

this rule is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons set out in the preamble, the Coast Guard is amending 33 CFR part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. A new temporary § 165.T5068 is added to read as follows:

§ 165.T5068 Safety Zone: Atlantic Intracoastal Waterway, Marine Corps Base Camp Lejeune, North Carolina.

(a) *Location.* The following area is a safety zone:

(1) The waters of the Atlantic Intracoastal Waterway from lighted dayboard number 64 at approximately 34° 33' 59.7" North, 077° 16' 50.5" West to lighted dayboard 65 at approximately 34° 33' .03" North, 077° 18' 30" West (Datum: NAD 83).

(b) *Definitions.* The following definition applies to this section: *The designated representative of the Captain of the Port* means: Any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port, Wilmington, North Carolina to act on his behalf.

(c) The Captain of the Port and the Duty Officer at the Marine Safety Office, Wilmington, North Carolina, can be contacted at telephone number (910) 343-4895.

(d) The designated representative on each vessel enforcing the safety zone can be contacted on VHF-FM channel 16.

(e) *Regulation.* The limitations on entry and use of the water area of the safety zone created by this regulation as described in the general regulations contained in 33 CFR 165.23, will only be in effect during the time periods announced on VHF channel 16.

(f) During the announced time periods, entry into this safety zone is prohibited except as authorized by the Captain of the Port.

(g) *Effective Dates.* This section is effective from 8 a.m. on October 28 through 6 p.m. October 31, 1995 local time, the zone will be activated intermittently up to three times daily (approximately 30-90 minutes each period in duration) by announcement on VHF channel 16.

Dated: September 19, 1995.

T.L. Rice,

Captain, U.S. Coast Guard, Captain of the Port, Wilmington, NC.

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BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL125-1-7030a; FRL-5312-7]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: On May 5, 1995, the State of Illinois submitted a State Implementation Plan (SIP) revision request to the United States Environmental Protection Agency (USEPA) for automotive/transportation and business machine plastic parts coatings operations as part of the State's 15 percent (%) Reasonable Further Progress (RFP) plan control measures for Volatile Organic Matter (VOM) emissions. VOM, as defined by the State of Illinois, is identical to "volatile organic compounds" (VOC), as defined by USEPA. VOC is one of the air pollutants which combine on hot summer days to form ground-level ozone, commonly known as smog. Ozone pollution is of particular concern because of its harmful effects upon lung tissue and breathing passages. RFP plans are intended to bring areas which have been exceeding the public health based Federal ozone air quality standard closer toward the goal of reaching and maintaining attainment with this standard. The control measures specified in this plastic parts SIP revision are expected by Illinois to reduce VOC (VOM) emissions by 0.28 tons per day in the Chicago area. No applicable sources exist in the Metro-East (East St. Louis) area at this time.

A supplement to the May 5, 1995, SIP revision request was submitted on May 26, 1995. USEPA made a finding of completeness in a letter dated July 13, 1995. A final approval action is being taken because the submittal meets all pertinent Federal requirements. This SIP revision establishes VOM emission limits for applicable plastic parts sources located in the Chicago and Metro-East ozone nonattainment areas. The USEPA is publishing this action without prior proposal because USEPA views this action as a noncontroversial revision and anticipates no adverse

comments. However, USEPA is publishing a separate document in this Federal Register publication, which constitutes a "proposed approval" of the requested SIP revision and clarifies that the rulemaking will not be deemed final if timely adverse or critical comments are filed. If USEPA receives comments adverse to or critical of the approval, USEPA will withdraw this approval before its effective date by publishing a subsequent Federal Register document which withdraws this final action. All public comments received will then be addressed in a subsequent rulemaking document. Please be aware that USEPA will institute another comment period on this action only if warranted by significant revisions to the rulemaking based on any comments received in response to today's action. Any parties interested in commenting on this action should do so at this time.

DATES: The direct final rule is effective on December 26, 1995, unless USEPA receives adverse or critical comments by November 27, 1995. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Copies of the revision request and USEPA's analysis (Technical Support Document) are available for inspection at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Mark J. Palermo at (312) 886-6082 before visiting the Region 5 Office.)

Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Regulation Development Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Mark J. Palermo at (312) 886-6082.

SUPPLEMENTARY INFORMATION:

I. Background

Section 182(b)(1) of the Clean Air Act (the Act) requires all moderate and above ozone nonattainment areas to achieve a 15% reduction of 1990 emissions of VOC (VOM) by 1996. In Illinois, the Chicago area is classified as "severe" nonattainment for ozone, while the Metro-East area is classified as "moderate" nonattainment. As such, these areas are subject to the 15% RFP requirement.

On September 12, 1994, the Illinois Environmental Protection Agency (IEPA) filed the proposed plastic parts coating rule with the Illinois Pollution Control Board (Board). A public hearing

on the rule was held on November 4, December 2, and December 16, 1994, in Chicago, Illinois; on April 20, 1995, the Board adopted a Final Opinion and Order for the proposed amendment. The rule became effective on May 9, 1995; it was published in the Illinois State Register on May 19, 1995. The IEPA formally submitted the plastic parts coating rule to USEPA on May 5, 1995, as a revision to the Illinois SIP for ozone; supplemental documentation to this revision was submitted on May 26, 1995. In doing so, IEPA believes that this SIP revision's new control requirements for plastic parts coating sources will help reduce VOM emissions enough to meet the 15% RFP requirements.

II. Analysis of State Submittal

The May 5, 1995, submittal includes the following new or revised rules:

Part 211: Definitions and General Provisions

Subpart B: Definitions

- 211.660 Automotive/Transportation Plastic Parts
- 211.670 Baked Coatings
- 211.820 Business Machine Plastic Parts
- 211.1880 Electromagnetic Interference/Radio Frequency Interference (EMI/RFI) Shielding Coatings
- 211.1900 Electrostatic Prep Coat
- 211.2360 Flexible Coating
- 211.2630 Gloss Reducers
- 211.4055 Non-Flexible Coating
- 211.4740 Plastic Part
- 211.5480 Reflective Argent Coating
- 211.5600 Resist Coat
- 211.6060 Soft Coat
- 211.6140 Specialty Coatings
- 211.6400 Stencil Coat
- 211.6580 Texture Coat
- 211.6880 Vacuum Metallizing

Part 218: Organic Material Emission Standards and Limitations for the Chicago Area

Subpart F: Coating Operations

- 218.204(n) Emission Limits for Plastic Parts Coating: Automotive/Transportation
- 218.204(o) Emission Limits for Plastic Parts Coating: Business Machine
- 218.205(g) Daily-Weighted Average Limits for Plastic Parts
- 218.207(i) Alternative Emission Limitations for Plastic Parts

Part 219: Organic Material Emission Standards and Limitations for the Metro-East St. Louis Area

Subpart F: Coating Operations

- 219.204(m) Emission Limits for Plastic Parts Coating: Automotive/Transportation
- 219.204(n) Emission Limits for Plastic Parts Coating: Business Machine

- 219.205(f) Daily-Weighted Average Limits for Plastic Parts
- 219.207(h) Alternative Emission Limitations for Plastic Parts

This SIP revision applies to sources in the Chicago and Metro-East St. Louis ozone nonattainment area which apply coatings to the following plastic parts:

(1) The interior and exterior plastic components of automobiles, trucks, tractors, lawn mowers, and other like mobile equipment intended for primary use on land, with the exception of the following: plastic parts coated on the main (body) paint line in automobile and light duty refinishing of automobiles, trucks, tractors, lawn mowers, and other like mobile equipment.

(2) The plastic housings and other exterior plastic components of electronic office equipment and of medical and musical equipment, including, but not limited to the following: computers, monitors, printers and keyboards, facsimile machines, copiers, microfiche readers, cellular and standard phones, and pencil sharpeners. The internal electrical components of business machines are, however, excluded from being applicable to this rule.

