

reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIP's on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

This action has been classified as a Table 2 action for signature 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. The OMB has exempted this regulatory action from E.O. 12866 review.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action approving twenty VOC RACT regulations for West Virginia must be filed in the United States Court of Appeals for the appropriate circuit by April 3, 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, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: November 10, 1994.

**Stanley L. Laskowski,**

*Acting Regional Administrator, Region III.*

40 CFR part 52 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 XX—West Virginia

2. Section 52.2520 is amended by adding a sentence to the beginning of paragraph (c)(25) introductory text, and by adding paragraph (c)(33) to read as follows:

##### § 52.2520 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(25) As of July 7, 1993 the rules in this paragraph (c)(25) are superseded by the

rules contained in paragraph (c)(33) of this section. \* \* \*

\* \* \* \* \*

(33) Revisions to the West Virginia State Implementation Plan submitted on August 12, 1993 by the West Virginia Department of Commerce, Labor & Environmental Resources.

(i) Incorporation by reference.

(A) Letter of August 10, 1993 from the West Virginia Department of Commerce, Labor & Environmental Resources transmitting Title 45 Legislative Rules, Series 21, Regulation to Prevent and Control Air Pollution from Emission of Volatile Organic Compounds.

(B) Title 45 Legislative Rules, Series 21, Regulation to Prevent and Control Air Pollution from Emission of Volatile Organic Compounds, sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 36, 39, 41, 42, 43, 44, 45, 46, 47, and 48, and Appendix A, which were adopted May 26, 1993 and effective July 7, 1993.

(ii) Additional material.

(A) Remainder of August 10, 1993 State submittal pertaining to the rules referenced in paragraph (c)(33)(i) of this section.

(iii) Additional information.

(A) The rules in this paragraph (c)(33) supersede the rules contained in paragraph (c)(25) of this section.

[FR Doc. 95-2399 Filed 1-31-95; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Part 52

[MA39-1-6772a; A-1-FRL-5136-7]

#### Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Massachusetts; Substitution of the California Low Emission Vehicle Program for the Clean Fuel Fleet Program (Opt Out)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** In this action, the Environmental Protection Agency is announcing approval of the State Implementation Plan submitted by the Commonwealth of Massachusetts for the purpose of meeting the requirement to submit the Clean Fuel Fleet Program or a substitute program that meets the requirements of the Clean Air Act. EPA is approving the State's plans for implementing a substitute program to opt out of the Clean Fuel Fleet program. On November 15, 1993, the Commonwealth of Massachusetts formally submitted a revision to their SIP to require the sale of California

certified low emitting vehicles in Massachusetts beginning with model year 1995. Further, on May 11, 1994, the Commonwealth formally notified EPA of its decision to substitute Massachusetts' version of the California Low Emission Vehicle (MA LEV) Program for the Clean Fuel Fleet (CFF) Program as provided for in section 182(c)(4)(B) of the Clean Air Act (CAA).

**DATES:** This final rule is effective on April 3, 1995 unless adverse or critical comments are received by March 3, 1995, in which case the rule will be withdrawn. If the rule is withdrawn, timely notice will be published in the **Federal Register**.

**ADDRESSES:** Comments may be mailed to Linda M. Murphy, Director, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, JFK Federal Building, Boston, MA 02203. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, One Congress Street, 10th floor, Boston, MA 02203; Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street SW, (LE-131), Washington, DC 20460; and the Division of Air Quality Control, Department of Environmental Protection, One Winter Street, 8th floor, Boston, MA 02108.

**FOR FURTHER INFORMATION CONTACT:** Damien Houlihan, (617) 565-3266.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Section 182(c)(4)(A) of the Clean Air Act requires certain States, including Massachusetts, to submit a State Implementation Plan (SIP) revision that includes measures to implement the Clean Fuel Fleet Program (CFFP). Under this program, a certain specified percentage of vehicles purchased by fleet operators for covered fleets must meet emission standards that are more stringent than those that apply to conventional vehicles. Covered fleets are defined as fleets of 10 or more vehicles that are centrally fueled or capable of being centrally fueled. The program applies to 1998 and later model year vehicles in the entire Commonwealth of Massachusetts which is comprised of two separate nonattainment areas. Section 182(c)(4)(B) of the Act allows states to "opt out" of the Clean Fuel Fleet Program by submitting for EPA approval a SIP revision consisting of a program or programs that will result in at least