

by section 22a-174-4(c)(1), under the section entitled "Recordkeeping and Reporting". Section 22a-174-4(c)(1) was previously numbered as 19-508-4(c)(1) in Connecticut's SIP. In response to additional requirements of the emission statement program which were not covered by section 22a-174-4(c)(1), Connecticut revised its SIP narrative entitled "Revision to State Implementation Plan for Air Quality Emission Statements," and submitted it to EPA as a SIP revision on January 12, 1993.

The State of Maine formally submitted Chapter 137, "Emission Statements" and an amendment to Chapter 100 "Definitions" to address the emission statement requirements of the CAA on January 3, 1994.

On January 12, 1993, the State of Rhode Island formally submitted its Air Pollution Control Regulation Number 14 entitled "Record Keeping and Reporting" which had been amended to require emission statements.

Vermont developed an emission statement program using existing regulatory authority given by Vermont's rule entitled "Registration of Air Contaminant Sources," sections 5-801 through 5-806. In response to additional requirements of the emission statement program which were not covered by sections 5-801 through 5-806, Vermont revised its SIP narrative entitled "State of Vermont Air Quality Implementation Plan, February 1993," and submitted sections 5-801 through 5-806, and the SIP narrative, to EPA as a SIP revision on August 9, 1993.

Other specific requirements of emission statements and the rationale for EPA's proposed action are explained in the NPR and will not be restated here.

Final Action

EPA has evaluated the States' submittals for consistency with the Clean Air Act, EPA regulations, and EPA policy. EPA has determined that the proposed rules meet the Clean Air Act's requirements and is approving or reapproving the following rules under section 110(k)(3): Connecticut's section 22a-174-4(c)(1), under the section entitled "Recordkeeping and Reporting;" Rhode Island's regulation Number 14 entitled "Record Keeping and Reporting;" Vermont's rule entitled "Registration of Air Contaminant Sources," sections 5-801 through 5-806; Maine's Chapter 137, "Emission Statements" and amendments to Chapter 100, "Definitions;" and the SIP narrative revisions from Connecticut entitled "Revision to State Implementation Plan for Air Quality Emission Statements," and Vermont

entitled "State of Vermont Air Quality Implementation Plan, February 1993." Based upon EPA's evaluation of Connecticut's and Rhode Island's January 12, 1993 submittals, Vermont's August 9, 1993 submittal, and Maine's January 3, 1994 submittal, EPA is approving the emission statement submissions as revisions to the ozone SIP.

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 any 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 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.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 13, 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)).

As noted elsewhere in this action, EPA received no adverse public comment on the proposed action. As a direct result, the Regional Administrator has reclassified this action from Table 2 to Table 3 under the processing procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214) and revisions to these procedures issued on October 4, 1993 in an EPA memorandum entitled "Changes to State Implementation Plan (SIP) Tables."

On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and Table 3 revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period

of two years. The US EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. The OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request. This request continues in effect under Executive Order 12866 which superseded Executive Order 12291 on September 30, 1993.

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).

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Note: Incorporation by reference of the State Implementation Plan for the States of Connecticut, Maine, Rhode Island, and Vermont was approved by the Director of the Federal Register on July 1, 1982.

Dated: November 14, 1994.

John P. DeVillars,

Regional Administrator, Region I.

Part 52 of 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 H—Connecticut

2. Section 52.370 is amended by adding paragraph (c)(66) to read as follows:

§ 52.370 Identification of plan.

* * * * *

(c) * * *

(66) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on January 12, 1993.