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 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 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. section 7410(a)(2) and 7410(R).

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

Through submission of this state implementation plan or plan revision, the State has elected to adopt the program provided for under Section 112(l) of the Clean Air Act. These rules may bind the State government to perform certain actions and also require the private sector to perform certain duties. To the extent that the rules being approved by this action would impose no new requirements, such sources are already subject to these regulations under State law. Accordingly, no additional costs to the State government, 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 the State government in the aggregate or to the private sector.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Sulfur oxides.

Dated: September 20, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

Part 52 of chapter I, title 40, *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 K—Florida

2. Section 52.520 is amended by adding paragraph (c)(90) to read as follows:

§ 52.520 Identification of plan.

* * * * *

(c) * * *

(90) Revisions to Chapter 62–210, Stationary Sources—General Requirements, submitted by the Florida Department of Environmental Protection on December 21, 1994 and April 24, 1995.

(i) Incorporation by reference.

(A) Revised Sections 62–210.300, ''Permits Required'', except 62–210.300(2)(b)1., and 62–210.350, ''Public Notice and Comment'', effective November 23, 1994. Revised Section 62–210.300(2)(b)1., effective April 18, 1995.

[FR Doc. 96–1937 Filed 1–31–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[IL112–1–6759a; FRL–5331–7]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: On October 24, 1994, the State of Illinois submitted a site-specific State Implementation Plan (SIP) revision request to the United States Environmental Protection Agency (USEPA) for Alumax Incorporated's Morris, Illinois facility, as part of the State's requirement under the Clean Air Act (Act) to adopt Reasonably Available Control Technology (RACT) rules controlling Volatile Organic Material (VOM) for sources in the Chicago ozone nonattainment area which have the potential to emit 25 tons of VOM per year and are not covered under a USEPA Control Techniques Guideline (CTG) document. VOM, as defined by the State of Illinois, is identical to ''volatile organic compounds'' (VOC), as defined by USEPA. Emissions of VOC react with other pollutants, such as oxides of nitrogen, 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. Chicago area RACT rules are intended to establish for each particular major stationary source in the Chicago ozone nonattainment area the lowest VOC emission limitation it is capable of meeting by the application of control technology that is reasonably available, considering technological and economic feasibility. RACT controls are a major component of the Chicago ozone nonattainment area's overall strategy to achieve and maintain attainment with the ozone standard. A final approval action is being taken because the submittal meets all pertinent Federal requirements.

DATES: The ''direct final'' is effective on April 1, 1996, unless USEPA receives adverse or critical comments by March 4, 1996. 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)(2) of the Act requires States with moderate and above ozone nonattainment areas to adopt VOC RACT rules covering ''major'' sources not already covered by a CTG for all areas designated nonattainment for ozone and classified as moderate or above. Under Section 182(d), sources located in areas classified as ''severe'' are considered ''major'' sources if they have the potential to emit 25 tons per year or more of VOC.

On October 21, 1993, the State of Illinois submitted ''generic'' RACT rules covering non-CTG major sources in the Chicago severe ozone nonattainment

area, which includes subparts PP, QQ, RR, TT, and UU of part 218 of the 35 Illinois Administrative Code (IAC), as a revision to the Illinois SIP. This SIP revision is soon to be promulgated by USEPA.

On December 20, 1993, Alumax and the Illinois Environmental Protection Agency (IEPA) filed a joint petition for an adjusted standard for Alumax's Morris, Illinois facility with the Illinois Pollution Control Board (Board). The adjusted standard petition sought relief for the Morris facility's hot and cold aluminum rolling mills from VOM control requirements found in part 218, subpart TT. Subpart TT would require the Morris facility's rolling mills to meet an 81 percent (%) reduction in uncontrolled VOM emissions. A public hearing on the adjusted standard was held on March 1, 1994, in Morris, Illinois. Alumax and IEPA contended that alternative control requirements for the Morris facility are necessary due to Alumax's finding that placing add-on control equipment to the facility's hot and cold rolling mills in order to meet the 81% control requirement would be technically and economically infeasible. On September 1, 1994, the Board adopted a Final Opinion and Order, AS 92–13, granting the adjusted standard, replacing the 81% control requirement with less stringent requirements, which include lubricant selection and temperature control. The adjusted standard also became effective on September 1, 1994.

The IEPA formally submitted the adjusted standard for Alumax on October 24, 1994, as a site-specific revision to the Illinois SIP for ozone. In doing so, IEPA intends to cover the Act's section 182(b)(2) major non-CTG RACT requirement for Alumax's Morris, Illinois facility. USEPA made a finding of completeness of this SIP submittal in a letter dated November 30, 1994.

