

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.

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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

not impose any new requirements, I certify that it does not have a significant impact on small entities. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Act forbids the EPA from basing 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). The Office of Management and Budget (OMB) has exempted this action from review under Executive Order 12866.

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 September 23, 1996. Filing a petition for reconsideration of this final rule by the Regional Administrator 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, or postpone the effectiveness of this rule. This action may not be challenged later in proceedings to enforce its requirements. See section 307(b)(2) of the Act.

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

Unfunded Mandates

Under sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, the 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 SIP or plan revision approved in this action, the State and any affected local or tribal governments have elected to adopt the program provided for under section 175A of the Act. The rules and commitments approved in this action may bind State, local, and tribal governments to perform certain actions and also require the private sector 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, the 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. Therefore, the EPA has determined that this final 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.

Submission to Congress and the General Accounting Office

Under section 801(a)(1)(A) of the Administrative Procedures Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, the 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 the rule in today's Federal Register. This rule is not a "major rule" as defined by section 804(2) of the APA as amended.

SIP Actions Exempt from OMB Review

This action has been classified 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 OMB has exempted this regulatory action from Executive Order 12866 review.

List of Subjects in 40 CFR Part 52

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

Dated: June 12, 1996.

Allyn M. Davis,
Acting Regional Administrator.

40 CFR part 52 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 T—Louisiana

2. Section 52.970 is amended by adding paragraph (c)(64) to read as follows:

§ 52.970 Identification of plan.

* * * * *

(c) * * *

(64) Revisions to the Louisiana SIP addressing VOC RACT catch-up requirements were submitted by the Governor of Louisiana by letters dated December 21, 1992, and April 13, 1993.

(i) Incorporation by reference.

(A) Revisions to LAC, Title 33, Environmental Quality, Part III. Air; Chapter 21. Control of Emissions of Organic Compounds, Subchapter A. General; section 2103. Storage of Volatile Organic Compounds, paragraphs G., G.1., G.4.; section 2109. Oil/Water Separation, paragraph B.4.; section 2215. Waste Gas Disposal, introductory paragraph, paragraph H., H.5.; Subchapter B. Organic Solvents; section 2123. Organic Solvents, paragraph D.6.; Subchapter C. Vapor Degreasers; section 2125. Vapor Degreasers, paragraph D.; Subchapter F. Gasoline Handling; section 2131. Filling of Gasoline Storage Vessels, paragraphs D., D.1., D.3., G.; section 2135. Bulk Gasoline Terminals, paragraph A.; Subchapter H. Graphic Arts; section 2143. Graphic Arts (Printing) by Rotogravure and Flexographic Processes, paragraph B, as adopted by LDEQ on October 20, 1992.

(B) Revisions to LAC, Title 33, Environmental Quality, Part III. Air; Chapter 21. Control of Emissions of Organic Compounds, Subchapter A. General; section 2115. Waste Gas Disposal, introductory paragraph, paragraphs H.1., H.1.a. through H.1.d., H.2., H.2.a., H.2.b., H.3., L., as adopted by LDEQ on March 20, 1993.

(ii) Additional material.

(A) Letters dated November 10, 1992 and December 21, 1992, signed by Edwin Edwards, Governor of Louisiana.

(B) Letter dated April 14, 1993, signed by Edwin Edwards, Governor of Louisiana.

(C) Letter of negative declaration dated March 29, 1994, signed by Gustave Von Boduungen, P.E., Assistant Secretary, LDEQ.

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40 CFR Part 52

[Region II Docket No. 142; SIPTRAX NJ15-2-6920, FRL-5524-3]

Approval and Promulgation of Implementation Plans; Revision to the New Jersey State Implementation Plan for Carbon Monoxide

AGENCY: Environmental Protection Agency (EPA).