

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, EPA certifies 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)).

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.

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 SIP, the state has elected to adopt the program provided for under section 110 of the CAA. These rules may bind state and local governments to perform certain actions and also require the private sector to perform certain duties. To the extent that the rules being finalized for approval by this action will impose new requirements, sources are already subject to these regulations under state law. Accordingly, no additional costs to state or local governments, or to the private sector, result from this final 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 state or local governments in the aggregate or to the private sector. EPA has determined that these rules result in no additional costs to tribal government.

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 24, 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, Volatile organic compounds.

Dated: February 9, 1996.
Dennis Grams,
Regional Administrator.

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 R—Kansas

2. Section 52.870 is amended by adding paragraph (c)(31) to read as follows:

§ 52.870 Identification of plan.

* * * * *

(c) * * *

(31) On May 11, 1995, the Kansas Department of Health and Environment submitted an emissions inventory update to the Kansas City maintenance plan approved by EPA on June 23, 1992. The submittal also establishes a motor vehicle emissions budget for the purpose of fulfilling the requirements of the Federal Transportation Conformity rule.

(i) Incorporation by reference.

(A) Kansas City Ozone Maintenance State Implementation Plan Revision: Emissions Inventories and Motor Vehicle Emissions Budgets for the Kansas City Metropolitan Area, adopted on May 11, 1995.

Subpart AA—Missouri

3. Section 52.1320 is amended by adding paragraph (c)(94) to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

(94) On April 12, 1995, the Missouri Department of Natural Resources submitted an emissions inventory update to the Kansas City maintenance plan approved by EPA on June 23, 1992. The submittal also establishes a motor vehicle emissions budget for the purpose of fulfilling the requirements of the Federal Transportation Conformity rule.

(i) Incorporation by reference.

(A) Kansas City Ozone Maintenance SIP Revisions: Emission Inventories and Motor Vehicle Emissions Budgets, adopted by the Missouri Air Conservation Commission on March 30, 1995.

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40 CFR Part 52

[OH21-2-7260; FRL-5450-5]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Final rule.

SUMMARY: Pursuant to letter notice procedures described at 54 FR 2214 (January 19, 1989), USEPA approved minor revisions to the Ohio State Implementation Plan (SIP) on October 31, 1995. This document describes the approved revisions and incorporates the relevant material into the Code of Federal Regulations. The SIP revisions are site-specific rules that are required as part of an effort to achieve the National Ambient Air Quality Standard (NAAQS) for ozone. The rules will benefit the environment and people who have asthma and other respiratory diseases by reducing volatile organic compound (VOC) emissions, a precursor to smog formation.

EFFECTIVE DATE: The effective date is April 25, 1996.

ADDRESSES: Copies of the State SIP revision request and USEPA's letter notice of approval are available for public inspection during normal business hours at the following locations:

United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard (AR-18J), Chicago, Illinois 60604; and Office of Air and Radiation Docket and Information Center (Air Docket 6102), United States Environmental Protection Agency, 401 M Street, SW, Washington, DC, 20460.

FOR FURTHER INFORMATION CONTACT:

Fayette Bright, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 886-6069.

SUPPLEMENTARY INFORMATION: The Ohio Environmental Protection Agency (OEPA) originally submitted a SIP revision request on June 7, 1993, which established VOC reasonably available control technology (RACT) requirements for the facilities not covered by a control technique guideline (CTG). VOC RACT requirements were established for the following non-CTG sources¹:

AK Steel Corporation (Armco Steel Company)
B.F. Goodrich Company—Akron Chemical Plant
Chevron U.S.A. Incorporated
Cincinnati Specialties Incorporated
Day-Glo Color Corporation
Firestone Synthetic Rubber and Latex Company
Formica Corporation
Goodyear Tire and Rubber Company—Akron Polymer
Goodyear Tire and Rubber Company—Plant C
International Paper Company
Lubrizol Corporation
Midwest Mica and Insulation Company
Morton International Incorporated
PPG Industries Incorporated
Reilly Industries Incorporated
Ritrama Duramark
Sprayon Products Incorporated
Steelcraft Manufacturing Company
Zeneca (ICI Americas, Perry)

