

received, the public is advised that this action will be effective July 1, 1996.

**Regulatory Process**

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 population of less than 50,000.

SIP approvals under sections 110 and 301(a) 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).

**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 perform certain actions and also require the private sector to perform certain duties. The rules being approved by this action will impose no new requirements because affected sources are already subject to these regulations under State law. Therefore, no additional costs to State, local, or tribal governments 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 State, local, or tribal governments in the aggregate or to the private sector.

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.

**List of Subjects in 40 CFR Part 52**

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

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Dated: April 1, 1996.

Felicia Marcus,  
*Regional Administrator.*

Subpart F of 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 F—California**

2. Section 52.220 is amended by adding paragraphs (c)(195)(i)(B), (202)(E)(i)(2), and (222)(i)(C)(3) to read as follows:

**§ 52.220 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(195) \* \* \*

(i) \* \* \*

(B) Ventura County Air Pollution Control District.

(1) Rule 74.22, adopted on November 9, 1993.

\* \* \* \* \*

(202) \* \* \*

(i) \* \* \*

(E) \* \* \*

(2) Rule 233, adopted on October 6, 1994.

\* \* \* \* \*

(222) \* \* \*

(i) \* \* \*

(C) \* \* \*

(3) Rule 412, adopted on June 1, 1995.

\* \* \* \* \*

[FR Doc. 96-10566 Filed 4-29-96; 8:45 am]

BILLING CODE 6560-50-W

**40 CFR Part 52**

[CA 095-0006a; FRL-5454-9]

**Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Placer County Air Pollution Control District, El Dorado County Air Pollution Control District, Ventura County Air Pollution Control District, Yolo-Solano Air Quality Management District, and Mojave Desert Air Quality Management District**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action on revisions to the California State Implementation Plan (SIP). The revisions concern rules from the following districts: Placer County Air Pollution Control District (PLCAPCD), El Dorado County Air Pollution Control District (EDCAPCD), Ventura County Air Pollution Control District (VTCAPCD), Yolo-Solano Air Quality Management District (YSAQMD), and Mojave Desert Air Quality Management District (MDAQMD). 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 automotive refinishing, solvent cleaning and degreasing, wood coating and graphic arts operations. Thus, EPA is finalizing the approval of these revisions into the California SIP under provisions of the CAA regarding EPA action on SIP submittal, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

**DATES:** This action is effective on July 1, 1996, unless adverse or critical comments are received by May 30, 1996. If the effective date is delayed, a timely notice will be published in the Federal Register.

**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, S.W., Washington, D.C. 20460

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95812-2815

Placer County Air Pollution Control District, 11464 B Avenue, Auburn, CA 95603

El Dorado County Air Pollution Control District, 2850 Fairlane Court, Placerville, CA 95667

Ventura County Air Pollution Control District, 669 County Square Drive, Ventura, CA 93003

Yolo Solano Air Quality Management District, 1947 Galileo Court, Suite 103, Davis, CA 95616

Mojave Desert Air Quality Management District, 15428 Civic Drive, Suite 200, Victorville, CA 92392-2383

**FOR FURTHER INFORMATION CONTACT:**

Daniel A. Meer, Chief Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105-3901, Telephone: (415) 744-1185

**SUPPLEMENTARY INFORMATION:**

**Applicability**

The rules being approved into the California SIP include: PLCAPCD's Rule 216, Organic Solvent Cleaning and Degreasing Operations, and Rule 236, Wood Products Coating Operations; EDCAPCD's Rule 225, Organic Solvent Cleaning and Degreasing Operations, Rule 230, Motor Vehicle and Mobile Equipment Coating Operations and Rule 235, Surface Preparation and Cleanup; VTCAPCD's Rule 74.18 Motor Vehicle and Mobile Equipment Coating Operations and Rule 74.30, Wood Products Coatings; YSAQMD's Rule 2.13, Organic Solvents and Rule 2.26, Motor Vehicle and Mobile Equipment Coating Operations; MDAQMD's Rule 1104, Organic Solvent Degreasing Operations, Rule 1114, Wood Products Coating Operations and Rule 1117, Graphic Arts. These rules were submitted by the California Air Resources Board (CARB) to EPA on July 13, 1994 (Rules 74.30 and 1117), November 30, 1994 (Rules 225, 230, 1104, and 2.13), February 24, 1995 (Rule 74.18 and 2.26), March 31, 1995 (Rule 1114), May 24, 1995 (Rule 236) and October 13, 1995 (Rules 216 and 235).

