

(i) *Incorporation by reference.* Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emissions Standards and Limitations for Stationary Sources.

(A) Part 211: Definitions and General Provisions, Subpart B; Definitions, Sections 211.240 Adhesion Promoter, 211.495 Anti-Glare/Safety Coating, 211.685 Basecoat/Clearcoat System, 211.1875 Elastomeric Materials, 211.3915 Mobile Equipment, 211.3960 Motor Vehicles, 211.3965 Motor Vehicle Refinishing, 211.5010 Precoat, 211.5061 Pretreatment Wash Primer, 211.5080 Primer Sealer, 211.5090 Primer Surfacer Coat, 211.6145 Specialty Coatings for Motor Vehicles, 211.6540 Surface Preparation Materials, 211.6620 Three or Four Stage Coating System, 211.6695 Topcoat System, 211.6720 Touch-Up Coating, 211.6860 Uniform Finish Blender, amended at 19 Ill. 6823, effective May 9, 1995.

(B) Part 218: Organic Material Emission Standards and Limitations for the Chicago Area, Subpart HH; Motor Vehicle Refinishing, Sections 218.780 Emission Limitations, 218.782 Alternative Control Requirements, 218.784 Equipment Specifications, 218.786 Surface Preparation Materials, 218.787 Work Practices, 218.788 Testing, 218.789 Monitoring and Record keeping for Control Devices, 218.790 General Record keeping and Reporting, 218.791 Compliance Date, 218.792 Registration, amended at 19 Ill. 6848, effective May 9, 1995.

(C) Part 219: Organic Material Emissions Standards and Limitations for the Metro-East Area, Subpart HH; Motor Vehicle Refinishing, Sections 219.780 Emission Limitations, 219.782 Alternative Control Requirements, 219.784 Equipment Specifications, 219.786 Surface Preparation Materials, 219.787 Work Practices, 219.788 Testing, 219.789 Monitoring and Record keeping for Control Devices, 219.790 General Record keeping and Reporting, 219.791 Compliance Date, 219.792 Registration, amended at 19 Ill. Reg. 6958, effective May 9, 1995.

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40 CFR Part 52

[IL102-2; FRL-5532-3]

Approval and Promulgation of Air Quality Implementation Plans; Illinois: Motor Vehicle Inspection and Maintenance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving portions and conditionally approving other portions of a vehicle inspection and maintenance (I/M) State Implementation Plan (SIP) revision submitted by the State of Illinois on June 29, 1995, based on the State's April 22, 1996, letter of commitment to submit certain items within one year of the final conditional approval. This revision provides for the adoption and implementation of an enhanced I/M program in both the Chicago severe ozone nonattainment area and the East St. Louis moderate ozone nonattainment area. Both areas are required to attain the National Ambient Air Quality Standards (NAAQS) as specified under the Clean Air Act (Act) by 2007 and 1996 respectively. Illinois indicates that the implementation of this important program in the two areas stated above, will reduce vehicle emissions which contribute to the formation of urban smog in Illinois by more than 38 tons per day. In support of the conditional approval of the SIP revision, the State has submitted the State's Request-For-Proposals as supplemental information to the SIP. In addition, the State has committed in an April 22, 1996, letter to submit to EPA as supplemental information in support of the SIP, the State's final I/M contract and any rules necessary to address the requirements identified in the analysis section of this document.

EFFECTIVE DATE: This final rule is effective July 25, 1996.

ADDRESSES: Materials relevant to this rulemaking are available for inspection at the following address: (It is recommended that you telephone Francisco J. Acevedo at (312) 886-6061, before visiting the Region 5 office.) U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, Air Programs Branch, 77 West Jackson Boulevard (AR-18J), 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

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SUPPLEMENTARY INFORMATION:

I. Introduction

Motor vehicles are significant contributors of volatile organic compounds (VOC), carbon monoxide (CO), and nitrogen oxide (NO_x) emissions. The motor vehicle inspection and maintenance program is an effective means of reducing these emissions. Despite improvements in emission control technology in past years, mobile sources in urban areas continue to remain responsible for roughly half of the emissions of VOC causing ozone, and most of the emissions of CO. They also emit substantial amounts of nitrogen oxides and air toxics. This is because the number of vehicle miles traveled has doubled in the last 20 years to 2 trillion miles per year, offsetting much of the technological progress in vehicle emission control over the same period. Projections indicate that the steady growth in vehicle miles will continue.

Under the Act, the EPA is pursuing a three-point strategy to achieve emission reductions from motor vehicles. The development and commercialization of cleaner vehicles and cleaner fuels represent the first two elements of the strategy. These developments will take many years before cleaner vehicles and fuels dominate the fleet and favorably impact the environment. This document deals with the third element of the strategy, inspection and maintenance, which is aimed at the reduction of emissions from the existing fleet by ensuring that vehicles are maintained to meet the emission standards established by EPA. Properly functioning emission controls are necessary to keep pollution levels low. The driving public is often unable to detect a malfunction of the emission control system. While some minor malfunctions can increase emissions significantly, they do not affect drivability and may go unnoticed for a long period of time. Effective I/M programs can identify excessive emissions and assure repairs. The EPA projects that sophisticated I/M programs such as the one being approved in this rulemaking in Illinois will identify emission related problems and prompt the vehicle owner to obtain timely repairs thus reducing emissions.

The Act requires that polluted cities adopt either a "basic" or "enhanced" I/M program, depending on the severity of the pollution and the population of the area. Moderate ozone nonattainment areas, plus marginal ozone areas with existing or previously required I/M

programs in Census-defined urbanized areas, fall under the "basic" I/M requirements. Basic and enhanced I/M programs both achieve their objective by identifying vehicles that have high emissions as a result of one or more malfunctions, and requiring them to be repaired. An "enhanced" I/M program covers more vehicles in operation in the fleet, employs inspection methods which are better at finding high emitting vehicles, and has additional features to better assure that all vehicles are tested properly and effectively repaired. The Act directed EPA to establish a minimum performance standard for enhanced I/M programs. The standard is based on the performance achievable by annual inspections in a centralized test program. States have flexibility to design their own programs if they can show that their program is as effective as the model program used in the performance standard. Naturally, the more effective the program the more credit a State will get towards the emission reduction requirement. An effective program will help to offset emissions associated with growth in vehicle use and allow for industrial and/or commercial growth.

