

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(C) NR 422.132(1)(c) as repealed, recreated and published in the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

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#### 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

effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the separate proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective June 24, 1996.

Under section 307(b)(1) of the Clean Air Act (CAA), 42 U.S.C. 7607(b)(1), 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 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) of the CAA, 42 U.S.C. 7607(b)(2).)

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

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 section 110 and subchapter I, part D of the CAA do not

create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, 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. section 7410(a)(2) and 7410(k)(3).

#### *Unfunded Mandates*

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

Through submission of this state implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under Section 110 of the CAA. These rules may bind State, local and tribal governments to perform certain actions and also require the private sector to perform certain duties. EPA has examined whether the rules being approved by this action will impose no new requirements, since such sources are already subject to these regulations under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action, and therefore there will be no significant impact on a substantial number of small entities.

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

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

Dated: January 29, 1996.  
Phyllis P. Harris,  
*Acting Regional Administrator.*

Part 52 of chapter I, title 40, *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 K—Florida**

2. Section 52.520, is amended by adding paragraph (c)(94) to read as follows:

#### **§ 52.520 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*  
(94) Revisions to the Florida SIP regarding perchloroethylene dry cleaning facilities submitted on April 24, 1995.

(i) Incorporation by reference.  
Sections 62-210.200(17) and (48)(c); 62-210.300(2)(b) and (4); 62-296.200(58); and 62-296.412 of the F.A.C., effective April 18, 1995.

(ii) Other material. None.

[FR Doc. 96-10127 Filed 4-24-96; 8:45 am]

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#### **40 CFR Parts 60 and 61**

[AD-FRL 5407-4]

#### **Standards of Performance for New Stationary Sources National Emission Standards for Hazardous Air Pollutants Addition of Method 29 to Appendix A of Part 60 and Amendments to Method 101A of Appendix B of Part 61**

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

**ACTION:** Final rule.

**SUMMARY:** This rule adds Method 29, "Determination of Metals Emissions from Stationary Sources," to Appendix A of Part 60, and makes amendments to Method 101A of Appendix B of Part 61. Method 29 is being added so that it can be used to determine cadmium, lead, and mercury emissions from municipal waste combustors (MWC) under subpart Ea of part 60. The amendments to Method 101A of appendix B of part 61 are to expand that method's applicability, and to revise procedures for handling and analyzing samples collected by the sampling train.

**EFFECTIVE DATE:** April 25, 1996.

*Incorporation by Reference.* The incorporation by reference of certain publications listed in the regulation is approved by the Director of the Office of the Federal Register April 25, 1996.

**ADDRESSES:** *Docket.* Docket No. A-94-28, containing materials relevant to this rulemaking, is available for public inspection and copying between 8:30 a.m. and Noon, and 1:30 and 3:30 p.m.,