The Illinois plastic parts coating rule establishes VOM emission limitations which can be met in one of three ways: (a) Through the use of coatings meeting a low-VOM content limit (218.204 [n] and [o]/219.204 [m] and [n]), (b) having coating lines which apply coatings that are all subject to the same VOM content limit (specified in section 218/219.204) meet a daily-weighted average limit based upon that content limit (218.205[g]/219.205[f]), or (c) use of an add-on capture system and control device (218.207[i]/219.207[h]).

The VOM content limits for plastic parts coatings established in sections 218/219.204 are specified below. The limits are expressed in units of VOM per volume of coating (minus water and any compounds which are specifically exempted from the definition of VOM).

	kg/l	lb/gal
Plastic Parts Coating: Automotive/Transportation		
(1) Interiors:		
(A) Baked:		
(i) Color coat	0.49	4.1
(ii) Primer	0.46	3.8
(B) Air Dried:		
(i) Color coat	0.38	3.2
(ii) Primer	0.42	3.5
(2) Exteriors (flexible and non-flexible):		
(A) Baked:		
(i) Primer	0.60	5.0

	kg/l	lb/gal
(ii) Primer non-flexible ...	0.54	4.5
(iii) Clear coat	0.52	4.3
(iv) Color coat	0.55	4.6
(B) Air Dried-		
(i) Primer	0.66	5.5
(ii) Clear coat	0.54	4.5
(iii) Color coat (red & black)	0.67	5.6
(iv) Color coat (others) ..	0.61	5.1
(3) Specialty:		
(A) Vacuum metallizing basecoats, texture basecoats	0.66	5.5
(B) Black coatings, reflective argent coatings, air bag cover coatings, and soft coatings	0.71	5.9
(C) Gloss reducers, vacuum metallizing topcoats, and texture topcoats	0.77	6.4
(D) Stencil coatings, adhesion primers, ink pad coatings, electrostatic prep coatings, and resist coatings	0.82	6.8
(E) Head lamp lens coatings	0.89	7.4

Plastic Parts Coating: Business Machine

(1) Primer	0.14	1.2
(2) Color coat (non-texture coat)	0.28	2.3
(3) Color coat (texture coat) ..	0.28	2.3
(4) Electromagnetic interference/radio frequency interference shielding coatings	0.48	4.0
(5) Specialty Coatings:		
(A) Soft Coat	0.52	4.3
(B) Plating Resist	0.71	5.9
(C) Plating Sensitizer	0.85	7.1

In addition to meeting the provisions for emission limitations found within the Illinois plastic parts rule, applicable sources will have to meet provisions for test methods and reporting and recordkeeping, as specified in the rule.

III. Final Rulemaking Action

The USEPA has undertaken its analysis of the SIP revision request, based upon its plastic parts coating Alternative Control Techniques (ACT) document, and has determined that the rule's control requirements are equivalent to what is Reasonably Available Control Technology (RACT) for this source category. On this basis, the USEPA has determined that this SIP revision request is approvable.

The USEPA is publishing this action without prior proposal because USEPA views this action as a noncontroversial revision and anticipates no adverse comments. However, USEPA is publishing a separate document in this Federal Register publication, which

constitutes a "proposed approval" of the requested SIP revision and clarifies that the rulemaking will not be deemed final if timely adverse or critical comments are filed. The "direct final" approval shall be effective on December 26, 1995, unless USEPA receives adverse or critical comments by November 27, 1995. If USEPA receives comments adverse to or critical of the approval discussed above, USEPA will withdraw this approval before its effective date by publishing a subsequent Federal Register notice which withdraws this final action. All public comments received will then be addressed in a subsequent rulemaking document. Please be aware that USEPA will institute another comment period on this action only if warranted by significant revisions to the rulemaking based on any comments received in response to today's action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, USEPA hereby advises the public that this action will be effective on December 26, 1995.

This action has been classified as a Table 3 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. The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. USEPA shall consider each request for revision to the SIP in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act") (signed into law on March 22, 1995) requires that the USEPA prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditure by State, local, and tribal governments, in aggregate, or by the private sector, of \$100 million or more in any one year. Section 203 requires the USEPA to establish a plan for obtaining input from and informing, educating, and advising any small governments that may be significantly or uniquely affected by the rule.