The EPA and the States have learned a great deal about what makes an I/M program effective since the Clean Air Act of 1977 first required I/M programs for polluted areas. There are three major keys to an effective program:

(1) Given the advanced state of current vehicle design and anticipated technology changes, the ability to accurately fail problem vehicles and pass clean ones requires improved test equipment and test procedures;

(2) Comprehensive quality control and aggressive enforcement are essential to assuring the testing is done properly;

(3) Skillful diagnostics and capable mechanics are important to assure that failed cars are fixed properly. These three factors are missing in most older I/M programs. Specifically, the idle and 2500 RPM/idle short tests and anti-tamper inspections used in current I/M programs are not as effective in identifying and reducing in-use emissions from the types of vehicles in the current and future fleet. Also, covert audits by EPA and State agencies typically discover improper inspection and testing 50 percent of the time in test-and-repair stations indicating poor quality control. Experience has shown that quality control at high-volume test only stations is usually much better. And, finally, diagnostics and mechanics training are often poor or nonexistent.

On November 5, 1992 (57 FR 52950), EPA established a high-tech emission test for high-tech cars. This I/M test,

known as the IM240 test, is so effective that biennial test programs yield almost the same emission reduction benefits as annual programs. The test can also accurately measure NO_x emissions where NO_x is important to address an ozone problem. The addition of the pressure and purge test increases the benefit even more and results in lower testing costs and consumer time demands. The pressure test is designed to find leaks in the fuel system, and the purge test evaluates the functionality of the vapor control system. In addition, EPA published changes to the I/M rule in the Federal Register on October 18, 1995, (60 FR 48029) in order to provide greater flexibility to States required to implement I/M programs.

II. Background

The State of Illinois currently contains two ozone nonattainment areas which are required to implement I/M programs in accordance with the Act. The Chicago severe-17 ozone nonattainment area contains the Chicago, Aurora, Crystal Lake, Elgin, Joliet, and Round Lake Beach-McHenry urbanized areas. The Federal I/M rule requires the Chicago urbanized area to implement an enhanced I/M program. Since the I/M rule does not require enhanced I/M programs in severe urbanized areas with a Census population of less than 200,000, the remaining five cities in the Chicago nonattainment area will be required to implement only a basic I/M program based on their 1990 Census-defined urbanized area populations. The East St. Louis moderate ozone nonattainment area contains the Illinois portion of the St. Louis and Alton urbanized areas. Both areas are required to implement a Basic I/M program in the nonattainment area. On June 29, 1995, IEPA submitted to EPA a SIP revision for the implementation of an enhanced I/M program to cover both the Chicago and the East St. Louis nonattainment areas. This submittal includes the Vehicle Emissions Inspection Law of 1995 (625 ILCS 5/13B), P.A. 88-533, which became effective January 18, 1994. That statute provides authority for IEPA to implement an enhanced I/M program and meet EPA's requirements for such a program. P.A. 88-533 mandates enhanced I/M testing for the Metro-East area and certain portions of the Chicago nonattainment area. In addition, the Illinois submittal includes I/M regulations (R94-19 and R94-20) adopted on December 1, 1994, by the Illinois Pollution Control Board (Board), which include emissions standards based upon EPA's preferred IM240 loaded mode exhaust emissions

standard. On December 23, 1994, the amended rule for R94-20 was published in the Illinois State Register and its effective date was December 12, 1994. On December 30, 1994, the amended rule R94-19 was published in the Illinois Register and had an effective date of December 14, 1994. On April 22, 1996, IEPA submitted the State's I/M Request-For-Proposal as part of the Illinois SIP submittal. Under the Environmental Protection Act [415 ILCS 5 (1992)], the Board has the authority to adopt air pollution regulations for the State of Illinois. The adopted regulations and the legislation submitted by Illinois changes the existing program from a basic I/M program to a fully enhanced I/M program in both of Illinois' ozone nonattainment areas.

In a proposed rule published in the Federal Register on May 10, 1996 (61 FR 21405), EPA proposed to approve portions of the Illinois enhanced I/M submittal and to conditionally approve other portions as stated below in section III of this notice. The public comment period for the May 10, 1996, notice of proposed rulemaking closed on June 10, 1996, and no comments were received.

III. EPA's Analysis of the Illinois, Enhanced I/M Program

As discussed above, section 182 of the Act requires that States adopt and implement updated regulations for I/M programs in moderate and above ozone nonattainment areas. The following sections of this notice summarize the requirements of the Federal I/M regulations and address whether the elements of the State's submittal comply with the Federal rule.

Applicability—40 CFR 51.350

Section 182(c)(3) of the Act and 40 CFR 51.350(a) require States which contain areas classified as serious or worse ozone nonattainment and containing metropolitan statistical areas (MSAs) with a population of 200,000 or more to implement an enhanced I/M program. As noted above, the State of Illinois contains the Aurora, Chicago, Crystal Lake, Elgin, Joliet, and Round Lake beach-McHenry urbanized areas in its Chicago Severe-17 ozone nonattainment area, but the Chicago urbanized area is the only area which contains a population of more than 200,000, based on 1990 Census data. The remaining urbanized areas in the Chicago nonattainment area with populations less than 200,000 are required to implement a basic I/M program. In addition, section 182(b)(4) of the Act and 40 CFR part 51.530(a) require States with moderate ozone

nonattainment areas containing 1990 census defined urbanized areas to implement a basic I/M program. The State of Illinois contains the East St. Louis moderate nonattainment area where this requirement applies.