USEPA considered the State's request a minor SIP revision request. In response to USEPA comments on the request, the State submitted revisions to the original submittal on February 17, 1995, and August 22, 1995. The first revision submitted by the State included revised rules and permit requirements (implemented through Findings and Orders issued to the facilities) for a number of the facilities which established site-specific non-CTG VOC RACT regulations. The first revision did not, however, establish requirements for all of the non-CTG facilities and some of the revised rules contained deficiencies. Therefore, the State submitted a second revision on August 22, 1995, correcting these deficiencies and establishing requirements for the remaining non-CTG facilities.

On October 31, 1995, USEPA approved the SIP revision requests under Section 110(k) of the Clean Air

¹ The USEPA issued three sets of control technique guidelines documents which established a "presumptive norm" for RACT for various categories of VOC sources. Sources not covered by a CTG were called non-CTG sources.

Act (CAA) by notifying the affected facilities and the OEPA by letter that USEPA was approving the SIP revisions.² The SIP revisions became final and effective on that date. USEPA has determined that these SIP revisions satisfy requirements for RACT for the non-CTG facilities and comply with all other applicable requirements of the CAA and USEPA policy and regulations concerning such revisions.

The October 31, 1995, letter notice approvals, in conjunction with rule approvals published in the Federal Register on March 23, 1995 (60 FR 15235), correct all VOC RACT deficiencies cited in the action published May 9, 1994 (59 FR 23796). In the May 9, 1994, rulemaking action and the September 23, 1993, proposed rulemaking action (58 FR 49458), the rule deficiencies are described. The March 23, 1995, rulemaking describes how the deficiencies are remedied. The deficiencies for Canton, Youngstown, Toledo, and Dayton and some of the deficiencies for Cleveland and Cincinnati were found to be remedied when USEPA took final rulemaking action approving revisions to VOC RACT regulations for those areas. (See 60 FR 15235, March 23, 1995).

Clocks imposing sanctions on Canton, Youngstown, Toledo, Dayton, Cleveland, and Cincinnati were started as a result of the May 9, 1994, rulemaking action on VOC RACT described above. In order to stop the clocks, Ohio had to correct the VOC RACT deficiencies and have them approved into the SIP by USEPA November 9, 1995. The rule approvals published March 23, 1995, stopped the sanctions clocks for Canton, Youngstown, Toledo, and Dayton. The same March 23, 1995, rule approval corrected a number of the rule deficiencies for the Cleveland and Cincinnati areas. The remaining deficiencies were corrected by the October 31, 1995, letter notices and stopped the VOC RACT sanctions clocks for those areas.

Nothing in this action should be construed as permitting, allowing or

² Notice of the proposed approval of these SIP revisions was published in the Federal Register on July 10, 1995. Due to the minor nature of these revisions, USEPA concluded that conducting the usual notice-and-comment rulemaking prior to approving the revisions would have been "unnecessary and contrary to public interest," and therefore was not required by the Administrative Procedure Act, 5 U.S.C. Section 553(b). USEPA therefore sent notice of the approval by letter to the affected facilities and the OEPA in accordance with the procedure described in a January 30, 1989, memorandum from USEPA's Office of Air Quality Planning and Standards to the Regional Air Division Directors entitled "Procedures for Letter Notice Approval of Minor SIP Actions."

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.

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.

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 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 state action. The 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 Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, USEPA 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 the state implementation plan or plan revisions approved in this action, the State has elected to adopt the program provided for under section 110 of the Clean Air Act. The rules and commitments being approved in this action may bind State,

local and tribal governments to perform certain actions and also may ultimately lead to the private sector being required to perform certain duties. To the extent that the rules and commitments being approved by this action will impose or lead to the imposition of 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 or lead to the imposition of any mandate upon the private sector, EPA's action will impose no new requirements; such sources are already subject to these requirements under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. The USEPA has also determined that this 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.

