statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. When a written statement is needed for an EPA rule, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, giving them meaningful and timely input in the development of EPA regulatory proposals with significant federal intergovernmental mandates, and informing, educating, and advising them on compliance with the regulatory requirements.

Through submission of the SIP or plan revisions 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 Clean Air Act. The submission approved in this action may bind State, 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 submission 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 EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, or tribal governments in the aggregate, or on the private sector, in any one year. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments.

List of Subjects in 40 CFR Part 52

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

Dated: October 17, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

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 L—Georgia

2. Section 52.570 is amended by adding paragraph (c)(43) read as follows:

§ 52.570 Identification of plan.

* * * * *

(c) * * *

(43) The Georgia Environmental Protection Division has submitted revisions to the Georgia State Implementation Plan on September 27, 1995. These revisions address the requirements of section 507 of Title V of the Clean Air Act and establish the Small Business Stationary Source Technical and Environmental Program.

(i) Incorporation by reference.

(A) The submittal of the state of Georgia's Small Business Stationary Source Technical and Environmental Compliance Assistance Program which was adopted on July 20, 1995.

(ii) Additional Material. None.

* * * * *

[FR Doc. 96–1926 Filed 2–1–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[RI15–1–6954a; A–1–FRL–5329–3]

Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; Control of Volatile Organic Chemicals from Automotive Refinishing Operations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Rhode Island. This revision establishes VOC emission standards for automotive refinishing operations. The intended effect of this action is to approve a revision to Rhode Island SIP which reduces VOC emissions from automotive refinishing. This action is being taken in accordance with Section 183(e) and Section 182(b)(1) of the Clean Air Act.

DATES: This action is effective April 2, 1996, unless notice is received by March 4, 1996 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Comments may be mailed to Susan Studlien, Deputy Director, Office of Ecosystems Protection, U.S. Environmental Protection Agency, Region I, JFK Federal Building, Boston, MA 02203. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Office of Ecosystems Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 10th floor, Boston, MA; Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, S.W., (LE–131), Washington, D.C. 20460; and the Division of Air and Hazardous Materials, Department of Environmental Management, 291 Promenade Street, Providence, RI 02908–5767.

FOR FURTHER INFORMATION CONTACT: Jeanne Cosgrove, (617) 565–3246.

SUPPLEMENTARY INFORMATION: Under section 183(a) of the Clean Air Act, EPA was required to issue a control techniques guideline (CTG) for the category of autobody refinishing. However, EPA has instead issued guidance for this category in the form of an Alternative Control Technology (ACT) guideline. While the ACT does not define reasonably available control technology (RACT) standards for autobody refinishing, it does include three control options with estimates of costs and emission reductions for each option. In addition to the section 183(a) requirements, Section 183(e) of the CAA, requires EPA to issue national VOC emissions standards for consumer and commercial products, which include automotive refinishing coatings. EPA expects to propose the national rule for automotive refinishing coatings in early 1996. Rhode Island decided to adopt rules for autobody refinishing in advance of a federal rule, to get credit

for reductions from this category in its 15% plan.

Rhode Island was required to submit, by November 15, 1993, a SIP revision for Reasonable Further Progress (RFP) for 15% reduction of VOCs as necessary for moderate areas and above. The entire state of Rhode Island is classified as serious nonattainment area, therefore the 15% plan must cover the entire state.

On November 24, 1993, the Rhode Island DEP submitted to EPA for comment, proposed amendments to the SIP to address the RFP requirements including new Air Pollution Control Regulations No. 30, Control of Volatile Organic Compounds from Automobile Refinishing Operations.'' Rhode Island held public hearing on December 15, 1993 for its proposed automotive refinishing rule. EPA submitted written comments regarding the proposed regulation on December 14, 1993 and January 3, 1994. The regulation was adopted on March 11, 1994 and became effective on March 31, 1994. Rhode Island submitted their adopted regulation as a formal SIP submittal to EPA on March 17, 1994. On January 14, 1995, the Rhode Island DEM submitted to EPA for comment proposed revisions to Air Pollution Control Regulation 30, ''Control of Volatile Organic Compounds from Automobile Refinishing Operations.'' Rhode Island held a public hearing on the revised rule on April 17, 1995. EPA submitted written comments on the proposed revisions on April 17, 1995. The regulation became effective on July 17, 1995.