The Illinois submittal contains the legal authority and regulations necessary for IEPA to establish the program boundaries and operate an enhanced I/M program in ozone nonattainment areas stated above. P.A. 88-533 specifies the geographic boundaries of the program in both ozone nonattainment areas. The program boundaries described in the Illinois submittal meet the Federal I/M requirements under Sec. 51.350 and are approvable. The Federal I/M regulation requires that the State I/M program must operate until it is no longer necessary. EPA has determined that a SIP which does not terminate prior to the attainment deadline for each applicable area (i.e. 2007 for the Chicago severe-17 ozone nonattainment area, and 1996 for the Metro-East moderate ozone nonattainment area) satisfies this requirement. The State I/M submittal does not contain a termination provision and is therefore approvable. EPA approves this section of the Illinois submittal in this notice.

Enhanced I/M Performance Standard 40 CFR 51.351

The enhanced I/M program must be designed and implemented to meet or exceed a minimum performance standard, expressed in area-wide average grams per mile (gpm), for emission levels of certain pollutants. The performance standard shall be established using local characteristics, such as vehicle mix and local fuel controls, and the following model I/M program parameters: network type, start date, test frequency, model year coverage, vehicle type coverage, exhaust emission test type, emission standards, emission control device, evaporative system function checks, stringency, waiver rate, compliance rate and evaluation date. The emission levels achieved by the State's program design shall be calculated using the most current version, at the time of submittal, of the EPA mobile source emission factor model. At the time of the Illinois submittal, the most current version was MOBILE5a. Areas shall meet or exceed the performance standard for the pollutants which cause them to be subject to I/M requirements. In the case of ozone nonattainment areas, the performance standard must be met for both nitrogen oxides (NO_x) and volatile organic compounds (VOCs). Urban Airshed Modeling (UAM) has been

conducted in both the Chicago and St. Louis regions. In the Chicago area, the UAM has demonstrated that control of NO_x within the nonattainment area is counterproductive in controlling ambient ozone. IEPA has petitioned for, and has received from EPA, a waiver from Clean Air Act NO_x control requirements, including the requirement to meet the NO_x enhanced I/M performance standard. EPA is currently in the process of evaluating the UAM data and an IEPA NO_x waiver request for the St. Louis region. NO_x testing will be restricted to tests conducted for program evaluation purposes in accordance with 40 CFR Part 51.353(c).

The June 30, 1995, Illinois submittal includes three alternative enhanced program options based on the use of either ASM5015, ASM2, or IM240 networks. All three options use the following program design parameters: centralized test only network; 1996 start date; biennial frequency; 1968 and newer model year coverage; Vehicle type include LDGV, LDGT1, LDGT2 and HDGV; IM240 for 1981 and newer vehicles, and idle for 1968-1980 LDGV's and LDGT's and 1968 and later HDGV's; purge test on 1981 and newer LDGV's and LDGT's undergoing either ASM or IM240; pressure test of gas cap; stringency rate of 20 percent for 1980 and older vehicles; waiver rate of 3 percent and a 96 percent compliance rate. In the February 29, 1996, Request-For-Proposal, submitted to EPA on April 22, 1996, Illinois further specifies the program to be implemented in the ozone nonattainment areas as one which includes IM240 transient load testing for 1981 and newer vehicles, and an evaporative system integrity test on all vehicles required to be equipped with evaporative controls at the time of manufacture. Such test shall consist of the identification of missing, defective gas caps, and a gas cap leak test.

The Illinois program design parameters meet the Federal I/M regulations and are approvable. The emission levels achieved by the State, for each area, were modeled using MOBILE5a. The modeling demonstration was performed correctly, using local characteristics where available, and it demonstrated that the program design will meet the enhanced I/M performance standard, expressed in grams per mile, for VOCs and NO_x for each milestone and for the attainment deadline. The modeling demonstration submitted by the State is approvable. EPA approves this section of the submittal in this notice.

Network Type and Program Evaluation 40 CFR 51.353

Enhanced I/M programs shall be operated in a centralized test-only format, unless the State can demonstrate that a decentralized program is equally effective in achieving the enhanced I/M performance standard. The enhanced program shall include an ongoing evaluation to quantify the emission reduction benefits of the program and to determine if the program is meeting the requirements of the Act and the Federal I/M regulations. The SIP shall include details on the program evaluation and a schedule for submittal of biennial evaluation reports, data from a State monitored or administered mass emission test of at least 0.1 percent of the vehicles subject to inspection each year, description of the sampling methodology, the data collection and analysis system and the legal authority enabling the evaluation program.

The State legislative authority and the State I/M regulations provide for a centralized, test-only network. Illinois' centralized, test only network type is approvable. The submittal does not, however, include provisions for ongoing program evaluation to satisfy all of the requirements of 40 CFR part 51.353. Specifically, the State must submit schedules for program evaluations and methodologies by which this biennial program evaluation will be carried out, as required by 40 CFR part 51.353. EPA is conditionally approving this section of the Illinois enhanced I/M SIP based on the April 22, 1996, letter and phone conversation record committing to submit to EPA as supplemental information in support of the SIP the necessary documentation within one year of today's final conditional approval. In addition, the State has committed to submit to EPA biennial program evaluation reports meeting the requirements of 40 CFR part 51.353 starting at the end of the program's first biennial cycle.

Adequate Tools and Resources 40 CFR 51.354

The Federal I/M regulation requires States to demonstrate that adequate funding of the program is available. A portion of the test fee or a separately assessed per year vehicle fee shall be collected, placed in a dedicated fund and used to finance the program. Alternative funding approaches are acceptable if it is demonstrated that the funding can be maintained. Reliance on funding from a State or local General Fund is not acceptable unless doing otherwise would be a violation of the State's constitution. The SIP shall

include a detailed budget plan which describes the source of funds for personnel, program administration, program enforcement and purchase of equipment. The SIP shall also detail the number of personnel dedicated to the quality assurance program, data analysis, program administration, enforcement, public education and assistance and other necessary functions. P.A. 88-533 prevents the IEPA from charging motor vehicle owners for inspections required under this law. Instead, P.A. 88-533 states that the Vehicle Inspection Fund, which was a fund created in the State treasury for the purpose of receiving money from the Motor Fuel Tax and other sources, shall be used for the payment of the cost of the program, including reimbursement of those agencies of the State that incur expenses in the administration and enforcement of the program. EPA approves this section of the Illinois submittal in this notice.