**Background**

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas

under the provisions of the Clean Air Act, as amended in 1977 (1977 Act or pre-amended Act), that included Ventura County, part of the Southeast Desert Air Basin, and the Sacramento Metro area, which includes portions of Placer, Yolo, and El Dorado County. See 43 FR 8964, 40 CFR 81.305. On May 26, 1988, EPA notified the Governor of California, pursuant to section 110(a)(2)(H) of the 1977 Act, that the PLCAPCD, EDCAPCD, VTCAPCD, YSAQMD and the MDAQMD portions of the California SIP were inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Public Law 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q. In amended section 182 of the CAA, Congress statutorily adopted the requirements that nonattainment areas both fix their deficient reasonably available control technology (RACT) rules for ozone and submit RACT rules for other stationary sources of VOCs (the RACT fix-up and catch-up requirements). Congress established a deadline of May 15, 1991 for States to submit corrections to deficient rules and a deadline of November 15, 1992 for States to submit rules for other VOC source categories.

Section 182 applies to areas designated as nonattainment prior to enactment of the amendments and classified as marginal or above as of the date of enactment. It requires such areas to adopt and correct RACT rules pursuant to pre-amended section 172 (b) as interpreted in pre-amendment guidance.<sup>1</sup> EPA's SIP-Call used that guidance to indicate the necessary corrections for specific nonattainment areas. Ventura County, a portion of the Southeast Desert Air Basin, the Sacramento Metro area, which includes portions of Placer, Yolo and El Dorado County are classified as severe;<sup>2</sup> therefore, these areas were subject to the

<sup>1</sup> Among other things, the pre-amendment guidance consists of those portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 Federal Register Notice" (Blue Book) (notice of availability was published in the Federal Register on May 25, 1988); and the existing control technique guidelines (CTGs).

<sup>2</sup> Ventura County and a portion of the Southeast Desert Air Basin retained their designation of nonattainment and were classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. See 55 FR 56694 (November 6, 1991). The Sacramento Metro Area was reclassified from serious to severe on June 1, 1995. See 60 FR 20237 (April 25, 1995)

RACT fix-up and catch-up requirements and the deadlines cited above.<sup>3</sup>

The State of California submitted many revised RACT rules for incorporation into its SIP on July 13, 1994, November 30, 1994, February 24, 1995, March 31, 1995, May 24, 1995, and October 13, 1995, including the rules being acted on in this document. This document addresses EPA's direct-final action for PLCAPCD's Rule 216, Organic Solvent Cleaning and Degreasing Operations, and 236, Wood Products Coating Operations; EDCAPCD's Rules 225, Organic Solvent Cleaning and Degreasing Operations, 230, Motor Vehicle and Mobile Equipment Coating Operations, and 235, Surface Preparation and Cleanup; VTCAPCD's Rules 74.18 Motor Vehicle and Mobile Equipment Coating Operations, and 74.30, Wood Products Coatings; YSAQMD's Rules 2.13, Organic Solvents, and 2.26, Motor Vehicle and Mobile Equipment Coating Operations; MDAQMD's Rules 1104, Organic Solvent Degreasing Operations, 1114, Wood Products Coating Operations and 1117, Graphic Arts. These submitted rules were found to be complete on July 22, 1994 (1117), September 12, 1994 (74.30), January 3, 1995 (1104), January 30, 1995 (2.13, 225, and 230), March 10, 1995 (74.18, 2.26), May 2, 1995 (1114), July 24, 1995 (236), and November 28, 1995 (216, 235) pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51 Appendix V<sup>4</sup> and are being finalized for approval into the SIP.