Subsequently, on June 27, 1995, the Rhode Island Department of Environmental Management (DEM) submitted an amended Air Pollution Control Regulation Number 30, ''Control of Volatile Organic Compounds from Automobile Refinishing Operations.'' as a revision to the Rhode Island SIP. The amended Regulation No. 30 in the June 27, 1995 submittal replaces Rhode Island's March 17, 1994 Regulation No. 30 submittal. The amended regulation changed the emission limit for primer/primer surfacer coatings applied to Group I vehicles from 3.8 pounds of VOC/gallon of coating applied to 4.8 pounds of VOC/gallon of coating applied.

The adopted Air Pollution Control Regulation Number 30, ''Control of Volatile Organic Compounds from Automobile Refinishing Operations'' regulates the VOC content of automotive refinishing products. The regulation applies to any person who owns, leases, operates or controls an automotive refinishing facility.

Summary of SIP Revision

The adopted Air Pollution Control Regulation Number 30, ''Control of Volatile Organic Compounds from Automobile Refinishing Operations, establishes Reasonably Available Control Technology for all automobile refinishing facilities. ''Automotive Refinishing'' is defined by Rhode Island as ''any coating of vehicles, their parts and components, or mobile equipment, including partial body collision repairs, for the purpose of protection or beautification and which is subsequent to the original coating applied at the plant coating assembly line.''

The rule establishes the following RACT emission limits, expressed as pounds of VOC per gallon of coating and grams of VOC per liter of coating, excluding water:

TABLE 1.—EMISSION LIMITATIONS FOR AUTOMOTIVE REFINISHING OPERATIONS FOR GROUP I VEHICLES

(Passenger Cars, Large/Heavy Duty Truck Cabs and Chassis, Light and Medium Duty Trucks, Vans, and Motorcycles)

Type of Coating	VOC Emission Limitation	
	lb VOC/gallon coating applied minus water	lb VOC/gallon solids applied (for facilities which use add on control)
Pretreatment	6.5	55.6
Primer/primer Surfacer	4.8	13.8
Primer Sealer	4.6	12.3
Topcoat	5.0	15.6
Three or Four-Stage Topcoat	5.2	17.7
Specialty Coating	7.0	143.1

TABLE 2.—EMISSION LIMITATIONS FOR AUTOMOTIVE REFINISHING OPERATIONS FOR GROUP II VEHICLES

(Public Transit Buses and Mobile Equipment)

Type of Coating	VOC Emission Limitation	
	lb VOC/gallon coating applied minus water	lb VOC/gallon solids applied (for facilities which use add on control)
Pretreatment	6.5	55.6
Primer/primer Surfacer	2.8	4.5
Primer Sealer	3.5	6.7
Topcoat	3.5	6.7
Extreme Performance Coating	6.2	39.3
Specialty Coating	7.0	143.1

The rule gives facilities the option of complying through the use of compliant coatings, or by installing a control system which reduces the total VOC emissions from the facility by 95% or greater as compared to uncontrolled VOC emissions, or by installing emission control systems that result in VOC emissions less than or equal to the limits specified in Tables 1 and 2. The rule also contains the following provisions:

1. Requirements to store solvent waste material in closed containers to minimize solvent evaporation;

2. Equipment Requirements that specify the use of High Volume Low Pressure spray equipment or electrostatic application equipment, or another type of application equipment that results in a transfer efficiency of at least 65% and has been approved by the RI DEM. Spray guns are to be cleaned and solvent is to be stored in a manner that limits solvent evaporation; and

3. Training, recordkeeping, reporting, registration, compliance demonstration, and testing requirements.

Facilities were required to comply with the regulation by July 1, 1995.

EPA's evaluation is detailed in a memorandum, entitled ''Technical Support Document for Rhode Island's Regulation 30, Control of Volatile Organic Compounds from Automobile Refinishing Operations''.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective April 2, 1996 unless adverse or critical comments are received by March 4, 1996.

If the EPA receives such comments, this action will be withdrawn before the effective date by simultaneously 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 this action serving as a 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 on April 2, 1996.

Final Action

EPA is approving Air Pollution Control Regulation No. 30, ''Control of Volatile Organic Compounds from Automobile Refinishing Operations''.

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.

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 183(e) of the Clean Air Act. These rules 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 being approved by this action will impose no new requirements; 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. EPA has also 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.

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225), as revised by an October 4, 1993, memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. A future document will inform the general public of these tables.

The OMB has exempted this action from review under Executive Order 12866.

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. § 7410(a)(2).

On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and Table 3 revisions (54 FR 2222) from the requirements of Section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for 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 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 April 2, 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.

Note: Incorporation by reference of the State Implementation Plan for the State of Rhode Island was approved by the Director of the Federal Register on July 1, 1982.

Dated: October 16, 1995.

John P. DeVillars,

Regional Administrator, EPA, New England.

