

PD 75 CLR—4.19 lbs./gallon
 PD 75 BRN—4.18 lbs./gallon
 SQZ-54—3.88 lbs./gallon
 SPX-34GL—3.51 lbs./gallon

(iii) That portion of Riverside's polyester production which is manufactured with the use of any VOC, from Lines C, D, and E, may not exceed the following levels: 35 million square feet per year during and after 1992, 29 million square feet per year during and after 1994, and 25 million square feet during 1996. Compliance with this requirement shall be determined by adding the polyester production from any 12 consecutive months during and after the years indicated, through 1996. That is, the polyester production for any 12 consecutive months starting with January 1992 cannot exceed 35 million square feet; the polyester production from any 12 consecutive months starting with January 1994 cannot exceed 29 million square feet; and the polyester production for the twelve months from January through December 1996 cannot exceed 25 million square feet. Only those square feet of polyester whose production involves the use of VOC need to be restricted by the production levels in this paragraph (e)(10)(iii) of this section.

(iv) By December 21, 1995, Riverside shall certify to the Administrator that its polyester coating operations will be in compliance with paragraphs (e)(10)(i), (e)(10)(ii), and (e)(10)(iii) of this section. Such certification shall include the following:

- (A) The name and identification number of each coating as applied on coating lines C, D and E.
- (B) The weight of VOM per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied on each coating line.
- (v) The Administrator must be notified at least 10 days prior to the use of any polyester coating not previously identified pursuant to paragraph (e)(10)(iv) of this section. This notification must include the information specified in paragraphs (e)(10)(iv)(A) and (e)(10)(iv)(B) of this section.

(vi) On and after December 21, 1995, Riverside shall collect and record all of the following information each day for each coating and maintain the information at the facility for a period of 3 years:

- (A) The name and identification number of each coating as applied.
- (B) The weight of VOM per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day.

(C) Any record showing a VOM content in excess of the emission limits in paragraph (e)(10)(i) or (e)(10)(ii) of this section shall be reported by sending a copy of such record to the Administrator within 30 days following its collection.

(D) Any VOM besides acetone used in any coating must be identified.

(vii) Starting with the first full month after December 21, 1995, Riverside shall collect and record the figures on polyester production (in square feet), for each month and maintain the information at the facility for a period of at least 3 years.

(viii) Regardless of any other provision of paragraph (e)(10) of this section, after August 21, 1995 no coating which contains any VOM other than acetone shall at any time be applied on Line C, D, or E which exceeds 2.9 lbs. VOM per gallon of coating (minus water and any compounds which are specifically exempted from the definition of VOM).

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BILLING CODE 6560-50-P

40 CFR Part 52

[IL62-1-5674A; FRL-5281-6]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The United States Environmental Protection Agency (USEPA) approves a requested revision to the Chicago ozone Federal Implementation Plan (FIP) as it pertains to the American Decal & Manufacturing Company (ADMC) in Chicago, Illinois. This action revises the Chicago FIP and incorporates the revised requirements into the Code of Federal Regulations. The rationale for the approval is set forth in this final rule; additional information is available at the address indicated below. Elsewhere in this **Federal Register**, USEPA is proposing approval, soliciting public comment, and offering an opportunity for a public hearing on this requested FIP revision. If adverse comments are received or a public hearing is requested on this direct final rule, USEPA will withdraw this final rule and address the comments received in a new final rule. Unless this final rule is withdrawn, no further rulemaking will occur on this requested FIP revision.

DATES: This final rule is effective October 20, 1995 unless adverse

comments are received or someone requests a public hearing by September 20, 1995. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments can be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section (AR-18J), Regulation Development Branch, Air and Radiation Division, U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Docket: Pursuant to section 307(d)(1)(B) of the Clean Air Act (Act), 42 U.S.C. 7607(d)(1)(B), this action is subject to the procedural requirements of section 307(d). Therefore, USEPA has established a public docket for this action, A-95-14, which is available for public inspection and copying between 8 a.m. and 4 p.m., Monday thru Friday, at the following addresses. We recommend that you contact Steven Rosenthal before visiting the Chicago location and Rachel Romine before visiting the Washington, D.C. location. A reasonable fee may be charged for copying.

The United States Environmental Protection Agency, Region 5, Regulation Development Branch, Eighteenth Floor, Southeast, 77 West Jackson Boulevard, Chicago, Illinois, 60604, (312) 886-6052.

The United States Environmental Protection Agency, Docket No. A-95-14, Air Docket (LE-131), Room M1500, Waterside Mall, 401 M Street SW., Washington, D.C. 20460, (202) 245-3639.

FOR FURTHER INFORMATION CONTACT: Steven Rosenthal, Environmental Engineer (312) 886-6052.

