Following the public hearing, the rule was adopted by the State on October 20, 1994. On November 15, 1994, the State submitted documentation to the EPA substantiating that the technical correction had been adopted.

Response to Comments

The EPA proposed approval of the Louisiana emission statement regulations on April 7, 1994 (59 FR 16582-16585), and no comments were received regarding the proposed approval.

Final Action

In today's action, the EPA is approving the Louisiana emission statement program SIP submittal.

The analysis of the Louisiana regulation shows that it adequately addresses all components of an emission statement program.

In addition, the State has agreed to provide the EPA with emission statement data for the EPA Aerometric Information Retrieval System through the State's grants commitments and to provide status reports.

The EPA has reviewed this request for revision of the Federally-approved SIP for conformance with the provisions of the CAAA of November 15, 1990. The EPA has determined that this action conforms with those requirements.

This final action on the Louisiana emission statement SIP is unchanged from the April 7, 1994, proposed approval action with the exception of the State's confirmation of adoption of the corrected rule. The discussion herein provides only a broad overview of the proposed action that the EPA is now finalizing. The public is referred to the April 7, 1994, proposed approval **Federal Register** action for a full discussion of the action that the EPA is now finalizing.

This action makes final the action proposed at 59 FR 16582 (April 7, 1994). As noted elsewhere in this action, the EPA received no public comments on the proposed action. As a direct result, the Regional Administrator has reclassified this action from Table Two to Table Three under the processing procedures established at 54 FR 2214, January 19, 1989, and revised via memorandum from the Assistant Administrator for Air and Radiation to the Regional Administrators dated October 4, 1993.

Nothing in this action should be construed as permitting, 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, economical, and environmental factors, and in relation to relevant statutory and regulatory requirements.

Regulatory Process

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, the 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, the 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.

The 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 the 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)).

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 March 7, 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)).

Executive Order 12866

This action has been classified as a Table Three action 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 Office of