VTCAPCD's Rule 74.18, EDCAPCD's Rule 230, and YSAQMD's Rule 2.26 control emissions of VOCs from refinishing of motor vehicles and mobile equipment, YSAQMD's Rule 2.13 controls emissions of VOCs from the usage of organic solvents, EDCAPCD's Rule 235 controls emissions of VOCs from surface preparation and cleanup using organic solvents, EDCAPCD's Rule 225, PLCAPCD's Rule 216 and MDAQMD's Rule 1104 control emissions of VOCs from organic solvent degreasing operations, PLCAPCD's Rule 236, MDAQMD's Rule 1114 and VTCAPCD's Rule 74.30 control emissions of VOCs from coating of wood products and MDAQMD's Rule 1117

<sup>3</sup> California did not make the required SIP submittal for Mojave Desert AQMD's Rule 1104, Graphic Arts, by November 15, 1992. On January 15, 1993, the EPA made a finding of failure to make a submittal pursuant to section 179(a)(1), which started an 18 month sanction clock. The rule being acted on in this direct final rule was submitted in response to the EPA finding of failure to submit.

<sup>4</sup> EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

controls emissions of VOCs from graphic arts operations. VOCs contribute to the production of ground level ozone and smog. These rules were originally adopted by the respective districts as part of their effort to achieve the National Ambient Air Quality Standard (NAAQS) for ozone and in response to EPA's SIP-Call and the section 182(a)(2)(A) CAA requirement. The following is EPA's evaluation and final action for these rules.

#### EPA Evaluation and Action

In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for today's action, appears in the various EPA policy guidance documents listed in footnote 1. Among those provisions is the requirement that a VOC rule must, at a minimum, provide for the implementation of RACT for stationary sources of VOC emissions. This requirement was carried forth from the pre-amended Act.

For the purpose of assisting state and local agencies in developing RACT rules, EPA prepared a series of Control Technique Guideline (CTG) documents. The CTGs are based on the underlying requirements of the Act and specify the presumptive norms for what is RACT for specific source categories. Under the CAA, Congress ratified EPA's use of these documents, as well as other Agency policy, for requiring States to "fix-up" their RACT rules. See section 182(a)(2)(A). The CTG applicable to EDCAPCD's Rule 225, PLCAPCD's Rule 216 and MDAQMD's Rule 1104 is entitled, Control of Volatile Organic Emissions From Solvent Metal Cleaning. EPA-450/2-77-022, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, November 1977, and the CTG applicable to MDAQMD's Rule 1117 is entitled, Control of Volatile Organic Emissions from Stationary Sources—Volume VIII: Graphic Arts—Rotogravure and Flexography, U.S. Environmental Protection Agency, Office of Air Quality And Standards, December 1978, EPA-450/2-78-033. MDAQMD's Rule 1114 and VTCAPCD's Rule 74.30 limit emissions from a source category for which EPA has published a draft CTG entitled, Control Techniques Guideline Document; Wood Furniture Finishing and Cleaning Operation, see 60 FR 46595, September 7, 1995, which was

used as guidance in the evaluation. VTCAPCD's Rule 74.18, EDCAPCD's Rules 230 and 235, and YSAQMD's Rule 2.26, and 2.13 are applicable to source categories for which EPA has not published a CTG. Accordingly, these rules were evaluated against the interpretation of EPA policy found in the Blue Book, referred to in Footnote 1 and against other EPA policy including the EPA Region 9/CARB document entitled: Guidance Document for correcting VOC rule deficiencies, (April 1991). In general, these guidance documents have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

PLCAPCD's submitted Rule 216, Organic Solvent Cleaning and Degreasing Operations, includes the following significant changes from the current SIP:

- Updated format of rule to be consistent with other district rules, and to enhance clarity,
- Expanded section 200, to include definitions of exempt compounds, VOCs, leaks, wipe cleaning, stationary source and lip exhaust,
- Regrouped requirements and standards to enhance clarity and enforceability of the rule,
- Revised section 500, to cite test methods that have been approved by the EPA.