Under section 205 of the Unfunded Mandates Act, the USEPA must identify and consider a reasonable number of

regulatory alternatives before promulgating a rule for which a budgetary impact statement must be prepared. The USEPA must select from those alternatives the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule, unless the USEPA explains why this alternative is not selected or the selection of this alternative is inconsistent with law.

Because this final rule is estimated to result in the expenditure by State, local, and tribal governments or the private sector of less than \$100 million in any one year, the USEPA has not prepared a budgetary impact statement or specifically addressed the selection of the least costly, most cost-effective, or least burdensome alternative. Because small governments will not be significantly or uniquely affected by this rule, the USEPA is not required to develop a plan with regard to small governments. This rule only approves the incorporation of existing state rules into the SIP. It imposes no additional requirements.

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-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 Clean Air Act 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 Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Clean Air Act forbids USEPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. USEPA.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

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 December 26, 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

Air pollution control, Environmental protection, Incorporation by reference.

Dated: September 22, 1995.

David A. Ullrich,

Acting Regional Administrator.

For the reasons stated in the preamble, 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 O—Illinois

2. Section 52.720 is amended by adding paragraph (c)(116) to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *
(116) On May 5, 1995, and May 26, 1995, the State submitted a rule for automotive/transportation and business machine plastic parts coating operations, which consisted of new volatile organic compound emission limitations to the Ozone Control Plan for the Chicago and Metro-East St. Louis areas.

(i) *Incorporation by reference.* Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emissions Standards and Limitations for Stationary Sources.

(A) Part 211: Definitions and General Provisions, Subpart B; Definitions, Sections 211.660 Automotive/Transportation Plastic Parts, 211.670 Baked Coatings, 211.820 Business Machine Plastic Parts, 211.1880 Electromagnetic Interference/Radio Frequency Interference Shielding Coatings, 211.1900 Electrostatic Prep Coat, 211.2360 Flexible Coatings, 211.2630 Gloss Reducers, 211.4055 Non-Flexible Coating, 211.4740 Plastic Part, 211.5480 Reflective Argon Coating, 211.5600 Resist Coat, 211.6060 Soft Coat, 211.6140 Specialty Coatings, 211.6400 Stencil Coat, 211.6580 Texture Coat, and 211.6880 Vacuum Metallizing,

amended at 19 Ill. 6823, effective May 9, 1995.

(B) Part 218: Organic Material Emission Standards and Limitations for the Chicago Area, Subpart F; Coating Operations, Sections 218.204 Emission Limitations, Subsection (n) Plastic Parts Coating: Automotive/Transportation and (o) Plastic Parts Coating: Business Machine, 218.205 Daily-Weighted Average Limitations, Subsection (g), and 218.207 Alternative Emission Limitations, Subsection (i), amended at 19 Ill. 6848, effective May 9, 1995.

(C) Part 219: Organic Material Emissions Standards and Limitations for the Metro-East Area, Subpart F; Coating Operations, Section 219.204 Emission Limitations, Subsection (m) Plastic Parts Coating: Automotive/Transportation and (n) Plastic Parts Coating: Business Machine, 219.205 Daily-Weighted Average Limitations, Subsection (f), and 219.207 Alternative Emission Limitations, Subsection (h), amended at 19 Ill. Reg. 6958, effective May 9, 1995.