Test Frequency and Convenience 40 CFR 51.355

The enhanced I/M performance standard assumes an annual test frequency; however, other schedules may be approved if the performance standard is achieved. The SIP shall describe the test year selection scheme and shall include the legal authority, regulations or contract provisions necessary to implement and enforce the test frequency requirement. The program shall be designed to provide convenient service to motorists by ensuring short waiting times, short driving distances and regular testing hours. The Illinois enhanced I/M law of 1995 provides the legal authority to implement and enforce biennial test frequency for all subject vehicles. New vehicles are exempt from testing for two years, requiring the vehicle to be initially tested in the second calendar year after the vehicle model year. Based on the performance standard modeling provide by the State, the enhanced I/M program meets the performance standard accounting for biennial test frequency. P.A. 88-533 also requires that the program be designed so that covered vehicle owners reside within 12 miles of an official inspection station. In addition, the law requires the program to be designed in such a way that sufficient inspection capacity at the station is so that the usual wait before the start of an inspection does not exceed twenty minutes. The test frequency and convenience section is approvable and EPA approves this section of the Illinois submittal in this notice.

Vehicle Coverage 40 CFR 51.356

The performance standard for enhanced I/M programs assumes coverage of all 1968 and newer model year light duty vehicles and light duty trucks up to 8,500 pounds gross vehicle weight rating (GVWR), and includes vehicles operating on all fuel types. Other levels of coverage may be approved if the necessary emission reductions are achieved. Vehicles registered or required to be registered within the I/M program area boundaries, and fleets primarily operated within the I/M program area boundaries belonging to the covered model years and vehicle classes comprise the subject vehicles. Fleets may be officially inspected outside the normal I/M program test facilities, if such alternatives are approved by the program administration, but shall be subject to the same test requirements using the same quality control standards as non-fleet vehicles and shall be inspected in independent, test-only facilities, according to the requirements of 40 CFR part 51.353(a).

The Federal I/M regulation requires that the SIP shall include the legal authority or rule necessary to implement and enforce the vehicle coverage requirement, a detailed description of the number and types of vehicles to be covered by the program and a plan for how those vehicles are to be identified, including vehicles that are routinely operated in the area but may not be registered in the area, and a description of any special exemptions, including the percentage and number of vehicles to be impacted by the exemption.

The Illinois Vehicle Inspection Law of 1995 requires coverage of all 1968 and newer vehicles registered or required to be registered in the I/M program area, except those vehicles which run on diesel or exclusively by electricity. The modeling demonstration submitted with the SIP includes vehicle coverage of LDGV, LDGT1, and LDGT2. The Illinois legislation provides the legal authority to implement and enforce the vehicle coverage. This level of coverage is approvable because it provides the necessary emission reductions. The modeling demonstration does contain estimates of the number of registered vehicles in the area. However, the State's June 29, 1995, SIP submittal does not adequately address fleet testing requirements. Existing legislation allows for the self testing of fleets, but the submittal fails to address the specific requirements involved in fleet testing. The State also did not provide a description of the impact vehicle

exemptions will have on the subject fleet. The modeling demonstration submitted by the State does not account for these exemptions in the emission reduction analysis. The State must describe the extent of the exemption's impact, in accordance with 40 CFR part 51.356, in order for EPA to fully approve this section of the State submittal. EPA conditionally approves this section based on the April 22, 1996, letter to EPA committing to address the requirements of 40 CFR 51.356 with regard to fleets, within one year of today's final conditional approval.

Test Procedures and Standards 40 CFR 51.357

Written test procedures and pass/fail standards are required to be established and followed for each model year and vehicle type included in the program. Federal test procedures and standards are found in 40 CFR 51.357 and in the EPA document entitled "High-Tech I/M Test Procedures, Equipment Standards, Quality Control Requirements, and Equipment Specifications", EPA-AA-EPSPD-IM-93-1, finalized in April, 1994. P.A. 88-533 provides the State the authority to establish test procedures according to the needs of the program. The Illinois submittal also includes I/M regulations (R94-19 and R94-20) adopted on December 1, 1994, by the Illinois Pollution Control Board (Board) which include emissions standards based upon EPA's preferred IM240 loaded mode exhaust emissions standard. IEPA has asked I/M contract bidders to address in detail the requirements of this section in its Request-For-Proposal (RFP). EPA conditionally approves this section of the SIP based on the State's commitment to submit to EPA as supplemental information in support of the SIP its final signed I/M contract addressing the requirements of 40 CFR part 51.357 within one year of today's final conditional approval.

Test Equipment 40 CFR 51.358

The Federal regulation requires computerized test systems for performing any measurement on subject vehicles. The Federal I/M regulations requires that the State SIP submittal include written technical specifications for all test equipment used in the program. The specifications shall describe the emission analysis process, the necessary test equipment, the required features and written acceptance testing criteria and procedures.

P.A. 88-533 provides the general authority for the State to establish the designation of official test equipment

and testing procedures. The Illinois submittal also includes I/M regulations (R94-19 and R94-20) which include emissions standards based upon EPA's preferred IM240 loaded mode exhaust emissions standard. IEPA has addressed the requirements of this section in its RFP released February 29, 1996. EPA conditionally approves this section of the SIP based on the State's April 22, 1996, commitment to submit to EPA as supplemental information in support of the SIP its final signed contract addressing the requirements of 40 CFR part 51.358 within one year of EPA's final conditional approval.

Quality Control 40 CFR 51.359

Quality control measures shall ensure that emission measurement equipment are calibrated and maintained properly, and that inspection, calibration records and control charts are accurately created, recorded and maintained. The Illinois submittal contains general legal authority in P.A. 88-533 which requires IEPA to establish an enhanced program containing procedures to assure the correct operation, maintenance and calibration of test equipment, and also procedures for certifying test results and for reporting and maintaining relevant data and records. Illinois' RFP requires bidders as part of their Technical proposal to submit a Quality Assurance Plan which addresses the requirements of this section. EPA conditionally approves this section of the SIP based on the State's April 22, 1996 commitment to submit to EPA as supplemental information in support of the SIP its final signed contract and the contractor's Quality Assurance Plan addressing the quality control requirements of 40 CFR part 51.359 within one year of EPA's final conditional approval.

