

approve these rules should adverse or critical comments be filed. Approval of these rules will be effective August 28, 1995 unless by July 31, 1995 adverse or critical comments are received.

If the EPA receives such comments, approval of Maine's Chapters 100, 112, 118, and 133 will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action.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 on August 28, 1995.

Final Action

EPA is approving Maine's Chapter 100 "Definitions Regulation," Chapter 112 "Petroleum Liquids Transfer Vapor Recovery," Chapter 118 "Gasoline Dispensing Facilities Vapor Control," Chapter 120 "Gasoline Tank Truck Tightness Self-Certification," and Chapter 133, "Petroleum Liquids Transfer Vapor Recovery at Bulk Gasoline Plants" as meeting the requirements of Sections 182(b)(2) and 184(b) of the CAA for the following categories of VOC sources: gasoline bulk terminals, gasoline tank trucks, gasoline bulk plants, and gasoline dispensing facilities. EPA is also revising a section of the code, Section 52.1022, that is outdated due to the enactment of the CAAA of 1990.

This action has been classified as a Table 2 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 document will inform the general public of these tables. The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

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. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410 (a)(2).

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 light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under Section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 28, 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).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, and Ozone.

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

Dated: May 19, 1995.

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 U—Maine

2. Section 52.1020 is amended by adding paragraphs (c)(35) and (c)(36) to read as follows:

§ 52.1020 Identification of plan.

* * * * *

(c) * * *

(35) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on June 3, 1991, November 25, 1991, and July 6, 1994.

(i) Incorporation by reference.

(A) Letters from the Maine Department of Environmental Protection dated June 3, 1991, November 25, 1991, and July 6, 1994 submitting a revision to the Maine State Implementation Plan.

(B) Chapter 120 of the Maine Department of Environmental Protection Regulations, "Gasoline Tank Truck Tightness Self-Certification," effective in the State of Maine on July 11, 1994.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(36) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on July 6, 1994.

(i) Incorporation by reference.

(A) Letter from the Maine Department of Environmental Protection dated July 6, 1994 submitting a revision to the Maine State Implementation Plan.

(B) Chapter 100 of the Maine Department of Environmental Protection Regulations, "Definitions," effective in the State of Maine on July 11, 1994, with the exception of the definitions of the following terms: "curtailment," "federally enforceable," "major modification," "major source," "nonattainment pollutant," "shutdown," "significant emissions," and "significant emissions increase."

(C) Chapter 112 of the Maine Department of Environmental Protection Regulations, "Petroleum Liquids Transfer Vapor Recovery," effective in the State of Maine on July 11, 1994.

(D) Chapter 118 of the Maine Department of Environmental Protection Regulations, "Gasoline Dispensing Facilities Vapor Control," effective in the State of Maine on July 11, 1994.

(E) Chapter 133 of the Maine Department of Environmental Protection Regulations, "Petroleum Liquids Transfer Vapor Recovery at Bulk Gasoline Plants," effective in the State of Maine on July 11, 1994.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.