II. State Submittal

The site-specific SIP revision would alter application of regulations contained within subpart TT, section 218.986 of the 35 IAC, as they apply to the Alumax facility's hot and cold aluminum rolling mills. The regulations in section 218.986 address ''other emission units.'' The request for an adjusted standard deals solely with the requirements found in subsections (a), (b), and (c), which require installation and maintenance of emission capture and control equipment which achieves an overall reduction in uncontrolled VOM emissions of at least 81%, an independent requirement for coating lines (not applicable in this case), or an alternative control plan which has been approved by the IEPA and the USEPA.

The site-specific SIP revision submittal contains a study conducted by Environmental Resources Management (ERM) which reviewed possible VOM emission control strategies and associated costs for the Alumax facility's hot and cold aluminum rolling mills. This study considered five process modification and treatment technologies to demonstrate RACT for the facility, including thermal incineration, oil absorption, carbon adsorption, steam concentration, and rolling lubricant selection with temperature control. Also considered was mill hooding, but hooding is ineffectual without connection to an add-on control device. The study found thermal incineration, oil absorption, carbon adsorption, and steam concentration to be technically and economically infeasible for the Alumax facility. Rolling lubricant selection with temperature control, however, was found to be the most appropriate VOM control method for the facility. The use of inherently low volatility rolling oils as lubricants in the cold rolling mills, and oil and water emulsions which maximizes water, instead of oil in lubricating the hot rolling mills, could achieve lower VOM emissions in the Alumax facility. Likewise, the study recommended temperature control of these lubricants so that the vapor pressure exerted by the system does not cause excessive VOM emission while maximizing the sensible heat capacity of the system. The Board's adjusted standard reflects these recommendations, by exempting the Alumax facility from the 81% control requirement, and, instead, requiring that lubricant selection and temperature control be used at the facility, along with requiring certain monitoring, test methods, and recordkeeping/recording be performed to demonstrate compliance. Based upon the ERM study, the USEPA finds acceptable the justification for not requiring the use of add-on control technology at the Alumax facility, and establishing for the facility instead lubricant selection and temperature control as RACT.

III. Analysis of Adjusted Standard

The adjusted standard's requirements for the Alumax facility are as follows:

A. Hot Rolling Mill

The Alumax Morris facility's hot rolling mill must use an oil/water emulsion rolling lubricant not to exceed 10%, by weight, of petroleum-based oil and additives, and a maximum inlet sump rolling lubricant temperature of 200 Fahrenheit (F). Compliance shall be demonstrated by a monthly analysis of a grab rolling lubricant sample from the hot mill and continuous temperature reading in the inlet sump feeding the mill.

The lubricants at the hot mill must be sampled and tested, for the percentage of oil and water, on a monthly basis. ASTM Method D95–83 (Reapproved 1990), ''Standard Test Method for Water in Petroleum Products and Bituminous Materials by Distillation,'' shall be used to determine the percent by weight for petroleum-based oil and additives.

B. Cold Rolling Mills

The Morris facility's cold rolling mills must use low vapor pressure lubricants composed of highly paraffinic oils and additives (rolling lubricant) and a maximum inlet sump rolling lubricant temperature of 150 degrees F. Stoddard solvent shall be the only solvent additive used in rolling lubricants. Compliance shall be demonstrated by a monthly analysis of a grab rolling lubricant sample from each operating mill and continuous temperature readings of the rolling lubricant temperature of the inlet sump feeding each mill.

All incoming shipments of the rolling lubricants for the cold mills must be sampled and each sample must undergo a distillation range test using ASTM method D86–90, ''Standard Test Method for Distillation of Petroleum Products''. The initial and final boiling points of oils must be between 440 and 650 degrees F. Also, for the cold mills, samples of the as-applied rolling lubricants must be taken on a monthly basis to verify, using ASTM D86–90, that the initial boiling point is greater than 310 degrees F and no more than 10.0 % of as-applied rolling lubricants shall boil off between the initial boiling point and 440 degrees F.

In addition, Stoddard solvent shall be the only solvent additive used in the cold mill rolling lubricants. All incoming shipments of Stoddard solvent must be sampled like the rolling lubricants using ASTM method D86–90, and the initial and final boiling points of the solvent additive must be between 310 and 390 degrees F.

C. Coolant Temperature Monitoring

Coolant temperature shall be monitored at all of the rolling mills by use of thermocouple probes and computer data system which automatically record values at least every five (5) minutes.

D. Recordkeeping and Reporting

All percent oil test results for hot mill lubricants, all distillation test results for cold mill lubricants and Stoddard solvent, all coolant temperature recording data, and all oil/water emulsion formulations with identification of all oils and solvent additives shall be kept on file, and be available for inspection by the Agency (IEPA or USEPA), for three years.

If Alumax deviates from these control requirements for any reason, it must submit a written report providing a description of the deviation, along with a date and time, cause of the deviation, if known, and any corrective action taken. Unless more frequent or detailed reporting is required under other provisions, including permit conditions, such written report shall be submitted, for each calendar year, by February 15 of the following year.