SUPPLEMENTARY INFORMATION: On June 29, 1990, USEPA promulgated a FIP for the six counties in the Chicago metropolitan area: Cook, DuPage, Kane, Lake, McHenry, and Will. 55 FR 26818, codified at 40 CFR 52.741. This FIP required that certain volatile organic compound sources comply with reasonably available control technology (RACT) requirements. In determining the applicability of some of these regulations to particular sources, USEPA used the concept of "maximum theoretical emissions" (MTE), which is defined as "the quantity of volatile organic emissions that theoretically could be emitted by a stationary source before add-on controls based on the design capacity or maximum production capacity of the source and 8760 hours per year * * *." 55 FR 26860, 40 CFR 52.741(a). Relief for otherwise subject sources is available through a site-specific State Implementation Plan (SIP)

or FIP revision that limits emissions to below the applicable cutoff by operational or production limitations.

Accordingly, ADMC requested that USEPA approve operating restrictions that limit its emissions below 100 tons of VOC per year and thereby exempt it from the RACT requirements. More specifically, it requested that USEPA promulgate the same limitations on its plant operations that are contained in the Illinois Environmental Protection Agency (IEPA) operating permit (Application Number: 87070079) that was received by IEPA on March 19, 1992. This permit, which limits ADMC's yearly usage of VOC containing material, covers ADMC's power operated silk screen presses, hand screen presses, screen adhesive printing lines, 2 rotogravure presses and Viking screen press. USEPA has determined that this FIP revision request complies with all applicable requirements of the Act and USEPA policy concerning such revisions. The USEPA, therefore, grants this request.

Because USEPA considers this action noncontroversial and routine, we are approving it without prior proposal. The action will become effective on October 20, 1995. However, if USEPA receives adverse comments or a request for a public hearing by September 20, 1995, then USEPA will publish a notice that withdraws this final action. If no request for a public hearing has been received, USEPA will address the public comments received in a new final rule on the requested FIP revision based on the proposed rule located in the proposed rules section of this **Federal Register**. If a public hearing is requested, USEPA will publish a notice announcing a public hearing and reopening the public comment period until 30 days after the public hearing. At the conclusion of this additional public comment period, USEPA will publish a final rule responding to the public comments received and announcing final action.

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., USEPA 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, USEPA may certify that the rule will not have a significant economic 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 action involves only one source, American Decal and Manufacturing Company. Therefore, USEPA certifies that this RACT promulgation does not have a significant impact on a substantial number of small entities.

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, the USEPA 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 USEPA 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 USEPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The USEPA 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.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 20, 1995. Filing a petition for reconsideration with the Administrator on this final rule does not affect the finality of this rule for the purpose 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, Intergovernmental relations, Volatile organic compound.

Dated: August 7, 1995.

Carol M. Browner,
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 52.741 is amended by adding paragraph (x)(14) to read as follows:

§ 52.741 Control strategy: Ozone control measures for Cook, DuPage, Kane, Lake, McHenry and Will Counties.

* * * * *

(x) * * *

(14) The control and recordkeeping and reporting requirements, as well as the test methods in this paragraph, apply to the power-operated silk screen presses, the hand screen presses, the screen adhesive printing lines, the Andreotti rotogravure press, the Halley Rotogravure press, and the Viking press at the American Decal and Manufacturing Company's plant in Chicago, Illinois, instead of the requirements in paragraphs (h) and (x)(1) through (x)(5) of this section. The emissions from the sources listed above (in paragraph (x)(14) of this section) are to be included in the calculation of "maximum theoretical emissions" for determining applicability for any other sources (for which applicability is based on the quantity of maximum theoretical emissions) at American Decal and Manufacturing Company's Chicago plant not included in paragraph (x)(14) of this section.

(i) After July 24, 1992, no inks, coatings, thinner, clean-up material or other VOC-containing material shall at any time be applied, at the presses/printing lines listed above (in paragraph (x)(14) of this section), which exceed the VOC content (in percent by weight VOC) limit established below. After July 24, 1992, the yearly usage (in weight of material applied) of ink, coating, thinner, clean-up material, and other VOC-containing material, shall not exceed the applicable pounds per year limit established below. The yearly weight of ink, coating, thinner, clean-up material, and other VOC-containing material is to be calculated according to the procedure in paragraph (x)(14)(ii) of this section.

Material	Usage (lbs/yr)	Weight Percent VOC
#6 ink	9,076	56.8
#7 ink	1,278	54.2
#2 ink	2,911	72.7
Blue N.C. lacq.	394	64.3
Black M lacq.	753	61.6
4B9L Clear	2,451	77.1
4B9L H Clear	3,360	75.0
Flow-Out Agent	1,795	97.1
D.S. Stamp lacq.	1,047	62.0
Dull write-on	86	71.6
AH-16	621	84.5
Thinner (#7,6)	2,350	100.0

Material	Usage (lbs/yr)	Weight Percent VOC
Exon 470	1,668	65.4
9L Clear	2,451	77.1
White M lacq	3,467	47.0
Tedlar Gr. Vehicle	1,050	66.7
TH-98	22,047	73.2
TH-57	59	69.5
TH-14M	16,520	0.7
PS 160	10,644	3.0
#1 tint	4,872	69.3
#2 tint	4,256	83.7
Roto Color	13,884	62.0
1st SS White	25,740	51.5
2nd SS White	25,740	51.5
Clean Up	108,742	100.0
Other Materials	400	100.0

(ii) The yearly weight of material used is to be calculated as follows:

(A) Compute the weight of each ink, coating, thinner, clean-up material, and other VOC-containing material used each month by the 15th of the following month.

