Jefferson county is expected to have a decrease in NO_x emissions from 1990 to 2005 due to the Acid Rain provisions of the Clean Air Act. This decrease accounted for most of the reductions in NO_x emissions in Jefferson County. The emissions estimates were based on a 0.5 lb NO_X/Million Btu emissions limit for the units affected under phase I. This same limit was estimated for units expected to be covered under phase II. The phase I limit is mandated by the Clean Air Act, but a phase II limit had not been specified by either the CAA or USEPA when the redesignation request was prepared so the same limit was used as an estimate.

Upon redesignation to attainment, these areas will be subject to the Prevention of Significant Deterioration provisions of the Clean Air Act that apply to stationary sources of air pollution. These areas are also subject to the provisions in their maintenance plans; so, that if a violation of the NAAQS occurs, the area would have to implement a contingency measure to correct the problem. In addition, these areas are still subject to the controls approved into the SIPs and would still get emission reduction benefits from the FMVECP.

II. Rulemaking Action

The redesignation requests are approved as meeting conditions of the CAA in Section 107(d)(3)(E) for redesignation.

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.

This action has been classified as a table 3 action by the Regional Administrator under the processing 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 Office of

Management and Budget has exempted this regulatory action from E.O. 12866

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., USEPA 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, USEPA 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-forprofit 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 USEPA 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).

Redesignation of an area to attainment under Section 107(d)(3)(E) of the CAA does not impose any new requirements on small entities. Redesignation is an action that affects the status of a geographical area and does not impose any regulatory requirements on sources. The Administrator certifies that the approval of the redesignation request will not affect a substantial number of small entities.

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 April 10, 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

40 CFR Part 52

Air pollution control, Environmental protection, Intergovernmental relations, Ozone.

40 CFR Part 81

Air pollution control.

Dated: January 26, 1995.

Valdas V. Adamkus,

Regional Administrator.

Chapter 1, 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.

2. Section 52.1885 is amended by adding a new paragraph (a)(5) to read as follows:

§ 52.1885 Control strategy: Ozone.

*

(a) * * *

- (5) The maintenance plans for the following counties are approved:
- (i) Preble, Columbiana, and Jefferson Counties.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PURPOSES—OHIO

1. The authority citation of part 81 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

2. In §81.336 the ozone table is amended by revising the entries for Columbiana, Preble, and Jefferson Counties to read as follows:

§81.336 Ohio.

OHIO-OZONE

Designated area			Designation		Classification	
			Date ¹	Туре	Date ¹	Туре
*	*	*	*	*	*	*
Columbiana Co	unty Area, Columbiana Co	ounty	March 10, 1995	Attainment.		
*	*	*	*	*	*	*
Preble County Area, Preble County			March 10, 1995	Attainment		