

(6) Glasgow, Inc., Ivy Rock Asphalt Plants 1 & 2—OP 46-0043, effective June 7, 1995, except for the expiration date of the operating permit.

(7) Glasgow, Inc., Spring House Asphalt Plants 1 & 2—OP 46-0029, effective June 7, 1995, except for the expiration date of the operating permit.

(8) Glasgow, Inc., Catanach Asphalt Plant—OP 15-0021, effective June 7, 1995, except for the expiration date of the operating permit.

(9) Glasgow, Inc., Freeborn Asphalt Plant—OP 23-0026, effective June 7, 1995, except for the expiration date of the operating permit.

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40 CFR Part 52

[WI60-01-7136a; FRL-5324-5]

Approval and Promulgation of State Implementation Plan; Wisconsin; Autobody Refinishing 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 June 14, 1995. This revision requires the control of volatile organic compound (VOC) emissions from facilities that perform autobody refinishing operations. This regulation was submitted to generate reductions in VOC emissions, which the State will use to fulfill the 15 percent requirement of the amended Clean Air Act. 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 April 12, 1996, unless USEPA receives adverse or critical comments by March 13, 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 Toxics and Radiation Branch (AT-18J), U.S. Environmental Protection Agency, 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. Environmental Protection Agency, 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 Toxics and Radiation Branch (AT-18J), U.S. Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 353-6960.

SUPPLEMENTARY INFORMATION:

I. Background

Section 182(b) of the Clean Air Act, as amended on November 15, 1990, 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. 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 autobody refinishing operations in those areas of the State that are classified as moderate or higher.

II. Evaluation of State Submittal

On June 14, 1995, Wisconsin submitted its 15 percent plan. Included in this plan was the autobody refinishing rule. The EPA found that the autobody refinishing portion of the 15 percent plan was complete in a letter to Donald Theiler, Director of the Wisconsin Department of Natural Resources' Bureau of Air Management, dated July 13, 1995. The WDNR followed the required legal procedures for adopting this rule which are prerequisites for EPA to consider including this rule in Wisconsin's federally enforceable SIP. Public hearings for this rule were held on December 20-21, 1994. This rule was submitted to the EPA as a SIP revision under signature of the Governor's designee.

In developing the control requirements for this source category, WDNR consulted the EPA's Alternative Control Techniques (ACT) document. The WDNR adopted the coating limits for VOC content in Option 1 of the control options found in the ACT. In addition to limiting the VOC content of the coatings used at autobody refinishing facilities, WDNR set standards for coating application equipment and equipment used for cleanup. These standards adopted in the State's rule are also consistent with the recommended requirements found in the ACT.

A more detailed analysis of the State's submittal is contained in a July 31, 1995 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 autobody refinishing rule, 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 April 12, 1996. However, if we receive adverse comments by March 13, 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 2 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225). The Office of Management and Budget has exempted these actions from review under Executive Order 12866.

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 April 12, 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: October 10, 1995.

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)(83) to read as follows:

§ 52.2570 Identification of plan.

* * * * *

(c) * * *

(83) A revision to the ozone State Implementation Plan (SIP) was submitted by the Wisconsin Department of Natural Resources on June 14, 1995. This revision is a volatile organic compound (VOC) regulation which requires controls on facilities that perform autobody refinishing operations.

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

(A) NR 422.02(intro.) and (47), 422.03 (1) and (3) and 484.05(1) as amended and published in the (Wisconsin) Register, August, 1995 and effective September 1, 1995.

(B) NR 422.02 (1), (1x), (3m), (12d), (33j), (34s), (34v), (37s), (42n), (47e) and (49m) and 422.095 as created and published in the (Wisconsin) Register, August, 1995 and effective September 1, 1995.

(C) NR 422.02(1s) as renumbered from 422.02(1) and published in the (Wisconsin) Register, August, 1995 and effective September 1, 1995.

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40 CFR Part 52

[WI49-02-7293; FRL-5419-6]

Approval and Promulgation of Implementation Plan; Wisconsin; Correction

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Direct final rule; correction.

SUMMARY: This document contains corrections to a final rule which was published Friday, July 28, 1995 (60 FR 38722). The final rule approved a volatile organic compound (VOC) regulation which was incorporated by reference into the Wisconsin State Implementation Plan (SIP).

EFFECTIVE DATE: This action is effective February 12, 1996.

FOR FURTHER INFORMATION CONTACT: Kathleen D'Agostino at (312) 886-1767.

SUPPLEMENTARY INFORMATION:

Background

On July 28, 1995 (60 FR 38722), the USEPA approved a revision to the Wisconsin SIP containing a VOC regulation that establishes reasonably available control technology (RACT) for screen printing facilities. However, when these regulations were incorporated by reference into the Wisconsin SIP, USEPA inadvertently overwrote a more current section of the rule which had previously been incorporated into the SIP.

Need for Correction

As published, the incorrect version of part of this regulation has been incorporated by reference into the State's SIP.

List of Subjects in 40 CFR Part 52

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

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

Dated: January 24, 1996.

Valdas V. Adamkus,
Regional Administrator.

Correction of Publication

Accordingly, the direct final rule published on July 28, 1995 (60 FR 38722), is corrected as follows:

Subpart YY—Wisconsin

On page 38724, in the third column, paragraph 52.2570(c)(82)(i)(D) is corrected to read as follows: