$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 June 10, 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: March 22, 1996.

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 P—Indiana

2. Section 52.770 is amended by adding paragraph (c)(107) to read as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

(107) On August 8, 1995, Indiana submitted a site specific SIP revision request for Richmond Power and Light in Wayne County Indiana. The submitted revisions provide for revised particulate matter and opacity limitations on the number 1 and number 2 coal fired boilers at Richmond Power and Light's Whitewater Generating Station. The revisions also allow for time weighted averaging of stack test results at Richmond Power and Light to account for soot blowing. Indiana is making revisions to 326 IAC 3–2–1, which currently allows Indiana to authorize alternative emission test methods for Richmond Power and Light. Until the rule is revised to remove this authority, and approved by the United States Environmental Protection Agency, no alternate emission test method, changes in test procedures or alternate operating load levels during testing is to be granted to Richmond Power and Light.

(i) Incorporation by reference. Indiana Administrative Code Title 326: Air Pollution Control Board, Article 3: Monitoring Requirements, Rule 2.1: Source Sampling Procedures, Section 5: Specific Testing Procedures; Particulate Matter; Sulfur Dioxide; Nitrogen Oxides; Volatile Organic Compounds; Article 5: Opacity Regulations, Rule 1: Opacity Limitations, Section 2: Visible Emission Limitations; and Article 6: Particulate Rules, Rule 1: Nonattainment Area Limitations, Section 14: Wayne County. Added at 18 In. Reg. 2725. Effective July 15, 1995.

(ii) Additional Information. (A) August 8, 1995 letter from the Indiana Department of Environmental Management to USEPA Region 5 regarding submittal of a state implementation plan revision for Richmond Power and Light.

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40 CFR Part 52

[WI61–01–7144a; FRL–5426–2]

Approval and Promulgation of State Implementation Plan; Wisconsin; Lithographic Printing SIP Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA approves a revision to the Wisconsin State Implementation Plan (SIP) for ozone that was submitted on May 12, 1995, and supplemented on June 14, 1995, and November 14, 1995. This revision consists of a volatile organic compound (VOC) regulation which establishes reasonably available control technology (RACT) for lithographic printing facilities. This regulation was submitted to address, in part, the requirement of section 182(b)(2)(C) of the Clean Air Act (CAA or Act) that states revise their SIPs to establish RACT regulations for major sources of VOCs for which the USEPA has not issued a control technology guidelines (CTG) document. In addition, emission reductions resulting from this rule are being used by the State to fulfill, in part, the requirement of section 182(b)(1) of the Act that States submit a plan that provides for a 15 percent reduction in VOC emissions by 1996.

In the proposed rules section of this Federal Register, the EPA is proposing approval of, and soliciting comments on, this requested SIP revision. If

adverse comments are received on this action, the EPA will withdraw this final rule and address the comments received in response to this action in a final rule on the related proposed rule, which is being published in the proposed rules section of this Federal Register. A second public comment period will not be held. Parties interested in commenting on this action should do so at this time. This approval makes federally enforceable the State's rule that has been incorporated by reference.

DATES: The ''direct final'' is effective on June 10, 1996, unless EPA receives adverse or critical comments by May 9, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be sent to: Carlton T. Nash, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the proposed SIP revision and EPA's analysis are available for inspection at the U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (Please telephone Kathleen D'Agostino at (312) 886–1767 before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: Kathleen D'Agostino, Environmental Engineer, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 886–1767.

SUPPLEMENTARY INFORMATION: Section 182(b) of the Clean Air Act, as amended on November 15, 1990, sets forth the requirements for ozone nonattainment areas which have been classified as moderate or above. In Wisconsin, the counties of Kewaunee, Manitowoc, and Sheboygan and the Milwaukee area (including Kenosha, Milwaukee, Ozaukee, Racine, Washington, and Waukesha Counties) are classified as moderate or above. Section 182(b)(2)(C) requires that states submit revisions to the SIP for major sources of VOCs for which the EPA has not issued a control technology guidelines (CTG) document. The USEPA was required to develop a CTG document for lithographic printing by November 15, 1993. However, because the USEPA failed to do this, the requirement of section 182(b)(2)(C) is applicable. Because there are lithographic printing facilities in the nonattainment areas which exceed major threshold levels, the State of Wisconsin developed a non-CTG regulation for this category. This regulation was submitted to USEPA on May 12, 1995, and supplemented on June 14, 1995.

Additionally, section 182(b)(1)(A) requires those states with ozone nonattainment areas classified as moderate or above to submit plans to reduce VOC emissions by at least 15 percent from the 1990 baseline emissions. The 1990 baseline, as described by EPA's emission inventory guidance, is the amount of anthropogenic VOC emissions emitted on a typical summer day. Wisconsin submitted its 15 percent plan on June 14, 1995. Included in this plan were reductions generated by the lithographic printing rule.

Wisconsin's rule applies to all lithographic printing presses at any facility which is located in the county of Kenosha, Kewaunee, Manitowoc, Milwaukee, Ozaukee, Racine, Sheboygan, Washington or Waukesha and which has maximum theoretical emissions (MTE) of VOCs from all lithographic printing presses at the facility greater than or equal to 1666 pounds in any month. This is roughly equivalent to an applicability threshold of 10 tons per year MTE, which is well below the major source threshold of 100 tons per year for moderate areas and 25 tons per year for severe areas.

The following is a summary of the emission limitations contained in the State's regulation.

Dryer exhaust. For heatset web presses, NR 422.142(2)(a) requires that a dryer pressure lower than the press room pressure must be maintained at all points inside the dryer. Additionally, VOC emissions from the press dryer exhaust must be reduced by 90 percent by weight of total organics, minus methane and ethane, or the maximum dryer exhaust outlet concentration must not exceed 20 ppmv, as carbon. The State's rule allows a source to reduce VOC emissions in the dryer exhaust by 85 percent if it is controlled by a catalytic incinerator installed or modified before January 1, 1992.

Fountain solutions. NR 422.142(2)(b) contains the requirements for fountain solutions. For heatset web presses, when printing on a substrate other than metal, metal-foil or plastic, the fountain solution must have an as applied VOC content of no more than one of the following: (1) 1.6 percent by weight if the fountain solution contains any restricted alcohol and is not refrigerated to 60°F or less; (2) 3.0 percent by weight if the fountain solution contains any restricted alcohol and is refrigerated to 60°F or less; and 5.0 percent by weight if the fountain solution contains no restricted alcohol. (Restricted alcohol is defined as an alcohol which contains only one hydroxyl (—OH) group and less than 5 carbon atoms.)

For non-heatset web presses, when printing on a substrate other than metal, metal-foil or plastic, the fountain solution must have an as applied VOC content of no more than 5.0 percent by weight and contain no restricted alcohol.

For sheet-fed presses, when printing on a substrate other than metal, metal-foil or plastic, the fountain solution must have an as applied VOC content of no more than 5.0 percent by weight, or 8.5 percent by weight if the fountain solution is refrigerated to 60°F or less.

When printing on metal, metal-foil, or plastic substrates, the fountain solution must have an as applied VOC content of no more than 13.5 percent by weight if the fountain solution contains any restricted alcohol and is refrigerated to 60°F or less or the VOC content allowed above, as appropriate for the type of press operated.

Blanket or roller wash. The provisions related to blanket or roller washes are found at NR 422.142(2)(c). In general, blanket or roller washes must have an as applied VOC content of no greater than 30 percent by weight, or a vapor pressure for each VOC component of less than or equal to 10 millimeters of mercury at 68°F. The State does allow an exemption from this requirement provided that the amount used at the facility over any 12 consecutive months does not exceed 55 gallons, if the facility does not print on plastic substrates, or 165 gallons, if the facility does print on plastic substrates.

The State's regulation includes appropriate compliance testing, recordkeeping and reporting requirements at NR 422.142 (4), (5) and (6). Sources are required to comply with the State's regulation by July 1, 1996, and to submit written certification of compliance no later than September 1, 1996.

A more detailed analysis of the State's submittal is contained in EPA's technical support document dated November 22, 1995. In determining the approvability of this VOC rule, EPA evaluated the rule for consistency with Federal requirements, including section 110 and part D of the Clean Air Act. In addition, EPA has reviewed the Wisconsin rule in accordance with EPA policy guidance documents, including: *Control of Volatile Organic Compound Emissions from Offset Lithographic Printing: Draft,* September 1993, EPA's *Offset Lithographic Printing Model Rule,* draft dated July 7, 1994; *Alternative Control Techniques Document: Offset*

Lithographic Printing, June 1994; and a memorandum from G.T. Helms to the Air Branch Chiefs, dated August 10, 1990, on the subject of ''Exemption for Low-Use Coatings.'' The EPA has found that this rule meets the requirements applicable to ozone and is, therefore, approvable for incorporation into the State's ozone SIP.

Because the EPA considers this action noncontroversial and routine, we are approving it without prior proposal. This action will become effective on June 10, 1996. However, if we receive adverse comments by May 9, 1996, EPA will publish a document that withdraws this action.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. The EPA 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.

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 has exempted this regulatory action from Executive Order 12866 review.

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.

This approval does not create any new requirements. Therefore, I certify that this action 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 the regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA,* 427 U.S. 246, 256–66 (1976).

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, the EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, the EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires the EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the approval action promulgated today does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector.

This Federal action approves preexisting-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or the private sector, result from this action.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 10, 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, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: January 29, 1996.

David A. Ullrich,

Acting Regional Administrator.

40 CFR part 52, Subpart YY, is amended as follows:

Subpart YY—Wisconsin

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

2. Section 52.2570 is amended by adding paragraph (c)(89) to read as follows:

§ 52.2570 Identification of Plan.

* * * * *

(c) * * *

(89) A revision to the ozone State Implementation Plan (SIP) was submitted by the Wisconsin Department of Natural Resources on May 12, 1995, and supplemented on June 14, 1995 and November 14, 1995. This revision consists of volatile organic compound regulations which establish reasonably available control technology for lithographic printing facilities.

(i) Incorporation by reference. The following sections of the Wisconsin Administrative Code are incorporated by reference.

(A) NR 422.02(6), (18s), (21e), (24p), (24q), (28g), (37v), (41y) and (50v) as created and published in the (Wisconsin) Register, June, 1995, No. 474, effective July 1, 1995.

(B) NR 422.04(4) as amended and published in the (Wisconsin) Register, June, 1995, No. 474, effective July 1, 1995.

(C) NR 422.142 as created and published in the (Wisconsin) Register, June, 1995, No. 474, effective July 1, 1995.

(D) NR 439.04(5)(d)1.(intro.) as renumbered from 439.04(5)(d)(intro.), amended, and published in the (Wisconsin) Register, June, 1995, No. 474, effective July 1, 1995.

(E) NR 439.04(5)(d)1. a. and b. as renumbered from 439.04(5)(d)1. and 2., and published in the (Wisconsin) Register, June, 1995, No. 474, effective July 1, 1995.

(F) NR 439.04(5)(d)2 as created and published in the (Wisconsin) Register, June, 1995, No. 474, effective July 1, 1995.

(G) NR 439.04(5)(e)(intro.) as amended and published in the (Wisconsin) Register, June, 1995, No. 474, effective July 1, 1995.

(H) NR 439.06(3)(j) as created and published in the (Wisconsin) Register, June, 1995, No. 474, effective July 1, 1995.

(I) NR 484.04(13m), (15e) and (15m) as created and published in the (Wisconsin) Register, June, 1995, No. 474, effective July 1, 1995.

(J) NR 484.10(39m) as created and published in the (Wisconsin) Register, June, 1995, No. 474, effective July 1, 1995.

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