Waivers and Compliance Via Diagnostic Inspection 40 CFR 51.360

The Federal I/M regulation allows for the issuance of a waiver, which is a form of compliance with the program requirements that allows a motorist to comply without meeting the applicable test standards, as long as prescribed criteria are met. For enhanced I/M programs, an expenditure of at least \$450 in repairs, adjusted annually to reflect the change in the Consumer Price Index (CPI) as of 1989, is required in order to qualify for a waiver. Waivers can only be issued after a vehicle has failed a retest performed after all qualifying repairs have been made. Any available warranty coverage must be used to obtain repairs before expenditures can be counted toward the cost limit. Tampering related repairs

shall not be applied toward the cost limit. Repairs must be appropriate to the cause of the failure. Repairs for 1980 and newer model year vehicles must be performed by a recognized repair technician. The Federal regulation allows for compliance via a diagnostic inspection after failing a retest on emissions and requires quality control of waiver issuance. The SIP must set a maximum waiver rate and must describe corrective action that must be taken if the waiver rate exceeds that committed to in the SIP.

The Illinois SIP submittal contains the necessary authority in P.A. 88-533 to issue waivers, set and adjust cost limits, and administer and enforce the waiver system. The Illinois law requires that IEPA certify whether a vehicle that has failed a vehicle emission retest qualifies for a waiver of the emission inspection standards if the following criteria are met: The vehicle has received all repairs and adjustments for which it is eligible under any emission performance warranty provided under section 207 of the Act; IEPA determines by normal inspection procedures that the vehicle's emission control devices are present and appear to be properly connected and operating; consistent with 40 CFR 51.360 for vehicles required to be tested under the Illinois law, a minimum expenditure of \$450 in emission-related repairs exclusive of tampering-related repairs have been made; repairs for vehicles of model year 1981 and later are conducted by a recognized repair technician; evidence of repair is presented consisting of either signed and dated receipts identifying the vehicle and describing the work performed and amount charged for eligible emission-related repairs, or an affidavit executed by the person performing the eligible emission related repairs; and that the repairs have resulted in an improvement in vehicle emissions as determined by comparison of initial and final retest results.

The State of Illinois has chosen not to allow compliance via a complete documented physical and functional diagnosis and inspection which shows that no additional emission-related repairs are needed. The State has set a maximum waiver rate of 3 percent for both pre-1981 and for 1981 and later vehicles. Illinois used MOBILE5a and assumed a maximum waiver rate of 3 percent for 1980 and older model year vehicles and 3 percent for 1981 and newer vehicles. In the event the actual waiver rate exceeds the planned maximum used for estimating the emission reduction benefit, the State will need to remodel to assess the emission reduction benefits based on

the actual waiver rate. EPA is approving this section of the Illinois submittal in this notice.

Motorist Compliance Enforcement 40 CFR 51.361

The Federal regulations require the use of registration denial to ensure compliance with the requirements of the I/M program unless an exception for use of an alternative is approved. Registration denial enforcement consists of rejecting an application for initial registration or registration for a used vehicle unless the vehicle has complied with the I/M requirements prior to the granting of the application. The SIP shall provide information concerning the enforcement process, legal authority to implement and enforce the program, a commitment to a compliance rate to be used for modeling purposes and to be maintained in practice. The Illinois SIP contains an alternative compliance system to that of registration denial. The Illinois compliance approach uses computer matching of vehicle registration records and inspection records to identify violations. The Illinois Secretary of State (SOS) is required under P.A. 88-533 to suspend either the driving privileges or the vehicle registration, or both, of any vehicle owner who has not complied with the requirements of P.A. 88-533. A suspension under this requirement would not be terminated until proof of compliance has been submitted to the SOS. In the I/M SIP, Illinois commits to the level of motorist enforcement necessary to ensure a compliance rate of no less than 96 percent among subject vehicles in the program area. If it is determined as part of the required program evaluation that the I/M program is not meeting the compliance rate, Illinois will need to investigate the problem and institute changes to improve the compliance rates. EPA approves this section of the Illinois SIP in this notice.

Motorist Compliance Enforcement Program Oversight 40 CFR 51.362

The Federal I/M regulation requires that the enforcement program shall be audited regularly and shall follow effective program management practices, including adjustments to improve operation when necessary. The SIP shall include quality control and quality assurance procedures to be used to insure the effective overall performance of the enforcement system. An information management system shall be established which will characterize, evaluate and enforce the program. The legal authority for the implementation of an I/M program is

found in P.A. 88-53. This statute provides the authority necessary to develop and implement the enforcement program oversight element of the I/M program. EPA conditionally approves this portion of the State's submittal based on the April 22, 1996, letter to EPA committing to addressing the requirements of 40 CFR part 51.362 within one year of today's final conditional approval.

Quality Assurance 40 CFR 51.363

An ongoing quality assurance program shall be implemented to discover, correct and prevent fraud, waste, and abuse in the program. The program shall include covert and overt performance audits of the inspectors, audits of station and inspector records, equipment audits, and formal training of all state I/M enforcement officials and auditors. A description of the quality assurance program which includes written procedure manuals on the above discussed items must be submitted as part of the SIP. The Illinois submittal contains only a general provision under P.A. 88-533 which requires that the State I/M program provide for procedures to assure the correct operation, maintenance, and calibration of test equipment. Illinois' RFP requires bidders as part of their Technical proposal to submit a Quality Assurance Plan which addresses the requirements of this section. EPA conditionally approves this section of the SIP based on the State's April 22, 1996 commitment to submit to EPA as supplemental information in support of the SIP its final signed contract and the contractor's Quality Assurance Plan addressing the quality assurance requirements of 40 CFR part 51.363 within one year of EPA's final conditional approval.