PLCAPCD's submitted Rule 236, Wood Products Coating Operations, is a new rule containing the following significant provisions:

- Limits VOC emissions from coating and surface preparation of wood products including furniture, cabinets and custom replica furniture, but exempts application of coatings to wooden musical instruments, and exempts facilities using less than 20 gallons of coatings per year,
- The rule applies only to facilities located in the Sacramento Valley Air Basin portion of Placer County.

EDCAPCD'S submitted Rule 225, Organic Solvent Cleaning and Degreasing Operations, includes the following significant changes from the current SIP:

- Corrected the deficiencies noted in EPA's SIP call of September 7, 1988 (53 FR 34500)
- Incorporates the provisions of the RACT/BARCT determination developed by the California Air Resources Board (CARB).

EDCAPCD's submitted Rule 230, Automotive Refinishing Operations, is a new rule containing the following significant provisions:

- Limits the VOC contents of numerous coatings and solvents utilized in the automotive refinishing industry,

- Implements the provisions of RACT/BARCT developed by the California Air Resources Board,
- Requires the use of high efficiency transfer equipment for the application of all coatings, such as High Volume Low Pressure (HVLP), electrostatic or other coating application methods having a transfer efficiency of 65% or greater,
- Requires add-on abatement equipment when non-compliant coatings are being used,
- Specifies test methods for analysis of samples, determination of emissions, transfer efficiency, capture efficiency, metallic particle content in metallic coatings and acid concentration in pretreatment wash primer,
- Defines recordkeeping requirements.

EDCAPCD's submitted Rule 235, Surface Preparation and Cleanup is a new rule containing the following significant provisions:

- Limits the emissions of VOCs from solvent cleaning operations in production, repair, maintenance or servicing of parts, products, tools, machinery, equipment, or general work areas,
- Exempts facilities using less than 10 gallons of solvents in any one calendar year, provided that the daily use does not exceed one liter,
- Defines cleaning devices and methods to be used when performing solvent cleaning,
- Defines recordkeeping requirements and test methods.

VTCAPCD's Rule 74.18, Motor Vehicles and Mobile Equipment Coatings Operations, includes the following significant changes from the current SIP:

- Sets the standard for pretreatment wash primer at 780 grams of VOC per liter, and limits the use of this coating to 10% of all undercoats used, averaged over one month,
- Deletes the category of precoat,
- Changes the implementation date of the primer sealer VOC standard to January 1, 1997,
- Changes the implementation date of the multistage topcoat VOC limit to January 1, 1996,
- Limits the use of specialty coatings to no more than 5% of total coating usage.

VTCAPCD's Rule 74.30, Wood Products Coatings, is a new rule containing the following significant provisions:

- Limits the VOC content of coatings applied to wood products,
- Establishes two categories of wood coating operations: new wood products and refinishing wood products,

- Allows add-on control equipment as an alternative to using low VOC coatings,

- Requires operators of wood coating facilities to use coating application methods yielding at least 65% transfer efficiency,

- Defines the test methods to be used and specifies recordkeeping provisions.

YSAQMD's Rule 2.13, Organic Solvents, includes the following changes from the current SIP:

- Reformatting of the entire rule,

- Added section 101, Purpose

- Added section 102, Applicability

- Deleted the sections concerning asphalt paving and graphic arts. These sources are now covered in Rule 2.28 and 2.29 respectively,

- Added section 502, test methods.

