State, local, or tribal governments or to the private sector result from this action.

EPA has also determined that this final action does not include a mandate that may result in estimated costs of \$100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

# 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: July 14, 1995.

#### Felicia Marcus,

Regional Administrator.

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 paragraphs (c) (214)(i)(B) and (215)(i)(A)(2) and (215)(i)(B) to read as follows:

#### § 52.220 Identification of plan.

\* \* (c) \* \* \* (214) \* \* \*

(i) \* \* \*

(B) San Diego County Air Pollution Control District.

(1) Rule 61.1 adopted on January 10, 1995.

\* \* \* \* \*

(215) \* \* \*

- (i) \* \* \*
- (A) \* \* \*

(2) Rule 1153 adopted on January 13, 1995.

(B) Ventura County Air Pollution Control District.

(1) Rule 74.12 adopted on January 10, 1995.

\* \* \* \*

[FR Doc. 95–19504 Filed 8–7–95; 8:45 am] BILLING CODE 6560–50–P

# 40 CFR Part 52

[FRL-5274-1]

Transportation Conformity; Approval of Petition for Exemption From Nitrogen Oxides Provisions, Transitional Ozone Nonattainment Area, Colorado

**AGENCY:** Environmental Protection Agency.

ACTION: Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a petition from the Denver Regional Council of Governments (DRCOG) requesting that the Denver metropolitan area, an ozone nonattainment area classified as transitional, be exempted from the requirements regarding the control of oxides of nitrogen ( $NO_X$ ) imposed by the Federal conformity rules. The initial petition for exemption was submitted by DRCOG on May 25, 1994. Supporting documentation for the initial petition was submitted August 1, 1994. **EFFECTIVE DATE:** This action is effective as of July 28, 1995.

ADDRESSES: Copies of the documents relevant to these actions are available for public inspection during normal business hours at the following location. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day. U.S. Environmental Protection Agency, Region 8, Air Quality Branch (8ART–AP), 999 18th Street, Suite 500, Denver, Colorado 80202–2466.

FOR FURTHER INFORMATION CONTACT: Aundrey C. Wilkins, SIP Section (8ART–AP), Air Programs Branch, United States Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado, 80202– 2466, telephone (303) 294–1379. Fax: 303–293–1229.

#### SUPPLEMENTARY INFORMATION:

#### I. Background

Section 182(f) of the Clean Air Act requires States to apply the same requirements to major stationary sources of NO<sub>x</sub> as are applied to major stationary sources of VOC. The new NO<sub>x</sub> requirements are reasonably available control technology (RACT) and new source review (NSR). Section 182(f) also specifies circumstances under which the NO<sub>x</sub> requirements would be limited or would not apply.

EPA's general and transportation conformity rules, as well as the Inspection and Maintenance (I/M) regulations, reference the section 182(f) exemption process as a means for exempting affected areas from certain NO<sub>X</sub> conformity requirements. See 58 FR 62197, November 24, 1993, Transportation Conformity; and 58 FR 63240, November 30, 1993, General Conformity; and 57 FR 52989, I/M.

Under section 182(f)(1)(A), an exemption from the NO<sub>X</sub> requirements may be granted for nonattainment areas outside an ozone transport region if EPA determines that "additional reductions of NO<sub>X</sub> would not contribute to attainment" of the ozone NAAQS in those areas. EPA has indicated that in cases where a nonattainment area is demonstrating attainment with 3 consecutive years of air quality monitoring data, without having implemented the section 182(f) NO<sub>X</sub> provisions, it is clear that this test is met since "additional reductions of NO<sub>X</sub> would not contribute to attainment" of the NAAQS in that area.

This interpretation is discussed in a May 27, 1994 memorandum from John S. Šeitz, Director, Office of Air Quality Planning and Standards (OAQPS). entitled "Section 182(f) Nitrogen Oxides (NO<sub>x</sub>) Exemptions—Revised Process and Criteria.'' This memorandum revised relevant portions of previouslyissued OAQPS guidance dated December, 1993, entitled "Guideline for Determining the Applicability of Nitrogen Oxide Requirements under Section 182(f)." Both documents address EPA's policy regarding NO<sub>X</sub> exemptions for areas outside an ozone transport region that have air quality monitoring data showing attainment. The Enhanced I/M regulations, the section 182(f) NO<sub>X</sub> RĂCT and NSR requirements and the guidance cited above apply only to marginal and above ozone nonattainment areas, but not nonclassifiable ozone nonattainment areas (i.e., submarginal, transitional, and incomplete/no data). However, a June 17, 1994, EPA document entitled "Conformity: General Preamble for **Exemption from Nitrogen Oxides** Provisions" (59 FR 31238) ("General Preamble"), among other things, provides guidance on the exemption of nonclassifiable ozone nonattainment areas, outside an ozone transport region, from the conformity rule's NO<sub>X</sub> requirements based on air quality monitoring data showing attainment. As a transitional ozone nonattainment area, the Denver metropolitan area falls within the "nonclassifiable" category.

Under the general conformity rule, NO<sub>x</sub> emissions that are caused by federal actions that exceed applicable threshold levels are required to demonstrate conformity to the applicable SIP. The transportation