Enforcement Against Contractors, Stations and Inspectors 40 CFR 51.364

Enforcement against licensed stations or contractors and inspectors shall include swift, sure, consistent penalties for violation of program requirements. The Federal I/M regulation requires the establishment of minimum penalties for violations of program rules and procedures which can be imposed against stations, contractors and inspectors. The legal authority for establishing and imposing penalties, civil fines, licence suspensions and revocations must be included in the SIP. State quality assurance officials shall have the authority to temporarily suspend station and/or inspector licenses immediately upon finding a violation that directly affects emission reduction benefits. The SIP shall

describe the administrative and judicial procedures and responsibilities relevant to the enforcement process. The Illinois submittal includes the legal authority to establish and impose penalties against station, contractors, and inspectors. In addition, the RFP contains detailed provisions addressing the requirements of this section, including specific monetary penalties established for violation of program rules and procedures. The provisions found in the RFP will be enforceable once a final I/M contract is developed and signed. EPA conditionally approves this section of the SIP based on the State's April 22, 1996 commitment to submit to EPA as supplemental information in support of the SIP its final signed contract and any necessary administrative rules addressing the requirements of 40 CFR part 51.364 within one year of EPA's final conditional approval.

Data Collection 40 CFR 51.365

In order to manage, evaluate and enforce the program requirements an effective I/M program requires accurate data collection. The Federal I/M regulation requires data to be gathered on each individual test conducted and on the results of the quality control checks of test equipment required under 40 CFR part 51.359. The Illinois submittal contains a general provision under P.A. 88-533 which requires that the State I/M program provide for procedures for certifying test results and for reporting and maintaining relevant data and records. In addition, the RFP requires that the contractor submit to IEPA, on a monthly basis, a file containing detailed data for each vehicle test transaction conducted. The data collection requirements specified in the RFP meet those specified in 40 CFR part 51.365. Once the final I/M contract is submitted to EPA as supplemental information in support of the SIP this section of the I/M SIP can be fully approved. At this time, EPA conditionally approves this section of the SIP based on the State's April 22, 1996 commitment to submit to EPA as supplemental information in support of the SIP its final signed contract addressing the data collection requirements of 40 CFR part 51.365 within one year of EPA's final conditional approval.

Data Analysis and Reporting 40 CFR 51.366

Data analysis and reporting are required in order to monitor and evaluate the program by the State and EPA. The Federal I/M rule requires annual reports to be submitted to EPA that provide information and statistics

and summarize activities performed for each of the following programs: testing, quality assurance, quality control and enforcement. These reports are to be submitted by July of each year and shall provide statistics for the period of January to December of the previous year. A biennial report shall be submitted to EPA that addresses changes in the program design, regulations, legal authority, program procedures, any weaknesses in the program found during the previous two year period and how these problems will be or were corrected. The Illinois RFP contains the necessary provisions addressing the requirements of this section. However, in order to receive full approval, the State must submit its final, signed contract as supplemental information in support of the SIP addressing the requirements of 40 CFR part 51.366 to EPA within one year of EPA's final conditional approval. EPA conditionally approves this section of the SIP based on the State's April 22, 1996 commitment to submit to EPA as supplemental information in support of the SIP its final signed contract addressing the data analysis and reporting requirements of 40 CFR part 51.366 within the time frame specified above.

Inspector Training and Licensing or Certification 40 CFR 51.367

The Federal I/M regulation requires all inspectors to be formally trained and licensed or certified to conduct inspections. The Illinois P.A. 88-533 requires all inspectors to be certified by IEPA after successfully completing a course of training and successfully passing a written test. The RFP requires Bidders to include in their Technical Proposal a detailed Management Plan for the implementation and operation of the contracted elements of the Illinois enhanced I/M program. The Management Plan must include as part of its elements, a description of the Personnel Training and Certification Program as described in the RFP. The RFP requires the Contractor to establish and operate an on-going program to train and certify contractor and IEPA personnel. EPA conditionally approves this section of the SIP based on the State's April 22, 1996 commitment to submit to EPA as supplemental information in support of the SIP its final signed contract and the contractor's Management Plan addressing the requirements of 40 CFR part 51.367 within one year of EPA's final conditional approval.

Public Information and Consumer Protection 40 CFR 51.368

The Federal I/M regulation requires the SIP to include a public information and consumer protection programs. The submittal needs to include a public information program, which educates the public on I/M, State, and Federal regulations, air quality, the contribution of motor vehicles to the air pollution problem, and other items as described in the Federal rule. A consumer protection program, which includes provisions for a challenge mechanism, protection of whistle blowers and assistance to motorists in obtaining warranty covered repair, will also need to be addressed. The Illinois submittal contains the legal authority establishing grievance procedures for consumers to use, but it does not address the rest of the requirements stated above for this section. In order to receive full approval, the State has committed in IEPA's April 22, 1996, letter to submit the remaining provisions of the public information program within one year from EPA's final conditional approval. EPA conditionally approves this portion of the SIP based on the State's commitment to address the requirements of this section within the time frame stated above.

Improving Repair Effectiveness 40 CFR 51.369

Effective repairs are the key to achieving program goals. The Federal regulation requires states to take steps to ensure that the capability exists in the repair industry to repair vehicles. The SIP must include a description of the technical assistance program to be implemented, a description of the procedures and criteria to be used in meeting the performance monitoring requirements required in the Federal regulation and a description of the repair technician training resources available in the community. The Illinois submittal does not contain any provisions addressing the requirements of this section, however the State has submitted a commitment to address the requirements of this section, including the submittal of a description of available technician training resources, within one year of EPA's final conditional approval. EPA is conditionally approving this portion of the State submittal based on the State's commitment to submit the necessary documentation to EPA in the time frame stated above.