E. Compliance Date

Alumax shall comply with the above requirements listed above by October 31, 1994.

II. Final Rulemaking Action

The USEPA has undertaken its analysis of the site-specific SIP revision request based on a review of the materials presented by Alumax and IEPA, and has determined that the VOM control requirements specified for the Alumax Morris facility's aluminum rolling mills does constitute RACT and are fully enforceable. On this basis, the site-specific SIP revision request for Alumax's Morris facility is approvable.

This adjusted standard, AS 92–13, was adopted on September 1, 1994, and became effective on September 1, 1994, and replaces the requirements of section 218.986 of the 35 IAC as they apply to Alumax's Morris, Illinois hot and cold rolling operations.

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 April 1, 1996, unless USEPA receives adverse or critical comments by March 4, 1996. 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 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. If no such comments are received, USEPA hereby advises the public that this action will be effective on April 1, 1996.

This action has been classified as a Table 3 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 a July 10, 1995, memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) 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 then $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 April 1, 1996. 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, Incorporation by reference.

Dated: October 27, 1995.

Valdas V. Adamkus,

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)(118) to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(118) On October 24, 1994, the State submitted a site-specific revision to the State Implementation Plan establishing lubricant selection and temperature control requirements for Alumax Incorporated, Morris, Illinois facility's hot and cold aluminum rolling mills, as part of the Ozone Control Plan for the Chicago area.

(i) Incorporation by reference.

September 1, 1994, Opinion and Order of the Illinois Pollution Control Board AS 92–13, effective September 1, 1994.

[FR Doc. 96–1935 Filed 1–31–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[AZ 13–2–7096; FRL–5297–5]

Approval and Promulgation of Implementation Plans; Arizona State Implementation Plan Revision, Maricopa County Division of Air Pollution Control

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing the approval of revisions to the Arizona State Implementation Plan (SIP) proposed in the Federal Register on October 4, 1994. The revisions concern rules from the Maricopa County Division of Air Pollution Control (MCDAPC). This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The revised rules control VOC emissions from solvent degreasing operations, petroleum solvent dry cleaning, gasoline transfer, and the use of roadway asphalt. Thus, EPA is finalizing the approval of these revisions into the Arizona SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

EFFECTIVE DATE: This action is effective on March 4, 1996.

ADDRESSES: Copies of the rule revisions and EPA's evaluation report for each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revisions are available for inspection at the following locations:

Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Environmental Protection Agency, Air Docket (6102), 401 ''M'' Street SW., Washington, D.C. 20460.

Arizona Department of Environmental Quality, 3033 N. Central Avenue, Phoenix, AZ 85012.

Maricopa County Division of Air Pollution Control, 2406 South 24th Street, Suite E–214, Phoenix, AZ 85034.

FOR FURTHER INFORMATION CONTACT: Patricia A. Bowlin, Rulemaking Section, Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1188.

SUPPLEMENTARY INFORMATION:

Background

On October 4, 1994 in 59 FR 50533, EPA proposed to approve the following MCDAPC rules into the Arizona SIP: Rule 331, Solvent Cleaning; Rule 333, Petroleum Solvent Dry Cleaning; Rule 340, Cutback and Emulsified Asphalt; and Rule 353, Transfer of Gasoline into Stationary Dispensing Tanks. Rule 331 and Rule 333 were adopted by MCDAPC on June 22, 1992. Rule 340 was adopted on September 21, 1992, and Rule 353 was adopted on April 6, 1992. These rules were submitted by the Arizona Department of Environmental Quality (ADEQ) to EPA on June 29, August 10, and November 13, 1992. These rules were submitted in response to EPA's 1988 SIP-Call and the CAA section 182(a)(2)(A) requirement that nonattainment areas fix their reasonably available control technology (RACT) rules for ozone in accordance with EPA guidance that interpreted the requirements of the pre-amendment Act. A detailed discussion of the background for each of the above rules and the nonattainment area is provided in the notice of proposed rulemaking (NPRM) cited above.

EPA has evaluated all of the above rules for consistency with the requirements of the CAA, EPA regulations, and EPA interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in the NPRM cited above. EPA has found that the rules meet the applicable EPA requirements. A detailed discussion of the rule provisions and evaluations has been provided in 59 FR 50533 and in technical support documents (TSDs) available at EPA's Region IX office.

Response to Public Comments

A 30-day public comment period was provided in 59 FR 50533. EPA received no comments regarding the NPRM.

EPA Action

EPA is finalizing action to approve the above rules for inclusion into the Arizona SIP. EPA is approving the submittal under section 110(k)(3) as meeting the requirements of section 110(a) and Part D of the CAA. This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of VOCs in accordance with the requirements of the CAA.

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.

Unfunded Mandates

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector or to State, local, or tribal governments in the aggregate.

Through submission of this state implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under Part D of the Clean Air Act. These rules may bind State, local, and tribal governments to