YSAQMD's Rule 2.26, Motor Vehicle and Mobile Equipment Coating Operations, is a new rule containing the following significant provisions:

- Limits the VOC content of coatings applied to group I and group II vehicles,
- Specifies the application method to be used to achieve a transfer efficiency of 65% or greater,

- Limits the VOC contents of surface preparation and clean-up solvents,

- Limits use of specialty coatings to no more than 5% of all coatings applied, on a monthly basis,

- Limits use of precoat to no more than 25%, by volume, of the amount of primer surfacer used,

- Includes a prohibition of specification and sale clause,

- Defines test methods to be used and specifies records to be kept.

MDAQMD's Rule 1104, Organic Solvent Degreasing Operations, is a new rule containing the following significant provisions:

- Limits emissions of VOCs from wipe cleaning and degreasing operations using organic solvents,

- Applies to any facility engaged in wipe cleaning, cold solvent cleaning (degreasing) operations for metal/non metal parts/products or electronic circuit boards, which utilize organic solvents,

- Defines equipment requirements for remote reservoir cleaners, cold solvent degreasers, conveyORIZED cold solvent degreasers, batch loaded vapor degreasers, and conveyORIZED vapor degreasers,

- Defines operating requirements for all degreasers in general, and batch loaded, conveyORIZED degreasers, and remote reservoir degreasers specifically,

- Provides recordkeeping requirements and specifies test methods.

MDAQMD's Rule 1114, Wood Products Coating Operations, is a new

rule containing the following significant provisions:

- Limits emissions of VOCs from the coating operations of wood products,

- Provides limits of VOC content for topcoats, fillers stains, inks, mold-seal, multi-colored and pigmented coatings, sealers, strippers and adhesives.

- Defines application methods to be used when applying coatings to achieve a transfer efficiency of 65% or more,

- Defines the VOC limits of clean-up and equipment cleaning solvents,

- Allows the use of add-on control devices to comply with the rule,

- Exempts facilities using less than one gallon of coating material in any one day, or have maximum actual emissions of 3 lbs of VOCs per day and not more than 200 lbs of VOCs per calendar year,

- Specifies test methods to be used and records to be kept.

MDAQMD's Rule 1117, Graphic Arts, is a new rule containing the following significant provisions:

- Applies to rotogravure and flexographic printing sources, but exempts facilities that emit less than 2500 pounds of VOC per month,

- Requires sources to maintain daily records of coatings, inks, and adhesives used by the facility. If an emission control system is used, the facility must continuously monitor its operating parameters,

- Limits VOC content of inks, coatings, and adhesives to 300 grams per liter of coating as applied,

- Defines capture and control efficiency requirements of 75% by weight for publication rotogravure, of 65% by weight for packaging rotogravure, and of 60% by weight for flexographic printing,

- Defines test methods to be used and records to be kept.

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations, and EPA policy. Therefore, PLCAPCD's Rules 216, Organic Solvent Cleaning and Degreasing Operations, and 236, Wood Products Coating Operations, EDCAPCD's Rules 225, Organic Solvent Cleaning and Degreasing Operations, 230, Motor Vehicle and Mobile Equipment Coating Operations, and 235, Surface Preparation and Cleanup, VTCAPCD's Rules 74.18, Motor Vehicle and Mobile Equipment Coating Operations, and 74.30, Wood Products Coating, YSAQMD's Rules 2.13, Organic Solvents, and 2.26, Motor Vehicles and Mobile Equipment Coating Operations, and MDAQMD's Rules 1104, Organic Solvent Degreasing Operations, 1114, Wood Products Coating, and 1114,

Graphic Arts, are being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and part D.

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

EPA is publishing this document 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 July 1, 1996, unless, by May 30, 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 this action serving as a proposed rule. 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 July 1, 1996.

#### Regulatory Process

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 population of less than 50,000.

SIP approvals under sections 110 and 301(a) 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).

**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 perform certain actions and also require the private sector to perform certain duties. The rules being [proposed for approval/approved] by this action will impose no new requirements because affected sources are already subject to these regulations under State law. Therefore, no additional costs to State, local, or tribal governments or to the private sector result from this action. EPA has also determined that this [proposed or 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.