(B) By the 15th of each month, add the monthly usage (in pounds) for each ink, coating, thinner, clean-up material, and other VOC-containing material for the twelve previous months (to obtain the yearly weight of each ink, coating, thinner, clean-up material used). A comparison of these yearly usage levels (in pounds) with purchase records must be made to ensure the accuracy of the monthly usage levels (in pounds) obtained to satisfy paragraph (x)(14)(ii)(A) of this section.

(iii) Beginning on August 1, 1992, the owner and operator of the American Decal and Manufacturing Company plant in Chicago, Illinois, shall keep the following records for each ink, coating, thinner, clean-up material, and other VOC-containing material for each month. All records shall be kept by the American Decal and Manufacturing Company for 3 years and shall be made available to the Administrator on request:

(A) The name and identification number of each ink, coating, thinner, clean-up material, and other VOC-containing material as applied or used.

(B) The weight percent VOC of each ink, coating, thinner, clean-up material, and each other VOC-containing material as applied or used each month.

(C) The as applied weight of each ink, coating, thinner, clean-up material, and other VOC-containing material used each month.

(iv) Any record showing a violation of paragraph (x)(14)(i) of this section after October 20, 1995 shall be reported by sending a copy of such record to the Administrator within 30 days of the violation.

(v) To determine compliance with paragraph (x)(14)(i) of this section and to establish the records required under paragraph (x)(14)(iii) of this section, the weight percent VOC of each ink, coating, thinner, clean-up material, and other VOC-containing material shall be determined by the applicable test methods and procedures specified in paragraph (a)(4) of this section. Any material reported to be 100 percent VOC does not have to be tested for weight percent VOC.

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40 CFR Parts 52 and 61

[ND6-1-6534a, ND2-1-6064a; FRL-5261-6]

Clean Air Act Approval and Promulgation of State Implementation Plan for North Dakota; Revisions to the Air Pollution Control Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA approves the State implementation plan (SIP) revisions submitted by the State of North Dakota with letters dated June 26, 1990, June 30, 1992, and April 29, 1994. The revisions address air pollution control rules regarding general provisions; emissions of particulate matter and organic compounds; new source performance standards (NSPS); national emission standards for hazardous air pollutants (NESHAPs); construction and operating permit programs; prevention of significant deterioration (PSD) of air quality; and control of emissions from oil and gas well production facilities. The April 29, 1994 submittal also addressed the following two issues which will be acted on in separate documents: Revisions to the PSD rules with respect to PM₁₀ increments; and revisions to the visibility monitoring chapter of the SIP. Further, EPA is approving the State's construction permit and federally enforceable State operating permit (FESOP) programs under section 112(l) of the amended Clean Air Act (Act) for the purposes of creating federally enforceable permit conditions for sources of hazardous air pollutants (HAPs).

DATES: This final rule is effective on October 20, 1995, unless comments are received in writing by September 20, 1995. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Copies of the State's submittal and other information are available for inspection during normal business hours at the following locations: Air Programs Branch, Environmental Protection Agency, Region VIII, 999 18th Street, suite 500, Denver, Colorado 80202-2405; North Dakota State Department of Health and Consolidated Laboratories, Environmental Health Section, 1200 Missouri Avenue, Bismarck, North Dakota, 58502-5520; and The Air and Radiation Docket and Information Center, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Amy Platt, Environmental Protection Agency, Region VIII, (303) 293-1769.

SUPPLEMENTARY INFORMATION:

I. Background

The State submitted various revisions to its air pollution control rules with letters to EPA dated June 26, 1990, June 30, 1992, and April 29, 1994. These revisions were necessary to make the rules consistent with Federal requirements. Portions of the 1990 and 1992 submittals were acted on previously (see 56 FR 12848, March 28, 1991; 56 FR 28322, June 20, 1991; 57 FR 28619, June 26, 1992; 58 FR 5294, January 21, 1993; and 58 FR 54041, October 20, 1993).

II. This Action

A. Analysis of State Submissions

1. Procedural Background

The Act requires States to observe certain procedural requirements in developing implementation plans and plan revisions for submission to EPA. Section 110(a)(2) of the Act provides that each implementation plan submitted by a State must be adopted after reasonable notice and public hearing. Section 110(l) of the Act similarly provides that each revision to an implementation plan submitted by a State under the Act must be adopted by such State after reasonable notice and public hearing.

EPA also must determine whether a submittal is complete and therefore warrants further EPA review and action [see section 110(k)(1) and 57 FR 13565]. EPA's completeness criteria for SIP submittals are set out at 40 CFR part 51, appendix V. EPA attempts to make completeness determinations within 60 days of receiving a submission. However, a submittal is deemed complete by operation of law if a completeness determination is not made by EPA six months after receipt of the submission.