FOR FURTHER INFORMATION CONTACT: Matthew B. Cairns, (617) 565–4982.

SUPPLEMENTARY INFORMATION: On May 10, 1994 (59 FR 24096-24100), EPA published a Notice of Proposed Rulemaking (NPR) for the State of Maine. The NPR proposed approval of Presque Isle's PM10 attainment plan which Maine submitted as a formal SIP revision on August 14, 1991. This submittal also included a request to modify the borders of the Presque Isle nonattainment area. In addition, Maine submitted revisions to the emergency episode regulations on October 22, 1991. These submittals complete the attainment plan for Presque Isle by meeting the applicable requirementswhich were due to EPA by November 15, 1991—to demonstrate attainment of the PM10 NAAQS by December 31, 1994 and maintenance of that standard for three years beyond that. These requirements are outlined in Part D, Subparts 1 and 4 of the Act and elaborated upon in EPA's "General Preamble for the Implementation of Title I of the Clean Air Act" [see generally 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992)]. Specific requirements and the rationale for EPA's proposed action are detailed and explained in the NPR and will not be restated here. No public comments were received on the NPR. Interested parties should consult the NPR, the Technical Support Document (TSD) dated January 2, 1994, or Maine's submission for details on the aspects of the Presque Isle SIP.

Maine's SIP Revision

The PM10 control measures contained in the SIP are embodied in Part B of a memorandum of understanding (MOU) which the Maine Department of Environmental Protection (DEP) entered into on March 11, 1991, with the City of Presque Isle and the Maine Department of Transportation. This MOU is included in Maine's submission, will be approved into the SIP, and therefore becomes enforceable by EPA. Under the MOU, the city must use improved (i.e., low entrainment) antiskid materials on its roads. Between December 1 and May 1 each year, as a surrogate for PM10 emission limitations, the city must also maintain silt loadings on dry roads below 10 g/m2. Part B lists the streets where these requirements apply. DEP or EPA may require Presque Isle to test antiskid material stockpiles by methods prescribed in Part B, keep records, and report records and test results. Part B also specifies the method DEP must use to determine compliance by the city with the silt loading limit.

DEP has also revised its Chapter 109 "Emergency Episode Regulation." The regulation now contains the PM10 alert, warning, and emergency levels that appear in EPA's "Example Regulations for Prevention of Air Pollution Emergency Episodes" (Appendix L to part 51). The regulation continues to apply statewide and with its adoption DEP has met all section 110 requirements that currently apply to the Presque Isle PM10 nonattainment area.

Lastly, DEP's submission includes a request that EPA change the present borders of the nonattainment area. The present nonattainment area consists of township boundaries enclosing 80 square miles. The new area will comprise a series of streets bounding an area of roughly 0.6 square miles. EPA believes it is appropriate because these new borders more closely contain the actual area where PM10 concentrations approach ambient standards.

Final Action

The EPA is approving the plan revisions submitted to EPA for the Presque Isle nonattainment area on August 14, 1991. These revisions include Part B of a memorandum of understanding which DEP entered into on March 11, 1991 with the City of Presque Isle and the Maine Dept of Transportation. This MOU imposes RACM. In addition these revisions to the SIP include an update to Chapter 109, "Emergency Episode Regulations," effective and applicable statewide on September 16, 1991. EPA is also altering the boundaries of the Presque Isle PM10 nonattainment area, as requested by DEP, to more closely contain the actual area where PM10 concentrations approach ambient standards. Among other things, the State of Maine has demonstrated that the Presque Isle moderate PM10 nonattainment area will attain the PM10 NAAQS by December 31. 1994 and maintain air quality levels below the NAAQS at least until January 1, 1998.

As noted in the NPR, contingency measures for the Presque Isle nonattainment area were not due to EPA until November 15, 1993. Maine submitted this attainment plan to EPA on August 14, 1991 and contingency measures were not a part of the attainment plan. On June 1, 1994, Maine submitted to EPA a request to redesignate Presque Isle to attainment; this redesignation request included the contingency measures required both of the initial moderate PM10 nonattainment areas and for redesignation. EPA is processing this attainment plan and the recently submitted redesignation request

(including the contingency measures) in separate rulemaking notices. EPA will determine the adequacy of any such submittal as appropriate and act on those submittals in separate actions.

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.

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. USEPA, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410 (a)(2).

This action has been classified as a Table 3 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. A future notice will inform the general public of these tables. On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and Table 3 SIP revisions from the requirement of section 3 of Executive Order 12291 for a period of two years. The U.S. EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. The OMB has agreed to continue the waiver until such time as it rules on U.S. EPA's request. This request continues in effect under Executive Order 12866 which superseded Executive Order 12291 on September 30, 1993.

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 the State implementation plan shall be considered separately in