

nature of the table, further notice and comment would be unnecessary.

**List of Subjects**

**40 CFR Part 9**

Reporting and recordkeeping requirements.

**40 CFR Part 80**

Fuel additives, Motor vehicle pollution.

Dated: April 13, 1995.

**Carol M. Browner,**  
Administrator.

For the reasons set forth in the preamble, title 40, chapter 1 is amended as follows:

**PART 9—[AMENDED]**

a. The authority citation for part 9 continues to read as follows:

**Authority:** 7 U.S.C. 135 *et seq.*, 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1321, 1326, 1330, 1344, 1345, (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.*, 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

b. The table in § 9.1 is amended by adding under the indicated heading the new entries in numerical order to read as follows:

**§ 9.1 OMB approvals under the Paperwork Reduction Act.**

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REGULATION OF FUELS AND FUEL ADDITIVES			
40 CFR citation	OMB control No.		
* * *	*		
80.141(c)–(f) .....	2060–0275		
80.157 .....	2060–0275		
80.158 .....	2060–0275		
80.160 .....	2060–0275		
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[FR Doc. 95–10063 Filed 4–24–95; 8:45 am]  
BILLING CODE 6560–50–P

**40 CFR Part 52**

[CA–82–1–6926; FRL–5195–9]

**Clean Air Act Section 182(f) NO<sub>x</sub> Exemption Petition; Monterey Bay Ozone Nonattainment Area**

**AGENCY:** Environmental Protection Agency (EPA).  
**ACTION:** Final rule.

**SUMMARY:** The EPA is finalizing the approval of a petition submitted by the Monterey Bay Unified Air Pollution Control District (MBUAPCD) requesting that EPA grant an exemption for the Monterey Bay ozone nonattainment area (Monterey Bay) from the section 182(f) requirement to control major stationary sources of oxides of nitrogen (NO<sub>x</sub>) emissions. EPA published a proposed action to approve the Monterey Bay NO<sub>x</sub> exemption in the **Federal Register** on December 20, 1994. In accordance with the requirements of the Clean Air Act, as amended in 1990 (the Act or CAA), the EPA has determined that additional NO<sub>x</sub> reductions from major stationary sources in Monterey Bay would not contribute to attainment of the national ambient air quality standard (NAAQS) for ozone. The approval of this action exempts Monterey Bay from implementing the NO<sub>x</sub> requirements for reasonably available control technology (RACT), new source review (NSR), and the applicable general and transportation conformity and inspection and maintenance (I/M) requirements of the CAA. The EPA is finalizing approval of this action under provisions of the Act regarding plan requirements for nonattainment areas.

**EFFECTIVE DATE:** This action is effective as of April 12, 1995. The Administrative Procedure Act (APA) 5 U.S.C. 553(d)(1), permits the effective date of a substantive rule to be less than thirty days after publication of the rule if the rule “relieves a restriction”. Since the approval of the section 182(f) exemption for the Monterey Bay area is a substantive action that relieves the restrictions associated with the CAA title I requirements to control NO<sub>x</sub> emissions, the NO<sub>x</sub> exemption approval may be made effective upon signature by the EPA Administrator.

**ADDRESSES:** Copies of the petition and EPA’s evaluation report are available for public inspection at EPA’s Region IX office during normal business hours. Copies of the submitted petition are available for inspection at the following locations:

Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Environmental Protection Agency, Air Docket (6102), 401 “M” Street SW., Washington, DC 20460.

Monterey Bay Unified Air Pollution Control District, Rule Development Section, 24580 Silver Cloud Court, Monterey, CA 93940.

**FOR FURTHER INFORMATION CONTACT:** Wendy Colombo, Rulemaking Section, Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1202.

**SUPPLEMENTARY INFORMATION:**

**Background**

On December 20, 1994, EPA proposed to approve the Monterey Bay NO<sub>x</sub> exemption petition, submitted by the MBUAPCD on April 26, 1994. 59 FR 65523. The exemption petition is based on ambient monitoring data and demonstrates that additional NO<sub>x</sub> reductions in Monterey Bay would not contribute to attainment of the NAAQS for ozone. A detailed discussion of the background concerning the NO<sub>x</sub> requirements and the submitted petition is provided in the notice of proposed rulemaking (NPRM) cited above.

EPA has evaluated the exemption petition for consistency with the requirements of the CAA, EPA regulations, and EPA interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in the NPRM cited above. EPA believes that the petition satisfies the applicable EPA requirements and is, therefore, exempting the Monterey Bay area from implementing the NO<sub>x</sub> requirements for RACT, NSR, and the applicable general and transportation conformity and I/M requirements<sup>1</sup> of the CAA.

The proposal identifies two NO<sub>x</sub> RACT source categories MBUAPCD has identified which encompass the major stationary sources of NO<sub>x</sub> in the Monterey Bay nonattainment area.

Rules have been developed and submitted for these two categories, entitled, Rule 431, Emissions From Utility Power Boilers, and Rule 435, Control of Nitrogen Oxides From Kilns. EPA indicated in the NPRM that once the final approval of the NO<sub>x</sub> waiver is granted, MBUAPCD would then rescind the two NO<sub>x</sub> rules submitted for inclusion into the California SIP. This is not the intention of MBUAPCD with respect to one of these rules. MBUAPCD, in subsequently applying to EPA for redesignation to attainment of the NAAQS for ozone, has indicated that the emissions reductions achieved by rule 431 will form part of its ozone

<sup>1</sup> See “Scope of Nitrogen Oxides (NO<sub>x</sub>) Exemptions,” from G.T. Helms, Group Leader, Ozone/Carbon Monoxide Programs Branch (MD–15), to the Air Branch Chiefs, January 12, 1995. “I/M Requirements in NO<sub>x</sub> RACT Exempt Areas”, from Mary T. Smith, Acting Director, Office of Mobile Sources, to the Air Division Directors, October 14, 1994.