

- Control emissions from polyester resin operations through the following set of control options: (1) use of resin material with no more than 35% monomer by weight; (2) use of low pigmented gel coats with no more than 45% monomer by weight; (3) use of resin containing a vapor suppressant, such that weight loss from the VOC emissions does not exceed 60 grams per meter of exposed surface during resin polymerization; (4) use of a closed-mold system; and (5) use of an emission control system.

- Provide recordkeeping requirements.

- Provide test methods to determine compliance.

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations, and EPA policy. Therefore, SJVUAPCD Rule 4682, Polystyrene Foam, Polyethylene, and Polypropylene Manufacturing; and SJVUAPCD Rule 4684, Polyester Resin Operations are being proposed for approval under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and Part D.

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.

### Regulatory Process

Under the Regulatory Flexibility Act, 5 U.S.C. Sections 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. sections 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 sections 110 and 301 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, 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).

The OMB has exempted this action from review under Executive Order 12866.

### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compound.

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

Dated: December 14, 1994.

**Felicia Marcus,**

*Regional Administrator.*

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### 40 CFR Part 60

[AD-FRL-5132-5]

#### Standards of Performance for New Stationary Sources; Appendix A—Reference Methods; Amendments to Method 24 for the Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings

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

**ACTION:** Proposed rule.

**SUMMARY:** This rule establishes procedures for the determination of volatile matter content, density, volume solids, and water content for ultraviolet radiation-cured coatings. Method 24 refers to the American Society for Testing and Materials (ASTM) procedures for the determination of volatile matter content, density, volume solids, weight solids, and water content of surface coatings. This ASTM method excluded ultraviolet radiation-cured coatings which was not EPA's intent. Therefore, EPA is revising Method 24 to apply to ultraviolet radiation-cured coatings.

A public hearing will be held, if requested, to provide interested persons an opportunity for oral presentation of data, views, or arguments concerning the proposed rule.

**DATES:** *Comments.* Comments must be received on or before March 7, 1995.

*Public Hearing.* If anyone contacts EPA requesting to speak at a public hearing by January 30, 1995, a public hearing will be held on February 8, 1995 beginning at 10 a.m. Persons interested

in attending the hearing should call the contact mentioned under **ADDRESSES** to verify that a hearing will be held.

*Request to Speak at Hearing.* Persons wishing to present oral testimony must contact EPA by January 30, 1995.

**ADDRESSES:** *Comments.* Comments should be submitted (in duplicated if possible) to: Air Docket Section (LE-131), Attention: Docket Number A-94-37, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

*Public Hearing.* If anyone contacts EPA requesting a public hearing, it will be held at EPA's Emission Measurement Laboratory Building, Research Triangle Park, North Carolina. Persons interested in attending the hearing or wishing to present oral testimony should contact Candace Sorrell, Emission Measurement Branch (MD-19), Technical Support Division, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone (919) 541-1064.

*Docket.* Docket Number A-94-37, containing materials relevant to this rulemaking, is available for public inspection and copying between 8:30 a.m. and Noon, and 1:30 and 3:30 p.m., Monday through Friday, at EPA's Air Docket Section, Room M1500, First Floor, Waterside Mall, Gallery 1, 401 M Street, S.W., Washington, D.C. 20460. A reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** Candace Sorrell at (919) 541-1064, Emission Measurement Branch (MD-19), Technical Support Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

### SUPPLEMENTARY INFORMATION:

#### I. The Rulemaking

Method 24 was intended to be used for measuring volatile organic compounds content of all coatings that are intended for either ambient or baking film foundation. When Method 24 was published in 1980 it referenced the American Society for Testing and Materials (ASTM) Method D 2369-81, which the Environmental Protection Agency believed would apply to all coatings. However, that method was not applicable to ultraviolet (UV) radiation-cured coatings and this amendment to Method 24 will incorporate ASTM Method D 5403-93, which does contain those procedures.

This rulemaking does not impose emission measurement requirements beyond those specified in the current regulation, nor does it change any emission standard. Rather, the rulemaking would simply amend an

existing test method associated with emission measurement requirements that would apply irrespective of this rulemaking.

II. Administrative Requirements

A. Public Hearing

A public hearing will be held if requested, to discuss the proposed test method in accordance with Section 307(d)(5) of the Clean Air Act. Persons wishing to make oral presentations should contact EPA at the address given in the ADDRESSES section of this preamble. Oral presentations will be limited to 15 minutes each. Any member of the public may file a written statement with EPA before, during, or within 30 days after the hearing. Written statements should be addressed to the Air Docket Section address given in the ADDRESSES section of this preamble.

