

local and tribal governments to perform certain actions and also may ultimately lead to the private sector being required to perform certain duties. To the extent that the rules and commitments being approved by this action will impose or lead to the imposition of any mandate upon the State, local or tribal governments either as the owner or operator of a source or as a regulator, or would impose or lead to the imposition of any mandate upon the private sector, EPA's action will impose no new requirements; such sources are already subject to these requirements under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. The USEPA has also determined that this action does not include a mandate that may result in estimated costs of \$100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

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

List of Subjects in 40 CFR Part 52

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

Dated: February 29, 1996.

Valdas V. Adamkus,  
Regional Administrator.

Part 52, chapter I, title 40, of the Code of Federal Regulations is amended to read as follows:

**PART 52—[AMENDED]**

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

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

**Subpart KK—Ohio**

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

**§ 52.1870 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

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

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

(i) Incorporation by reference.

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

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

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

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

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

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

\* \* \* \* \*

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

BILLING CODE 6560-50-P

**40 CFR Part 52**

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

**Approval and Promulgation of State Implementation Plan; Wisconsin; Industrial Adhesives SIP Revision**

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

**ACTION:** Direct final rule.

**SUMMARY:** The EPA approves a revision to the Wisconsin State Implementation Plan (SIP) for ozone that was submitted on December 12, 1995, and later supplemented on January 12, 1996. This revision requires the control of volatile organic compound (VOC) emissions from facilities that utilize industrial adhesives. This submittal was made to satisfy the requirement of the 1990 Clean Air Act (CAA) that all major VOC sources in moderate, or worse, ozone nonattainment areas have Reasonably

Available Control Technology (RACT) applied to them. This regulation will also be used to generate reductions in VOC emissions, which the State will use to fulfill the CAA requirement to reduce VOC emissions by at least 15 percent from the 1990 baseline emissions. In the proposed rules section of this Federal Register, the EPA is proposing approval of, and soliciting comments on, this requested SIP revision. If adverse comments are received on this action, the EPA will withdraw this final rule and address the comments received in response to this action in a final rule on the related proposed rule, which is being published in the proposed rules section of this Federal Register. A second public comment period will not be held. Parties interested in commenting on this action should do so at this time. This approval makes federally enforceable the State's rule that has been incorporated by reference.

**DATES:** The "direct final" is effective on June 24, 1996, unless EPA receives adverse or critical comments by May 28, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

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

Copies of the proposed SIP revision and EPA's analysis are available for inspection at the U.S. EPA, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (Please telephone Douglas Aburano at (312) 353-6960 before visiting the Region 5 Office.)

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

**SUPPLEMENTARY INFORMATION:**

I. Background

Section 182(b) of the CAA sets forth the requirements for ozone nonattainment areas which have been classified as moderate or above. Section 182(b)(1)(A) requires those States with ozone nonattainment areas classified as moderate or above to submit plans to reduce VOC emissions by at least 15 percent from the 1990 baseline emissions. The 1990 baseline, as described by EPA's emission inventory guidance, is the amount of anthropogenic VOC emissions emitted on a typical summer day.

Section 182(b)(2) of the CAA requires States to adopt RACT rules for all areas designated nonattainment for ozone and classified as moderate or above for both sources covered by Control Technology Guidance (CTG) documents issued by EPA and all major sources not covered by a CTG document. The EPA has not issued a CTG document for this source category.

To fulfill the RACT requirement, and as a part of its 15 percent plan, the State of Wisconsin has developed and adopted a rule to reduce the VOC emissions from the use of industrial adhesives operations in those areas of the State that are classified as moderate or higher. These areas are the counties of Kenosha, Kewaunee, Manitowoc, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, and Waukesha.

## II. Evaluation of State Submittal

On November 15, 1993, the State of Wisconsin submitted its proposed 15 percent plan. The 15 percent plan submittal was followed by several submittals that contain regulations that will achieve the reductions required by the 15 percent plan. On December 12, 1995, Wisconsin submitted its industrial adhesives rule, which was later supplemented on January 12, 1996, as part of its 15 percent plan. The industrial adhesives portion of the 15 percent plan was found complete in a letter to Don Theiler, Director of the Wisconsin Department of Natural Resources' (WDNR) Bureau of Air Management, dated February 7, 1996. The WDNR followed the required legal procedures for adopting this rule that are the prerequisites for EPA to consider in approving this rule as part of Wisconsin's federally enforceable SIP. The WDNR held two public hearings for this rule on February 1, 1995 and submitted this rule to the EPA as a SIP revision under signature of the Governor's designee.

In developing the control requirements for this source category, WDNR developed the rule with input from affected facilities, adhesive suppliers, small business organizations and other state agencies. Wisconsin's rule, NR 422.127, reduces the VOC emissions from the affected sources by limiting the VOC content of the adhesives used or by requiring a minimum solids contents in the adhesives used.

In addition to recordkeeping requirements that apply generally to VOC sources, facilities that are affected by the coating limits found in this rule must keep records of the following:

1. A unique name of identification number for each adhesive and adhesive primer used.

2. The VOC content of each adhesive and adhesive primer, as applied, in units of kilograms per liter (pounds per gallon), excluding water.