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.

**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.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Dated: March 26, 1996.

Felicia Marcus,

*Regional Administrator.*

Subpart F of 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 F—California**

2. Section 52.220 is amended by adding paragraphs (c)(198)(i)(E)(2) and (i)(J)(2), (207)(i)(B)(4), (i)(C)(4) and (i)(D)(2), (215)(i)(B)(3) and (i)(D)(1), (216)(i)(A)(4), (220)(i)(B)(2) and (225)(i)(B)(5) and (i)(C)(2) to read as follows:

**§ 52.220 Identification of plan.**

- \* \* \* \* \*
- (c) \* \* \*
- (198) \* \* \*
- (i) \* \* \*
- (E) \* \* \*
- (2) Rule 1117 adopted June 22, 1994.
- \* \* \* \* \*
- (J) \* \* \*
- (2) Rule 74.30 adopted May 17, 1994.
- \* \* \* \* \*
- (207) \* \* \*
- (i) \* \* \*
- (B) \* \* \*
- (4) Rules 225 and 230 adopted September 27, 1994.
- (C) \* \* \*
- (4) Rule 2.13 adopted May 25, 1994.
- (D) \* \* \*
- (2) Rule 1104 adopted September 28, 1994.
- \* \* \* \* \*
- (215) \* \* \*
- (i) \* \* \*
- (B) \* \* \*
- (3) Rule 74.18 adopted December 13, 1994.
- \* \* \* \* \*
- (D) \* \* \*
- (1) Rule 2.26 adopted November 9, 1994.
- \* \* \* \* \*
- (216) \* \* \*
- (i) \* \* \*
- (A) \* \* \*
- (4) Rule 1114 adopted February 22, 1995.
- \* \* \* \* \*
- (220) \* \* \*
- (i) \* \* \*
- (B) \* \* \*
- (2) Rule 236 adopted on February 9, 1995.
- \* \* \* \* \*
- (225) \* \* \*

- (j) \* \* \*
- (B) \* \* \*
- (5) Rule 216 adopted on June 8, 1995.
- (C) \* \* \*
- (2) Rule 235 adopted on June 27, 1995.

\* \* \* \* \*  
[FR Doc. 96-10563 Filed 4-29-96; 8:45 am]  
BILLING CODE 6560-50-W

**40 CFR Part 70**

[TN-KNOX-95-01; FRL-5464-1]

**Clean Air Act Final Full Approval of Operating Permits Program; Knox County Department of Air Pollution Control, Knox County, Tennessee**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final full approval.

**SUMMARY:** The EPA is promulgating full approval of the title V operating permits program submitted by the State of Tennessee on behalf of the Department of Air Pollution Control ("Knox County" or "the County"), located in the geographic area of Knox County. The County's program was submitted for the purpose of complying with Federal requirements which mandate that states or local authorities develop, and submit to EPA, programs for issuing operating permits to all major stationary sources, and to certain other sources.

**EFFECTIVE DATE:** May 30, 1996.

**ADDRESSES:** Copies of the Knox County submittal and other supporting information used in developing the final full approval are available for inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 4, 345 Courtland Street NE, Atlanta, Georgia 30365, on the 3rd floor of the Tower Building. Interested persons wanting to examine these documents, contained in EPA docket number TN-KNOX-95-01, should make an appointment at least 24 hours before the visiting day.

**FOR FURTHER INFORMATION CONTACT:** Gracy R. Danois, Title V Program Development Team, Air Programs Branch, Air, Pesticides & Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 345 Courtland Street, NE, Atlanta, Georgia 30365, (404) 347-3555, Ext. 4150.

**SUPPLEMENTARY INFORMATION:**

I. Background and Purpose

*A. Introduction*

Title V of the 1990 Clean Air Act Amendments (sections 501-507 of the