[FR Doc. 95-26585 Filed 10-25-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[IL126-1-7031a; FRL-5299-8]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: On May 5, 1995, the State of Illinois submitted a State Implementation Plan (SIP) revision request to the United States Environmental Protection Agency (USEPA) for wood furniture coating operations as part of the State's 15 percent (%) Reasonable Further Progress (RFP) plan control measures for Volatile Organic Matter (VOM) emissions. A supplement to this request was submitted on May 26, 1995. USEPA made a finding of completeness in a letter dated July 13, 1995. A final approval action is being taken because the submittal meets all pertinent Federal requirements. The SIP revision modifies the source size applicability cut-off for wood furniture coating operation facilities located in the Chicago and Metro-East St. Louis ozone nonattainment areas from 100 to 25 tons of VOM emitted, or potential to emit, per year. The USEPA is publishing this action without prior proposal because USEPA views this action as a noncontroversial revision and anticipates no adverse comments. However, USEPA is publishing a

separate document in this Federal Register publication, which constitutes a "proposed approval" of the requested SIP revision and clarifies that the rulemaking will not be deemed final if timely adverse or critical comments are filed. If USEPA receives comments adverse to or critical of the approval, USEPA will withdraw this approval before its effective date by publishing a subsequent Federal Register document which withdraws this final action. All public comments received will then be addressed in a subsequent rulemaking document. Please be aware that USEPA will institute another comment period on this action only if warranted by significant revisions to the rulemaking based on any comments received in response to today's action. Any parties interested in commenting on this action should do so at this time.

DATES: The direct final rule is effective on December 26, 1995, unless USEPA receives adverse or critical comments by November 27, 1995. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Copies of the revision request and USEPA's analysis (Technical Support Document) are available for inspection at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Mark J. Palermo at (312) 886-6082 before visiting the Region 5 Office.)

Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Regulation Development Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Mark J. Palermo at (312) 886-6082.

SUPPLEMENTARY INFORMATION:

I. Background

Section 182(b)(1) of the Clean Air Act (the Act) requires all moderate and above ozone nonattainment areas to achieve a 15% reduction of 1990 emissions of VOM by 1996 (VOM, as defined by the State of Illinois, is identical to "volatile organic compounds", as defined by USEPA). In Illinois, the Chicago area is classified as "severe" nonattainment for ozone, while the Metro-East area is classified as "moderate" nonattainment. As such, these areas are subject to the 15% RFP requirement.

On September 12, 1994, the Illinois Environmental Protection Agency (IEPA) filed the proposed amended

wood furniture coating rule with the Illinois Pollution Control Board (Board). A public hearing on the rule was held on November 4, December 2, and December 16, 1994, in Chicago, Illinois, and on April 20, 1995, the Board adopted a Final Opinion and Order for the proposed amendment. The rule became effective on May 9, 1995, and it was published in the Illinois State register on May 19, 1995. The IEPA formally submitted the wood furniture coating rule to USEPA on May 5, 1995, as a revision to the Illinois SIP for ozone, and supplemental documentation to this revision was submitted on May 26, 1995. In doing so, IEPA believes that this SIP revision will insure that no increase in VOM emission for this source category occurs which negatively impacts Illinois' 15% RFP plan.

II. Analysis of State Submittal

The May 5, 1995 revision extends the applicability of Illinois' wood furniture coating rule requirements to those sources emitting, or having the potential to emit, 25 tons of VOM per year. The requirements were originally applicable only to those sources emitting or having a potential to emit 100 tons or more per year of VOM.

USEPA's Control Techniques Guideline (CTG) for wood furniture coating operations, which is to specify what Reasonably Available Control Technology (RACT) is for this source category, has yet to be finally published. (Section 182(b)(2) of the Act requires moderate and above ozone nonattainment areas to submit rules covering each post-1990 CTG source category which are equivalent to RACT as specified by each source category's CTG, by certain dates set forth by USEPA upon issuing each CTG.) The Illinois rule is considered to be interim RACT at this time; however, after the wood furniture coating CTG is issued by USEPA, Illinois will need to revise its rule, as necessary, in light of the new document, as required by Section 182(b)(2) of the Act.

III. Final Rulemaking Action

The USEPA has undertaken its analysis of the SIP revision request and has determined that this SIP revision request is approvable. However, after the final wood furniture coating CTG is issued by USEPA, Illinois will need to revise its wood furniture coating rule, as necessary, in light of the new document, as required by Section 182(b)(2) of the Act.

This rule, applicable to the Chicago and Metro-East St. Louis ozone