3. The percent solids by weight in each adhesive or adhesive primer, as applied.

Other facilities that are not affected by the limits of this rule due to low-use exemptions must keep records indicating that the exemption threshold is not breached. If a facility goes above the exemption threshold, it must comply with the limits of this rule.

A more detailed analysis of the State's submittal is contained in a technical support document, which is available at the Regional Office listed above. In determining the approvability of this VOC rule, EPA evaluated the rule for consistency with Federal requirements, including section 110 and part D of the Clean Air Act.

## III. Final Rulemaking Action

The EPA approves Wisconsin's industrial adhesives rule as being RACT for this source category thereby making this rule federally enforceable.

Because EPA considers this action noncontroversial and routine, we are approving it without prior proposal. This action will become effective on June 24, 1996. However, if we receive adverse comments by May 28, 1996, EPA will publish a document that withdraws this action.

## IV. Miscellaneous

### A. Applicability to Future SIP Decisions

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. The EPA shall consider each request for revision to the SIP in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

### B. Executive Order 12866

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), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget has exempted this regulatory action from E.O. 12866 review.

## C. Regulatory Flexibility

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

This approval does not create any new requirements. Therefore, I certify that this action does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of the regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 256-66 (1976).

## D. Unfunded Mandates

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

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

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

## E. Petitions for Judicial Review

Under Section 307(b)(1) of the Act, petitions for judicial review of this

action must be filed in the United States Court of Appeals for the appropriate circuit by June 24, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (See Section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Dated: April 5, 1996.  
Valdas V. Adamkus,  
Regional Administrator.

For the reasons stated in the preamble, part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

**PART 52—[AMENDED]**

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

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

**Subpart YY—Wisconsin**

2. Section 52.2570 is amended by adding paragraph (c)(93) to read as follows:

**§ 52.2570 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*  
(93) A revision to the ozone State Implementation Plan (SIP) was submitted by the Wisconsin Department of Natural Resources on December 11, 1995 and later supplemented on January 12, 1996. This revision consists of a volatile organic compound regulation that establishes reasonably available control technology for facilities that use industrial adhesives.

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

(A) NR 422.02(1e), (1m) and (28j) as created and published in the (Wisconsin) Register, August, 1995, No. 476, effective September 1, 1995.

(B) NR 422.127 as created and published in the (Wisconsin) Register, August, 1995, No. 476, effective September 1, 1995.

(C) NR 422.132(1)(c) as repealed, recreated and published in the

(Wisconsin) Register, August, 1995, No. 476, effective September 1, 1995.

[FR Doc. 96-10129 Filed 4-24-96; 8:45 am]  
BILLING CODE 6560-50-P

**40 CFR Part 52**

[FL-64-2-9611a; FRL-5444-4]

**Approval and Promulgation of Implementation Plans, Florida: Approval of Revisions to the Florida SIP**

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving revisions to the Florida State Implementation Plan (SIP) submitted by the State of Florida through the Florida Department of Environmental Protection (FDEP) on April 24, 1995. This submittal includes amendments to the federally enforceable state operating permit program and the SIP regulations for perchloroethylene dry cleaning facilities.

**DATES:** This final rule will be effective June 24, 1996 unless adverse or critical comments are received by May 28, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

**ADDRESSES:** Written comments on this action should be addressed to Joey LeVasseur, at the EPA Regional Office listed below. Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

EPA, Region 4 Air Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30365.

Florida Department of Environmental Protection, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

**FOR FURTHER INFORMATION CONTACT:** Interested persons wanting to examine documents relative to this action should make an appointment with the Region 4 Air Programs Branch at least 24 hours before the visiting day. To schedule the appointment or to request additional information, contact Joey LeVasseur, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 EPA, 345 Courtland Street, NE., Atlanta, Georgia 30365. The

telephone number is 404/347-3555 ext. 4215. Reference file FL64-2-9611a.

**SUPPLEMENTARY INFORMATION:** EPA is approving revisions to the Florida SIP submitted by the State of Florida through the FDEP on April 24, 1995. These revisions amend the federally enforceable state operating permit program and the SIP regulations for perchloroethylene dry cleaning facilities. The following is a description of the revisions. The regulations are more fully discussed in the official SIP submittal that is available at the Region IV office listed under the **ADDRESSES** section of this notice.

62-210.200 and 62.296.200

These sections were updated to include "emission control equipment" within the definition of "dry cleaning facility," for consistency with the definitions and requirements of the Title V program.

62-210.300(2)(b)

This section previously was unclear and was revised to clarify the requirements for federally enforceable state operating permits (FESOPs).

62-210.300(4)

This section was revised to provide a temporary exemption to area source dry cleaning facilities from the State's minor source preconstruction review requirements.

62-296.412

This section was revised to update the applicable requirements for perchloroethylene dry cleaning facilities. The amendments make it clear that perchloroethylene facilities which have not yet been permitted under Title V continue to be subject to the requirements of this section in the interim.

**Final Action**

In this action, EPA is approving the revision to the SIP submitted by the State of Florida through the FDEP on April 24, 1995. The EPA is publishing this rule making without a prior proposal for approval 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 June 24, 1996 unless, within 30 days of its publication, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the