

Subpart YY—Wisconsin

2. Section 52.2570 is amended by adding paragraph (c)(90) to read as follows:

§ 52.2570 Identification of plan.

* * * * *

(c) * * *

(90) A revision to the ozone State Implementation Plan (SIP) was submitted by the Wisconsin Department of Natural Resources on May 12, 1995 and later supplemented on June 14, 1995. This revision consists of volatile organic compound regulations which establish reasonably available control technology for facilities that perform wood furniture coating operations.

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

(A) NR 422.02(3e), (7m), (16g), (16i), (16k), (41w), (42o), (42u), (50e), (50m) and (52) as created and published in the (Wisconsin) Register, August, 1995, No. 476, effective September 1, 1995.

(B) NR 422.02(47) as amended and published in the (Wisconsin) Register, August, 1995, No. 476, effective September 1, 1995.

(C) NR 422.125 as created and published in the (Wisconsin) Register, August, 1995, No. 476, effective September 1, 1995.

(D) NR 422.15(1)(intro.) as amended and published in the (Wisconsin) Register, August, 1995, No. 476, effective September 1, 1995.

* * * * *

[FR Doc. 96-7915 Filed 4-3-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[AD-FRL-5446-7]

Arizona Visibility Federal Implementation Plan Corrective Revision

AGENCY: Environmental Protection Agency (U.S. EPA).

ACTION: Direct final rule.

SUMMARY: The EPA hereby promulgates revisions to the visibility Federal implementation plan (FIP) for the State of Arizona to correct errors in internal cross-references within the existing regulations addressing control requirements at the Navajo Generating Station, adopted to protect visibility at the Grand Canyon National Park. The rules being corrected were published in the Federal Register on October 3, 1991. The internal cross-reference errors occur in the compliance determination procedures at 40 CFR 52.145(d)(3).

DATES: This action will be effective on June 3, 1996 unless adverse or critical comments are received by May 6, 1996.

If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments must be submitted, in duplicate, to: Docket No. A-96-12, U.S. Environmental Protection Agency, Air and Radiation Docket and Information Center, Room M-1500 (6102), 401 M Street, SW, Washington, DC 20460. The public comments should address only the accuracy of EPA's corrections to the cross-referencing errors described below. The EPA is not requesting public comment on the underlying merits or substance of the final rules which are unaffected by the technical corrections announced today.

The public docket for the rules issued on October 3, 1991 is A-89-02A and the public docket for this corrective revision to the October 3, 1991 rules is A-96-12. The dockets are available for public inspection and copying between 8:00 a.m. to 4:00 p.m., Monday through Friday, at the U.S. Environmental Protection Agency's Air and Radiation Docket and Information Center listed above. A reasonable fee may be charged for copies.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Damberg, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards (MD-15), Research Triangle Park, North Carolina 27711, (919) 541-5592.

SUPPLEMENTARY INFORMATION:**I. Background**

The EPA previously issued rules establishing control requirements for the Navajo Generating Station to protect visibility in the Grand Canyon National Park (see 56 FR 50172-50187, October 3, 1991). The rules were codified at 40 CFR 52.145(d).

The Salt River Project Agricultural Improvement and Power District, the owner-operator of the Navajo Generating Station, subsequently discovered errors in internal cross-references in the regulations and notified EPA. The EPA reviewed the regulations and determined that the rules codified at 40 CFR 52.145(d)(3), which address compliance determination procedures, misidentify internal cross-references in five locations. Specifically, the references in 52.145(d)(3)(v)-(vii) to the outputs of 52.145(d)(3)(ii)-(v) should instead reference the outputs of 52.145(d)(3)(iii)-(vi), respectively. Accordingly, in this action, EPA is correcting the five cross-references in 52.145(d)(3)(v)-(vii).

II. Administrative Requirements**A. Executive Order (E.O.) 12866**

Section 3(f) of E.O. 12866 defines "significant regulatory action" to mean any regulatory action that is likely to result in a rule that may:

- (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety or State, local, or tribal governments or communities;
- (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency;
- (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the E.O.

These corrective regulatory revisions are not a "significant regulatory action" under the terms of E.O. 12866, and this regulatory action was not reviewed by the Office of Management and Budget.

B. Paperwork Reduction Act

These corrective regulatory revisions do not contain any information collection requirements subject to review by the Office of Management and Budget under the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*

C. Regulatory Flexibility Act (RFA)

Under the RFA, 5 U.S.C. sections 601-612, EPA must prepare, for rules subject to notice-and-comment rulemaking, initial and final regulatory flexibility analyses describing the impact on small entities. Small entities include small businesses, organizations, and governmental jurisdictions. However, the requirement of preparing such analyses is inapplicable if EPA certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities (see 5 U.S.C. 605(b)). These corrective regulatory revisions do not establish any new or additional regulatory requirements and will not impact small entities. Therefore, EPA certifies that these revisions do not have a significant impact on a substantial number of small entities, and the requirement to perform regulatory flexibility analyses is inapplicable.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. No.

