- Adding recordkeeping requirements.
- Adding a "burden of proof" requirement for exemptions.

BAAQMD Rule 8–42, Large Commercial Bakeries, is a new rule which was adopted to control emissions of VOCs from large commercial bread bakeries. However, Rule 8–42 has been in effect in the Bay Area since 1989. The rule requires:

- All ovens to be vented to an emission control system.
- Sources to maintain records of the emissions control system's key operating parameters on a daily basis.
- Sources claiming exemptions to provide the necessary information to substantiate the exemption.
- Sources to use district method ST– 32 for determination of emissions.
- The use of an emissions factor table for calculation of emissions.

BAAQMD Rule 8–50, Polyester Resin Operations, is a new rule which limits the emission of VOCs from polyester resin operations. The rule provides the following:

- Standards which affect the application and curing of resin, gel coat application and curing, and clean-up solvents.
- Standards for resins and gel coats are not applicable to polyester resin operations that choose to install and operate emission control equipment.
- Storage requirements for surface preparation and clean-up solvents.
- Recordkeeping requirements and test methods.

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations, and EPA policy. Therefore, the BAAQMD's Rule 8-25, Pump and Compressor Seals at Petroleum Refineries, Chemical Plants, Bulk Plants, and Bulk Terminals; Rule 8-42, Large Commercial Bakeries; and Rule 8-50, Polyester Resin Operations are being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and part D. The final action on these rules serves as a final determination that any deficiencies in these rules noted in prior proposed rulemakings have been corrected.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future 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.

EPA is publishing this document without prior proposal because the

Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective May 8, 1995, unless, by April 6, 1995, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective May 8, 1995.

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 population of less than 50,000.

SIP approvals under sections 110 and 301(a) 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. 256–66 (S. Ct. 1976); 42 U.S.C. 7410 (a)(2).

The Office of Management and Budget has exempted this action from review under Executive Order 12866.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Dated: February 10, 1995.

Felicia Marcus,

Regional Administrator.

Subpart F of 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 F—California

2. Section 52.220 is amended by adding paragraph (c)(199)(i)(A)(3) to read as follows:

§ 52.220 Identification of plan.

(c) * * * (199) * * * (19) * * * (19) * * * (19) * * * (19) * (19

(3) Rules 8–25 and 8–42, adopted on June 1, 1994 and Rule 8–50, adopted on June 15, 1994.

[FR Doc. 95–5348 Filed 3–6–95; 8:45 am] $\tt BILLING\ CODE\ 6560–50–W$

40 CFR Parts 52 and 81

[TX-53-1-6843a; FRL-5163-5]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of Texas; Approval of the Maintenance Plan for Victoria County and Redesignation of the Victoria County Ozone Nonattainment Area to Attainment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On July 27, 1994 the State of Texas submitted a maintenance plan and a request to redesignate the Victoria County, Texas ozone nonattainment area to attainment. Under the Clean Air Act (CAA), nonattainment areas may be redesignated to attainment if sufficient data are available to warrant the redesignation and the area meets the other CAA redesignation requirements. In this action, EPA is approving Texas' redesignation request because it meets the maintenance plan and redesignation