Under Section 307(b)(1) of the Act, as amended, judicial review of this action is available only by filing a petition for review in the United States Court of Appeals for the appropriate circuit by June 24, 1996. The action may not be challenged later in proceedings to enforce their requirements. See section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: February 29, 1996.

Valdas V. Adamkus,
Regional Administrator.

Part 52, chapter I, title 40, of the Code of Federal Regulations is amended to read 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 KK—Ohio

2. Section 52.1870 is amended by adding paragraph (c)(102) to read as follows:

§ 52.1870 Identification of plan.

* * * * *

(c) * * *

(102) On June 7, 1993, and February 17, 1995, the Ohio Environmental Protection Agency (OEPA) submitted revisions to the State Implementation Plan (SIP) for ozone. The revisions

include 19 new non-Control Technique Guideline volatile organic compound (VOC) rules, Findings and Orders for 5 companies, and two permits to install.

(i) Incorporation by reference.

(A) OEPA OAC Rule 3745-21-01, Definitions, Paragraphs (Q); (T); effective January 17, 1995.

(B) OEPA OAC Rule 3745-21-04, Attainment Dates and Compliance Time Schedules, Paragraphs (C)(40); (C)(41); (C)(46); (C)(48); (C)(49); (C)(50); (C)(51); (C)(53); (C)(54); (C)(59); (C)(60); (C)(61); (C)(62); effective January 17, 1995.

(C) OEPA OAC Rule 3745-21-09, Control of Emissions of Volatile Organic Compounds from Stationary Sources, Paragraphs (FF), (GG), (HH), (II), (JJ), (KK), (LL), (MM), (NN), (OO), (PP), (QQ), (SS), (TT), (YY), (ZZ), (AAA); (BBB); effective January 17, 1995.

(D) Director's Final Findings and Orders for AK Steel Corporation (Middletown), International Paper Company (Cincinnati), Midwest Mica & Insulation Company (Cleveland), Reilly Industries, Inc. (Cleveland), and Sprayon Products, Inc. (Bedford Heights), Issued by Ohio Environmental Protection Agency on August 18, 1995.

(E) Permit to Install, Application Number 13-2396, for Excello Specialty Company, APS Premise Number 1318607686. The date of issuance is December 11, 1991.

(F) Permit to Install, Application Number 14-2096, for Hilton Davis Company, APS Premise Number 1431070039. The date of issuance is June 12, 1991.

* * * * *

[FR Doc. 96-10131 Filed 4-24-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[W168-01-7294a; FRL-5461-7]

Approval and Promulgation of State Implementation Plan; Wisconsin; Industrial Adhesives 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 December 12, 1995, and later supplemented on January 12, 1996. This revision requires the control of volatile organic compound (VOC) emissions from facilities that utilize industrial adhesives. This submittal was made to satisfy the requirement of the 1990 Clean Air Act (CAA) that all major VOC sources in moderate, or worse, ozone nonattainment areas have Reasonably

Available Control Technology (RACT) applied to them. This regulation will also be used to generate reductions in VOC emissions, which the State will use to fulfill the CAA requirement to reduce VOC emissions by at least 15 percent from the 1990 baseline emissions. 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 24, 1996, unless EPA receives adverse or critical comments by May 28, 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. EPA, 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. EPA, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (Please telephone Douglas Aburano at (312) 353-6960 before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: Douglas Aburano, Environmental Engineer, Regulation Development Section, Air Programs Branch (AR-18J), U.S. EPA, Region 5, Chicago, Illinois 60604, (312) 353-6960.

SUPPLEMENTARY INFORMATION:

I. Background

Section 182(b) of the CAA sets forth the requirements for ozone nonattainment areas which have been classified as moderate or above. 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.