will be deemed to meet the requirements of the EIP.

Shell Oil Company's Deer Park Manufacturing bubble application was developed to meet the requirements of the ETPS. Therefore, the EPA has evaluated the emissions trade against the ETPS requirements.

III. Analysis

The following items are the basis for approval of the Texas SIP revision. Please refer to the EPA's Technical Support Document and the Texas SIP submittal for more detailed information.

A. Valid Emission Reduction Credits

As required by the ETPS, to be valid for trading purposes, an emission reduction must be surplus, enforceable, permanent, and quantifiable. The EPA believes the emission reduction from the analyzer vent meets these criteria.

First, the emission reduction from the analyzer vent is surplus. The analyzer vent is not subject to any State or Federal regulation. The emissions rate of 4.2 TPY is low enough to be exempt from the State's vent gas rule.

Second, the emission reduction was made enforceable through State Board Order number 93–11 which specifies the terms of the emissions trade.

Third, the emission reduction is permanent since the flow through the analyzer vent was physically reduced by changing the metering valves and adding flow restrictors.

Finally, the emission reduction is quantifiable. The annual emissions for the analyzer vent were from the 1991 Air Emissions Inventory Reportable Quantities based on information from historical flow settings. The annual emissions from the three vacuum vents were based on engineering estimates and measurements.

Because the emission reduction from the analyzer vent is surplus, enforceable, permanent, and quantifiable, the EPA believes that the emission reduction associated with this bubble is valid for use as an ERC.

B. More Stringent Baseline and 20 Percent Reduction Requirements

As discussed above, the ETPS also requires more stringent baselines and an additional 20 percent emission reduction if the trade occurs in a nonattainment area needing but lacking an approved attainment demonstration. This trade occurs in the Houston-Galveston severe ozone nonattainment area, which does not currently have an approved attainment demonstration which is required under section 182(c)(2)(A) of the CAA. This trade complies with the more stringent baseline and the 20 percent additional emission reduction requirements. As described more fully in the Technical Support Document, the 1.05 TPY emission reduction from the analyzer vent more than compensates for the 0.016 TPY emission reduction that was required from the three uncontrolled vacuum vents.

C. Procedural Background

The CAA requires States to observe certain procedural requirements in developing implementation plans and plan revisions for submission to the EPA. Section 110(a)(2) of the CAA provides that each implementation plan submitted by a State must be adopted after reasonable notice and public hearing.[1] Section 110(l) of the CAA similarly provides that each revision to an implementation plan submitted by a State under the CAA must be adopted by such State after reasonable notice and public hearing. Public notice on the proposed Shell bubble was published in the Houston ozone nonattainment area in accordance with the State of Texas' public notice requirements. The State held a public hearing on the proposed regulations on March 9, 1993. The Shell bubble was adopted by the State on June 18, 1993, and was submitted through the Governor to the EPA on July 26, 1993, as a proposed revision to the SIP.

IV. Final Action

In this action, the EPA is approving the alternative emission reduction (bubble) plan for the Shell Oil Company's Deer Park Manufacturing Complex, which was adopted by the TACB on June 18, 1993, in Board Order 93–11, and submitted to the EPA by the Governor of Texas in a letter dated July 26, 1993.

The EPA 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. Thus, this action will be effective August 18, 1995 unless, by July 19, 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 notice 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 August 18, 1995.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP 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.*, the 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, the 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 the 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 (1976); 42 U.S.C. 7410(a)(2)).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 18, 1995. Filing a petition for reconsideration of this final rule by the Administrator 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, or postpone the effectiveness of this action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

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

[1] Also Section 172(c)(7) of the CAA requires that plan provisions for nonattainment areas meet the applicable provisions of Section 110(a)(2).