104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Today's rule contains no Federal mandates (under the regulatory provisions of title II of the UMRA) for State, local, or tribal governments or the private sector nor will today's rule have a significant or unique affect on small governments. Today's rule does not contain mandates, does not establish new regulatory requirements and does not change the stringency or scope of the existing regulations. Rather, as previously explained, today's rule solely corrects errors in internal regulatory cross-references within existing regulations.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Nitrogen dioxide, Particulate matter, Carbon monoxide, Ozone, Lead, Sulfur oxides, Reporting and recordkeeping requirements.

Dated: March 18, 1996.

Mary Nichols,

Assistant Administrator for Air and Radiation.

40 CFR part 52 is amended as follows:

PART 40—[AMENDED]

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

Authority: 42 U.S.C. 7401-7671q.

1. Section 52.145 is amended by revising paragraphs (d)(3)(v) through (vii) to read as follows:

§ 52.145 Visibility protection.

* * * * *

(d) * * *

(3) * * *

(v) Sum, for all affected units, the products of the daily SO₂ emission rate-electric energy generated (as calculated according to paragraph (d)(3)(iii) of this section) for the boiler operating days identified in paragraph (d)(3)(iv) of this section.

(vi) Sum, for all affected units, the daily electric energy generated (recorded according to paragraph (d)(3)(i) of this section) for the boiler operating days identified in paragraph (d)(3)(iv) of this section.

(vii) Calculate the weighted plant-wide annual average SO₂ emission rate by dividing the sum of the products determined according to paragraph (d)(3)(v) of this section by the sum of the electric energy generated determined

according to paragraph (d)(3)(vi) of this section.

* * * * *

[FR Doc. 96-8221 Filed 4-3-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[RI-17-1-6968a; A-1-FRL-5405-1]

Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; Marine Vessel Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Rhode Island. This revision contains a regulation to reduce volatile organic compound (VOC) emissions from marine vessel loading operations. The intended effect of this action is to approve this regulation into the Rhode Island SIP. This action is being taken in accordance with the Clean Air Act.

DATES: This action is effective June 3, 1996, unless notice is received by May 6, 1996 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Comments may be mailed to Susan Studlien, Deputy Director, Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, JFK Federal Building, Boston, MA 02203. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA; Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, S.W., (LE-131), Washington, D.C. 20460; and Division of Air and Hazardous Materials, Department of Environmental Management, 291 Promenade Street, Providence, RI 02908-5767.

FOR FURTHER INFORMATION CONTACT: Anne E. Arnold, (617) 565-3166.

SUPPLEMENTARY INFORMATION: On March 17, 1994, EPA received a formal State Implementation Plan (SIP) submittal from the Rhode Island Department of Environmental Management (DEM) containing the following regulations:

—Regulation No. 30 “Control of Volatile Organic Compounds (VOCs) from Automobile Refinishing Operations”

—Regulation No. 31 “Control of VOCs from Commercial and Consumer Solvents”

—Regulation No. 32 “Control of VOCs from Marine Vessel Loading Operations”

—Regulation No. 33 “Control of VOCs from Architectural Coatings and Industrial Maintenance Coatings”

These regulations had been recently adopted as state law pursuant to the reasonable further progress and VOC reasonably available control technology (RACT) requirements of the Clean Air Act (CAA) [Sections 182(b)(1) and 182(b)(2)]. This direct final rulemaking notice addresses only Rhode Island's marine vessel loading regulation. The other regulations included in Rhode Island's SIP submittal will be addressed in future rulemaking actions.

Background

Under the pre-amended Clean Air Act (i.e., the Clean Air Act before the enactment of the amendments of November 15, 1990), ozone nonattainment areas were required to adopt RACT rules for sources of VOC emissions. EPA issued three sets of control technique guideline (CTG) documents, establishing a “presumptive norm” for RACT for various categories of VOC sources. The three sets of CTGs were: (1) Group I—issued before January 1978 (15 CTGs); (2) Group II—issued in 1978 (9 CTGs); and (3) Group III—issued in the early 1980's (5 CTGs). Those sources not covered by a CTG were called non-CTG sources. EPA determined that the area's SIP-approved attainment date established which RACT rules the area needed to adopt and implement. Under Section 172(a)(1), ozone nonattainment areas were generally required to attain the ozone standard by December 31, 1982. Those areas that submitted an attainment demonstration projecting attainment by that date were required to adopt RACT for sources covered by the Group I and II CTGs. Those areas that sought an extension of the attainment date under Section 172(a)(2) to as late as December 31, 1987 were required to adopt RACT for all CTG sources and for all major (i.e., 100 ton per year or more of VOC emissions) non-CTG sources.

Under the pre-amended Clean Air Act, the entire State of Rhode Island was designated as nonattainment for ozone and did not seek an extension of the attainment date under Section 172(a)(2). Therefore, the State was only required to adopt RACT for sources covered by the Group I and II CTGs. In lieu of adopting some of the Group II CTG regulations, however, Rhode Island adopted and submitted a regulation