included NSR for lead nonattainment. Since Florida does not have any lead nonattainment areas, the State withdrew this portion, and EPA will not act on it.

New definitions are incorporated for "Affected Pollutant," "Base Emission Limit," "Volatile Organic Compounds (VOCs), and "Significant Impact." Previously, the affected pollutant for ozone nonattainment areas was VOC only because the control of VOC emissions was considered the most effective way to attain the ambient standard. Recent studies suggest that the control of NO<sub>X</sub> emissions may be effective and section 182(f) of the CAA requires the SIP to address major stationary sources of NO<sub>X</sub> in addition to VOC. The revisions to this rule require proposed new or modified major sources of VOC or NOx to obtain emissions reduction of VOC and NO<sub>x</sub> from sources within the non-attainment area in order to offset the emission increase from the new source. The offset requirements are 1.1:1 for marginal nonattainment areas and 1.15:1 for moderate nonattainment areas. These requirements are consistent with EPA guidelines. Guidance on the new source review procedure are outlined in the April 16, 1992, General Preamble to the

## Rule 17–296, Stationary Source Emission Standards

The air quality planning requirements for the reduction of NO<sub>X</sub> emissions through RACT are set out in section 182(f) of the Clean Air Act. Section 182(f) requirements are described by EPA in a notice, "State Implementation Plans; Nitrogen Oxide Supplement to the General Preamble; Clean Air Act Amendments of 1990 Implementation of Title I; Proposed Rule," published November 25, 1992 (57 FR 55620). The notice outlines specific requirements for various ozone nonattainment areas. Specifically, the notice requires that provisions of subpart 182 of the CAA which apply to VOC shall also apply to  $NO_X$ .  $NO_X$  RACT is required for moderate ozone nonattainment areas by this rule. The November 25, 1992, notice should be referenced to for further information on the NO<sub>X</sub> requirements and is incorporated into this proposal by reference.

Section 182(f) of the Clean Air Act requires States within moderate or above ozone nonattainment areas or the ozone transport region to apply the same requirements to major stationary sources of NO<sub>X</sub> ("major" as defined in section 302 and section 182(c), (d), and (e)) as are applied to major stationary sources of VOCs. The EPA is approving the NO<sub>X</sub> RACT rule for the South

Florida area because it meets the requirements of section 182(b)(2) of the Clean Air Act and conforms to the policy in the  $NO_X$  Supplement to the General Preamble, cited above. EPA is also approving the VOC RACT portion of the rule because it too meets the requirements of the CAA.

As noted, the moderate and above ozone nonattainment areas and areas in the ozone transport regions should have submitted, by November 15, 1992, provisions to assure that RACT is implemented (see section 182(b)(2)). States are expected to require final installation of the actual NO<sub>X</sub> controls by May 31, 1995, for sources for which installation by that date is practicable. The NO<sub>X</sub> Supplement to the General Preamble (57 FR 55623) contains a detailed discussion of EPA's interpretation of the RACT requirement. Florida's rule is consistent with these guidelines.

This rule applies to the 1990 Clean Air Act Amendment requirement for RACT for existing major sources of VOCs and NO<sub>X</sub> in Florida's moderate non-attainment area. The original January 8, 1993, submittal to EPA did not contain source specific RACT standards and Florida received an objections letter from the State Joint Administrative Procedures Committee. In response to that letter, Florida has established source specific RACT standards which were submitted to EPA on April 25, 1994. The rule details specific NO<sub>X</sub> emission limits as RACT standards for furnaces, turbines, cement plants, oil fired diesel generators and carbonaceous fuel burning equipment in Broward, Dade and Palm Beach Counties. The State also chose to include an emission limit for sources which are not covered by the specific limits; since the State has indicated that there are currently no sources in this category, approval of this limit does not set RACT precedent. The rule requires operations not equipped with continuous emissions monitors (CEMs) to demonstrate compliance through annual testing using EPA Reference Methods or other State approved methods. In addition to these NO<sub>X</sub> specific requirements, the rule requires the use of low-VOC resin or thermal oxidation of emissions from the purge cycle for all resin coating operations. The only VOC source affected by section 182 of the CAA is a resin coating operation. Additional information on the specific emission limits may be found in the TSD. The rule also requires affected sources to propose a compliance schedule in which the facility complies with the RACT requirements no later than May 31,

1995. These changes are consistent with EPA guidance and meets the requirements for non-CTG RACT.

## **Final Action**

EPA is approving the above referenced revision to the Florida SIP and is publishing this action 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 March 13, 1995, unless by February 10, 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 March 13, 1995.

Under section 307(b)(1) of the Act, 42U.S.C. 7607 (b)(1), 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 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) of the Act, 42 U.S.C. 7607 (b)(2).

The OMB has exempted these actions from review under Executive Order 12866.

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a revision to any state 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.

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