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) of the Act, 42 U.S.C. 7607 (b)(2)).

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 E.O. 12866 review.

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a 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.

Under the Regulatory Flexibility Act, 5 U.S.C. 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. 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 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. 7410(a)(2) and 7410(k)(3).

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 section 110 of the CAA. These rules may bind State, local and tribal governments to perform certain duties. EPA has examined whether the rules being approved by this action will impose any mandate upon the State, local or tribal governments either as the owner or operator of a source or as a regulator, or would impose any mandate upon the private sector. EPA's action will impose no new requirements; such sources are already subject to these regulations under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. Therefore, this final action does not include a mandate that may result in estimated costs of $100 million or more to State, local, or tribal governments 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, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: December 4, 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 RR—Tennessee

2. Section 52.2220, is amended by adding paragraph (c)(134) to read as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) * * *

(134) Revisions to the State of Tennessee Air Pollution Control Regulations submitted by the Tennessee Department of Environment and Conservation on June 21, 1991, and June 22, 1993. These consist of revisions to Chapter 1200–3–10 Required Sampling, Recording and Reporting, and Chapter 1200–3–14 Control of Sulfur Dioxide Emissions. Revisions to section 16–85 of the Memphis/Shelby County portion of the Tennessee SIP which adopt by reference changes made to Chapter 1200–3–10 of the Tennessee SIP.

(i) Incorporation by reference.

(A) Chapter 1200–3–14, effective March 21, 1993.

(B) Chapter 1200–3–10, effective March 13, 1993.

(C) Section 16–85 of the Memphis/Shelby County Health Department, Air Pollution Control Regulations effective October 23, 1993.

(ii) Other material. None.

[FR Doc. 96–6002 Filed 3–18–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[AL–042–1–9614a, AL–043–9613a; FRL–5426–9]

Approval and Promulgation of Implementation Plans Alabama: Revision to the Alabama Department of Environmental Management Administrative Code for the Air Pollution Control Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On October 30, 1995, and December 14, 1995, the State of Alabama through the Department of Environmental Management (ADEM) submitted a revision to the State Implementation Plan (SIP) to amend the ADEM Administrative Code for the Air Pollution Control Program. The purpose of this submittal is to revise the definition of Volatile Organic Compound (VOC) in Chapter 335–3–1—General Provisions—Section 335–3–1–.02 (gggg), to ensure that the state regulation is consistent with the Federal rule.

DATES: This action is effective May 20, 1996 unless adverse or critical comments are received by April 18, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Comments may be mailed to Kimberly Bingham at the EPA Region 4 address listed below. Copies of the material submitted by ADEM may be examined during normal business hours at the following locations:

Air and Radiation Docket and Information Center (Air Docket 6102),

U.S. Environmental Protection Agency, 401 M Street SW., Washington DC 20460.
Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street, Atlanta, Georgia 30365.
Alabama Department of Environmental Management, 1751 Congressman W.L. Dickinson Drive, Montgomery, Alabama 36109.

FOR FURTHER INFORMATION CONTACT: Kimberly Bingham, Regulatory Planning and Development Section, Air Programs Branch, Air Pesticides and Toxics Management Division, Region 4, Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365. The telephone number is (404) 347–3555 ext. 4195.

SUPPLEMENTARY INFORMATION: On October 30, 1995 and December 14, 1995, the State of Alabama through the ADEM submitted revisions to the Alabama SIP. Chapter 335–3–1—General Provisions, Section 335–3–1–.02, was amended to exempt compounds from the definition of VOC on the basis that these compounds have been determined to have negligible photochemical reactivity. These revisions include the addition of new compounds and changes to the names of existing exempt compounds.

Also included with the submittal were revisions to Chapter 335–3–11 National Emission Standards for Hazardous Air Pollutants (NESHAP), Appendix C, and Chapter 335–3–18 Acid Rain Program—Permits Regulation. EPA is not taking action on these revisions in this notice because they are federally enforceable through 40 CFR Part 63 and Part 72, respectively.

Final Action

The EPA is approving the revisions to the VOC definition and is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective May 20, 1996 unless, by April 18, 1996, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed rule published with this action. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective May 20, 1996.

Under section 307(b)(1) of the Clean Air Act (CAA), 42 U.S.C. 7607(b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 20, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for 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) of the CAA, 42 U.S.C. 7607(b)(2)].

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 E.O. 12866 review.

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. 7410(a)(2) and 7410(k)(3).

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a 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.

Under the Regulatory Flexibility Act, 5 U.S.C. 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. 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.

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 Section 110 of the CAA. These rules may bind State, local and tribal governments to perform certain actions and also require the private sector to perform certain duties. EPA has examined whether the rules being approved by this action would impose no new requirements, since such sources are already subject to these regulations under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action, and therefore there will be no significant impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone.

Dated: February 6, 1996.

Phyllis P. Harris,

Acting Regional Administrator.

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 B—Alabama

2. Section 52.50 is amended by adding paragraph (c)(69) to read as follows:

§ 52.50 Identification of plan.

* * * * *

(c) * * *

(69) The State of Alabama submitted revisions to the ADEM Administrative Code for the Air Pollution Control Program on October 30, 1995, and December 14, 1995. These revisions involve changes to Chapter 335–3–1—General Provisions.