B. Docket

The docket is an organized and complete file for all information submitted or otherwise considered by EPA in the development of this proposed rulemaking. The principle purposes of the docket are: (1) to allow interested parties to identify and locate documents so that they can effectively participate in the rulemaking process and (2) to serve as the record in case of judicial review (except for interagency review materials) [Section 307(d)(7)(A)].

C. Executive Order 12866

Under Executive Order 12866 [58 Federal Register 51735 (October 4, 1993)], the Agency must determine whether the regulatory action is "significant" and therefore subject to OMB review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

- (1) Have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that this action is not a "significant regulatory action"

within the meaning of Executive Order 12866 and is therefore not subject to OMB review.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980 requires the identification of potentially adverse impacts of Federal regulations upon small business entities. The Act specifically requires the completion of an RFA analysis in those instances where small business impacts are possible. Because this rulemaking imposes no adverse economic impacts, an analysis has not been conducted. Pursuant to the provision of 5 U.S.C. 605(b), I hereby certify that the promulgated rule will not have an impact on small entities because no additional costs will be incurred.

E. Paperwork Reduction Act

This rule does not change any information collection requirements subject to Office of Management and Budget under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

List of Subjects in 40 CFR Part 60

Environmental protection, Air pollution control, Intergovernmental relations, Surface coating of metal furniture, Automotive and light duty truck surface coating operations, Graphic arts industry publications, Rotogravure printing, Pressure sensitive tape and label surface coating, Industrial surface coating: Large appliances, Metal coil surface coating, Beverage can surface coating industry, Flexible vinyl and urethane coating and printing, Plastic parts for business machine coatings industry, Incorporation by reference, and Reporting and recordkeeping requirements.

Dated: December 23, 1994.

Carol M. Browner, Administrator.

40 CFR Part 60 is proposed to be amended as follows:

1. The authority citation for part 60 continues to read as follows:

Authority: 42 U.S.C. 7401, 7411, 7414, 7416, and 7601.

2. In § 60.17 of Subpart A, by adding a paragraph (a)(63) to read as follows:

§ 60.17 Incorporation by reference.

\* \* \* \* \*

(a) \* \* \*

(63) ASTM D 5403-93 Standard Test Methods for Volatile Content of Radiation Curable Materials.

\* \* \* \* \*

Appendix A—[Amended]

3. In Method 24 of Appendix A, Section 3.1 is amended by removing the words "For all other coatings analyzed as follows:"

4. In Method 24 of Appendix A, Sections 3.2, 3.3, 3.4, 3.5, 3.6, 3.7 are redesignated as Sections 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, respectively; Sections 2.6, 3.2 and 3.9 are added, to read as follows:

Method 24—[Amended]

\* \* \* \* \*

2. \* \* \*

2.6 ASTM D 5403-93 Standard Method for Volatile Content of Radiation Curable Materials (incorporated by reference—see § 60.17).

\* \* \* \* \*

3.2 Ultraviolet Radiation-cured Coating. To determine volatile content of ultraviolet radiation-cured (UV-cured) coatings, follow the procedures in Section 3.9. Determine water content, density and solids content of the UV-cured coatings according to Sections 3.4, 3.5, and 3.6, respectively. The UV-cured coatings are coatings which contain unreacted monomers that are polymerized by exposure to ultraviolet light. For all other coatings not covered by Sections 3.1 or 3.2 analyzed as follows:

\* \* \* \* \*

3.9 UV-cured Coating's Volatile Matter Content. Use the procedure in ASTM D5403-93 (incorporated by reference—see § 60.17) to determine the volatile matter content of the coating except the curing test described in NOTE 2 of ASTM D5403-93 is required.

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DEPARTMENT OF DEFENSE

48 CFR Parts 45 and 52

Federal Acquisition Regulation; Government Property

AGENCY: Department of Defense.

ACTION: Notice of public meeting.

SUMMARY: On September 16, 1994, (59 FR 47583) the Director of Defense Procurement, Department of Defense, announced an initiative to rewrite the Federal Acquisition Regulation (FAR) Part 45, Government Property, to make it easier to understand and to minimize the burdens imposed on contractors and contracting officers. The Director of Defense Procurement is providing a forum for an exchange of ideas and