Compliance With Recall Notices 40 CFR 51.370

States are required to establish a method to ensure that vehicles subject to enhanced I/M and that are included in either a voluntary emissions recall as defined at 40 CFR 85.1902(d), or in a remedial plan determination made pursuant to section 207(c) of the Act, receive the required repairs prior to completing the emission test or renewing the vehicle registration. The Illinois P.A. 88-533 provides the legal authority to require owners to comply with emission related recalls before completing the emission test. The Illinois RFP requires that the contractor provide and maintain as part of the data handling system a means to identify vehicles with unresolved emissions recalls based upon the data provided by EPA. At a minimum, the Contractor and IEPA will have the capability to store, retrieve, and update recall data that consists of the VIN, the numbers of the recall campaign, and the date that the repairs were performed. The system is to be capable of interactively updating vehicle and/or recall database records based upon information supplied by vehicle owners indicating that required repairs have been made. The system will also be capable of updating appropriate records based upon updated data provided by EPA. EPA conditionally approves this section of the SIP based on the State's April 22, 1996 commitment to submit to EPA as supplemental information in support of the SIP its final signed contract addressing the annual reporting requirements of 40 CFR part 51.370 within one year of EPA's final conditional approval.

On-Road Testing 40 CFR 51.371

On-road testing is required in enhanced I/M areas. The use of either remote sensing devices (RSD) or roadside pullovers including tailpipe emission testing can be used to meet the Federal regulations. The program must include on-road testing of 0.5 percent of the subject fleet or 20,000 vehicles, whichever is less, in the nonattainment area or the I/M program area. Motorists that have passed an emission test and are found to be high emitters as a result of a on-road test shall be required to pass an out-of-cycle test. The Illinois P.A. 88-533 requires on-road testing through the use of remote sensing devices. The SIP submittal requires the use of RSD to test at least 0.5 percent of the subject fleet per year in the I/M program area. The RFP requires that the Contractor develop and maintain written on-road inspection procedures

to be approved by IEPA. In addition, the Contractor is to provide and maintain as part of the system on-road testing information containing vehicle and test results obtained from the on-road testing program. The Contractor will be responsible for evaluating all on-road emission data, including linking emissions data with vehicle database records. EPA conditionally approves this section of the SIP based on the State's April 22, 1996 commitment to submit to EPA as supplemental information in support of the SIP its final signed contract addressing the on-road testing specifications of 40 CFR part 51.371 within one year of EPA's final conditional approval.

Rulemaking Action

EPA is approving portions and conditionally approving other portions of this revision to the Illinois SIP for an enhanced I/M program, as cited above. The public comment period for the May 10, 1996, notice of proposed rulemaking closed on June 10, 1996, and no comments were received. If Illinois fails to timely submit the materials discussed above within one year of EPA's final conditional approval, the final conditional approval will automatically convert to a disapproval.

I. Basis for Conditional Approval

The EPA believes conditional approval is appropriate in this case because the State has the necessary legal authority for an enhanced I/M program and needs only to award the I/M contract and amend current administrative rules to address a number of enhanced I/M program requirements. As a condition of EPA's conditional approval, the State must submit a final signed I/M contract as supplemental information in support of the SIP and any additional material necessary to address the deficiencies identified in this document to EPA no later than one year after today's final conditional approval. On April 22, 1996, the IEPA submitted a letter committing to this. In the letter IEPA commits to provide EPA the signed enhanced I/M contract, in addition to provide appropriate analyses, calculations, and rules as discussed in a conference call on April 9, 1996 between IEPA and EPA. The telephone conversation record of this call will be included as part of the Illinois SIP.

II. Statement of Approvability

Under the authority of the Governor of Illinois, the IEPA submitted a SIP revision to satisfy the requirements of the I/M regulation to the EPA on June 29, 1995. EPA found the Illinois SIP

complete in a letter dated June 30, 1995. The EPA has reviewed this submittal and is approving portions and conditionally approving other portions of it pursuant to Section 110(k) of the Act, on the condition that the portions of the I/M program noted above are adopted and/or submitted on the schedules noted in this final rulemaking. Once EPA takes final conditional approval on the commitment, the State must meet its commitment to submit the final I/M contract and all other supporting documentation within one year of the conditional approval. Once the EPA has conditionally approved this commitment, if the State fails to submit any necessary rules and/or documentation to EPA, final conditional approval will automatically convert to a disapproval. EPA will notify the State by letter to this effect. Once the SIP has been disapproved, these commitments will no longer be a part of the approved nonattainment area SIPs. The EPA subsequently will publish a notice to this effect in the notice section of the Federal Register indicating that the commitment or commitments have been disapproved and removed from the SIP. If the State adopts and submits the final rule amendments and the final I/M contract, as supplemental information in support of the SIP, to EPA within the applicable time frame, the conditionally approved commitments will remain part of the SIP until the EPA takes final action approving or disapproving the new submittal. If the EPA approves the subsequent submittal, those newly approved rules and/or documentation will become part of the SIP.

If after considering the comments on the subsequent submittal, the EPA issues a final disapproval or if the conditional approval portions are converted to a disapproval, the sanctions clock under section 179(a) will begin. If the State does not submit and EPA does not approve the rule on which any disapproval is based within 18 months of the disapproval, the EPA must impose one of the sanctions under section 179(b)-highway funding restrictions or the offset sanction. In addition, any final disapproval would start the 24 month clock for the imposition of a section 110(c) Federal Implementation Plan. Finally, under section 110(m) the EPA has discretionary authority to impose sanctions at any time after a final disapproval.

EPA finds that there is good cause for this final conditional approval to become effective immediately upon publication because a delayed effective date is unnecessary due to the nature of

a conditional approval, which requires that the State make certain submittals within one year of the final conditional approval. Any delay in the effective date of this conditional approval further delays the compliance date by which the State has to submit the documentation committed to in this notice. The immediate effective date for this SIP approval is authorized under both 5 U.S.C. 553(d)(1), which provides that rulemaking actions may become effective less than 30 days after publication if the rule "grants or recognizes an exemption or relieves a restriction" and section 553(d)(3), which allows an effective date less than 30 days after publication "as otherwise provided by the agency for good cause found and published in the rule." 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).

Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act") (signed into law on March 22, 1995) requires that the EPA prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditure by State, local, and tribal governments, in aggregate, or by the private sector, of \$100 million or more in any one year. Section 203 requires the EPA 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 EPA must identify and consider a reasonable number of regulatory alternatives before promulgating a rule for which a budgetary impact statement must be prepared. The EPA must select from those alternatives the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule, unless the EPA 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 than \$100 million in any one year, the EPA 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 EPA is not required to develop a plan with regard to small governments. It imposes no additional requirements. The Office of Management and Budget has exempted this action rule from Executive Order 12866 review.

Submission to Congress and the General Accounting Office

Under section 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of this rule in today's Federal Register. This rule is not a "major rule" as defined by section 804(2) of the APA as amended.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Carbon monoxide, Nitrogen Oxide, Ozone, Volatile Organic Compound.

Dated: June 17, 1996.

David A. Ullrich,
Acting 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 O—Illinois

2. Section 52.726 is amended by adding paragraph (m) to read as follows:

§ 52.726 Control Strategy: Ozone.

* * * * *

(j) On June 29, 1995, and April 22, 1996, the Illinois Environmental Protection Agency (IEPA) submitted enhanced inspection and maintenance (I/M) legislation, rules, and a Request-For-Proposal (RFP) as a revision to the State's ozone State Implementation Plan (SIP). The EPA conditionally approved the SIP revision based on the State's commitment to submit to EPA the signed enhanced I/M contract, in addition to provide appropriate analyses, calculations, and rules necessary to address deficiencies noted in the final conditional approval. The final signed contract and any supporting documentation needed to address the deficiencies must be submitted to EPA within one year of the EPA's conditional approval.

3. Section 52.720 is amended by adding paragraphs (c)(130) to read as follows:

§ 52.720 Identification of plan.

(c) * * *

(130) On June 29, 1995, the State of Illinois submitted a revision to the State Implementation Plan (SIP) for the implementation of an enhanced motor vehicle inspection and maintenance (I/M) program in the Chicago and East St. Louis ozone nonattainment areas. This revision included the Vehicle Emissions Inspection Law of 1995 (625 ILCS 5/13B), P.A. 88-533, effective January 18, 1995; I/M regulations (R94-19 and R94-20) adopted on December 1, 1994, by the Illinois Pollution Control Board; February 29, 1996, Request-For-Proposals; April 22, 1996, letter of commitment; plus additional support documentation including modeling demonstration.

(i) *Incorporation by reference.*

(A) Vehicle Emissions Inspection Law of 1995 (625 ILCS 5/13B), Public Act 88-533, signed into law by Governor Edgar on January 18, 1995 effective January 18, 1995.

(B) 35 Illinois Administrative Code 240; Sections 240.101, 240.102, 240.104, 240.105, 240.106, 240.107, 240.124, 240.125, 240.151, 240.152, 240.153, 240.161, 240.162, 240.163, 240.164, 240.171, 240.Table A, 240.Table B amended or added in R94-19 at 18 Ill. Reg. 18228, effective December 14, 1994.

(C) 35 Illinois Administrative Code 240; Sections 240.172, 240.173 amended

in R94-20 at 18 Ill. Reg. 18013, effective December 12, 1994.

(ii) *Additional Materials.*

(A) February 29, 1996, Request-For-Proposals submitted on April 22, 1996.

(B) April 22, 1996, letter of commitment and attachments from IEPA's Bureau of Air Chief to the USEPA's Regional Air and Radiation Division Director.

[FR Doc. 96-18758 Filed 7-24-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[LA-8-1-6391; FRL-5525-8]

Approval and Promulgation of Implementation Plans; Louisiana State Implementation Plan Revision; Major Source Definition Corrections for Reasonably Available Control Technology (RACT) Rules; Volatile Organic Compounds (VOC) RACT Catch-Ups

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is approving revisions to the Louisiana State Implementation Plan (SIP) adopted by the Louisiana Department of Environmental Quality on October 20, 1992, and March 26, 1993. This SIP revision contains regulations which require the implementation of RACT for various types of VOC sources. The intended effect of this action is to approve these revisions to the VOC regulations. This action is being taken under section 110 and subchapter I, Part D, of the Clean Air Act as amended in 1990 (the Act).

EFFECTIVE DATE: This final rule is effective on August 26, 1996.

ADDRESSES: Copies of the documents relevant to this action are available for inspection during normal hours at the following locations:

Environmental Protection Agency, Region 6, Air Planning Section (6PD-L), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733.
Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.
Louisiana Department of Environmental Quality, Office of Air Quality, 7290 Bluebonnet Boulevard, Baton Rouge, Louisiana 70810.

Anyone wishing to review this petition at the EPA office is asked to contact the person below to schedule an appointment 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Lt. Mick Cote, Air Planning Section (6PD-L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-7219.

SUPPLEMENTARY INFORMATION:

Background

On April 11, 1994, the EPA published a notice of proposed rulemaking (NPR) for the State of Louisiana in the Federal Register (FR). See 59 FR 17078. The NPR proposed approval of RACT revisions to the SIP regulations concerning the control of VOC emissions. The SIP revision was submitted by the State of Louisiana on November 10, 1992, with a subsequent submittal on March 26, 1993.

Specific requirements of the revised VOC regulations and the rationale for the EPA's proposed action are explained in the NPR and will not be restated here. No public comments were received on the NPR. The EPA's approval of these revisions was contingent on the State's submission to the EPA of a negative declaration stating that no non-Control Techniques Guidelines sources exist in the Baton Rouge nonattainment area which have a potential to emit of 50 tons per year or more of VOCs, and that none are expected. The State of Louisiana verified that no such sources exist and submitted a letter of negative declaration to the EPA on March 29, 1994.

Final Action

The EPA has evaluated the State's submittal for consistency with the Act. The EPA has determined that the revised rules meet the Act's requirements and today is approving the SIP revision under section 110(k)(3) of the Act.

Regulatory Process

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, the EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. See 5 U.S.C. 603 and 604. Alternatively, under 5 U.S.C. 605(b), the EPA may certify that the rule will not have a significant impact on a substantial number of small entities. See 46 FR 18709. Small entities include small businesses, small not-for-profit enterprises, and governmental entities with jurisdiction over populations of less than 50,000.

The 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