(i) Incorporation by reference. Section 335–3–1–.02 (gggg) of the Alabama regulations adopted on November 28, 1995.

(ii) Other material. None.

[FR Doc. 96–6009 Filed 3–18–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[IL124–1–6977a; FRL–5435–6]

Approval and Promulgation of State Implementation Plan; Illinois; Clean-Fuel Fleet Program

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Direct final rule.

SUMMARY: The USEPA is giving full approval through a direct final action to a state implementation plan (SIP) revision submitted on September 29, 1995, by the Illinois Environmental Protection Agency (IEPA). IEPA submitted the SIP revision request to satisfy provisions of the Clean Air Act, requiring certain states to establish Clean-Fuel Fleet Programs. The rules submitted by Illinois that are being approved today establish and require the implementation of a Clean-Fuel Fleet Program (CFFP) in the Chicago ozone nonattainment area. The Chicago ozone nonattainment area, which includes Cook, DuPage, Grundy (Aux Sable and Goose Lake townships only), Kane, Kendall (Oswego township only), Lake, McHenry, and Will counties, is required to attain the National Ambient Air Quality Standards (NAAQS) as specified under the Clean Air Act (CAA) by 2007. The implementation of this program is expected to reduce motor vehicle volatile organic compound (VOC) emissions, which contribute to the formation of urban smog in the Chicago area, by nearly 3 tons per day starting in the year 2003. In the proposed rules section of this Federal Register, USEPA is proposing approval of the CFFP and SIP revision and solicits comments on the action. If adverse comments are received on this direct final rule, USEPA will withdraw this final rule and address these comments in a subsequent final rule based on the proposed rule.

DATES: This final rule is effective May 20, 1996 unless adverse comments are received by April 18, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Copies of Illinois' CFFP SIP submittal, and other documents pertinent to this direct final rule are available at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, Air Programs Branch, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Comments on this rule should be addressed to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Francisco J. Acevedo, Environmental Engineer, Regulation Development Section, Air Programs Branch (AR–18J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6061.

SUPPLEMENTARY INFORMATION:

I. Background

On November 15, 1990, Congress enacted amendments to the 1977 CAA, codified at 42 U.S.C. 7401–7671q. The CFFP is contained under Part C, entitled ''Clean Fuel Vehicles,'' of Title II of the Clean Air Act. Part C was added to the CAA to establish two programs, a clean-fuel vehicle pilot program in the state of California (the California Pilot Test Program) and a federal CFFP in certain ozone and carbon monoxide (CO) nonattainment areas.

The CFFP will introduce lower pollution emitting vehicles, ''clean-fuel vehicles'' (CFVs), into centrally fueled fleets or fleets that are determined to be capable of being centrally fueled by requiring covered fleet operators to include a percentage of CFVs in their new fleet purchases. The goal of the CFFP is to reduce emissions of non-methane organic gasses (NMOG), oxides of nitrogen (NO_X), and CO through the introduction of CFVs into the covered areas. Both NMOG and NOx are precursors of ozone and, in most areas, their reduction will reduce the concentration of ozone in covered ozone nonattainment areas. Reductions of vehicular CO emissions will reduce the concentration of CO in covered CO nonattainment areas.

Congress chose centrally fueled fleets because operators of these fleets have more control over obtaining fuel than the general public. Additionally, the control that operators maintain over their fleets simplifies maintenance and refueling of these vehicles. Finally, because fleet vehicles typically travel more miles on an annual basis than do non-fleet vehicles, they provide greater opportunity to improve air quality on a per vehicle basis.

Section 182(c)(4) of the CAA allows states to opt-out of the CFFP by submitting, for USEPA approval, a SIP revision consisting of a substitute program resulting in as much or greater long term emission reductions in ozone producing and toxic air emissions as the CFFP. The USEPA may approve such a revision ''only if it consists exclusively of provisions other than those required under the [CAA] for the area.''

II. Program Requirements

Unless a state chooses to opt-out of the CFFP under section 182(c)(4) of the CAA, section 246 of the CAA directs a state containing covered areas to revise its SIP, within 42 months after enactment of the CAA, to establish a CFFP. The CFFP shall require a specified percentage of all newly acquired vehicles of covered fleets, beginning with model year (MY) 1998 and thereafter, to be CFVs and such vehicles shall use the fuel on which the vehicle was certified to be a CFV, when operating in the covered area.

III. State Submittal

The state of Illinois did not choose to opt-out of the CFFP pursuant to section 182(c)(4) of the CAA and, therefore, submitted a SIP revision on September 29, 1995, to implement a CFFP. On October 16, 1995, USEPA determined that the state's SIP submittal for a CFFP was complete.

IV. USEPA's Analysis of the State's Clean Fuel Fleet Program

USEPA has reviewed the state's submittal for consistency with the requirements of USEPA regulations. A summary of USEPA's analysis is provided below. More detailed support for approval of the state's submittal is contained in a Technical Support Document (TSD), dated February 12, 1996, which is available from the Region 5 Office, listed above.

A. Covered Areas

The SIP revision needs to list those areas where the CFFP will be implemented, as required by section 246(a)(2) of the CAA. In Illinois, the applicable areas defined by section 246(a)(2) include Cook, DuPage, Grundy (Aux Sable and Goose Lake townships only), Kane, Kendall (Oswego township only), Lake, McHenry, and Will counties.