Part 52 of 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 OO—Rhode Island

2. Section 52.2070 is amended by adding paragraph (c)(44) to read as follows:

§ 52.2070 Identification of plan.

* * * * *

(c) * * *

(44) Revisions to the State Implementation Plan submitted by the Rhode Island Department of Environmental Management on June 27, 1995.

(i) Incorporation by reference.

(A) Letter from the Rhode Island Department of Environmental Management dated June 27, 1995 submitting a revision to the Rhode Island State Implementation Plan.

(B) The following portions of the Rules Governing the Control of Air Pollution for the State of Rhode Island effective on July 17, 1995: Air Pollution Control Regulation No. 30, Control of Volatile Organic Compounds from Automotive Refinishing Operations.

3. In § 52.2081 Table 52.2081 is amended by adding an entry for state citation No. 30 to read as follows:

§ 52.2081 EPA-approved Rhode Island state regulations.

* * * * *

TABLE 52.2081.—EPA-APPROVED RULES AND REGULATIONS

State citation	Title/subject	Date adopted by State	Date approved by EPA	FR citation	52.2070	Comments/Unapproved sections
*	*	*	*	*	*	*
No. 30	Control of VOC from Automobile Refinishing Operations.	June 27, 1995	February 2, 1996 ...	[Insert *FR* citation from published date].	(c)(44)	Control of VOC From Automobile Refinishing Operations.
*	*	*	*	*	*	*

[FR Doc. 96–2228 Filed 2–1–96; 8:45 am]
BILLING CODE 6560–50–P

40 CFR Part 70

[AD–FRL–5405–5]

Clean Air Act Interim Approval of Operating Permits Program; Delegation of Section 112 Standards; Commonwealth of Massachusetts

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is promulgating interim approval of the Operating Permits Program submitted by the Commonwealth of Massachusetts for the purpose of complying with Federal requirements for an approvable State program to issue operating permits to all major stationary sources, and to certain other sources. EPA is also approving the Commonwealth's authority to implement hazardous air pollutant requirements.

DATES: This action is effective April 2, 1996 unless notice is received by March 4, 1996 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Comments should be addressed to Ida E. Gagnon, Air Permits, APO, U.S. Environmental Protection Agency, Region I, JFK Federal Building, Boston, MA 02203–2211.

Copies of the State's submittal and other supporting information relevant to this action are available for inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 1, One Congress Street, 10th floor, Boston, MA 02203.

FOR FURTHER INFORMATION CONTACT: Ida E. Gagnon, Air Permits, APO, U.S. Environmental Protection Agency, Region 1, JFK Federal Building, Boston, MA 02203–2211, (617) 565–3500.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

A. Introduction

As required under title V of the 1990 Clean Air Act Amendments (sections 501–507 of the Clean Air Act (''the Act'')), EPA has promulgated rules which define the minimum elements of an approvable State operating permits program and the corresponding standards and procedures by which the EPA will approve, oversee, and withdraw approval of State operating permits programs (see 57 FR 32250 (July 21, 1992)). These rules are codified at 40 Code of Federal Regulations (CFR) Part 70. Title V requires States to develop, and submit to EPA, programs for issuing these operating permits to all major stationary sources and to certain other sources.

The Act requires that States develop and submit these programs to EPA by November 15, 1993, and that EPA act to approve or disapprove each program within 1 year after receiving the submittal. The EPA's program review occurs pursuant to section 502 of the Act and the part 70 regulations, which together outline criteria for approval or disapproval. Where a program substantially, but not fully, meets the requirements of Part 70, EPA may grant the program interim approval for a period of up to 2 years. If EPA has not fully approved a program by 2 years after the November 15, 1993 date, or by the end of an interim program, it must establish and implement a Federal program. EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial program and anticipates no adverse comments. However, in a separate document in the Federal Register publication, EPA is proposing interim approval of the Operating Permit Program submitted by the Commonwealth of Massachusetts should adverse or critical comments be filed. This action will be effective April 2, 1996 unless adverse or critical comments are received by March 4, 1996.

If EPA receives such comments, this action will be withdrawn before the effective date by simultaneously 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 this action serving as a 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 on April 2, 1996.

B. Federal Oversight and Sanctions

When EPA promulgates this interim approval, it will extend for two years following the effective date, and cannot be renewed. During the interim approval period, the Commonwealth of Massachusetts is protected from sanctions, and EPA is not obligated to promulgate, administer and enforce a Federal permits program for the Commonwealth of Massachusetts. Permits issued under a program with interim approval have full standing with respect to part 70, and the 1-year time period for submittal of permit applications by subject sources specified in section 503(c) of the Act begins upon the effective date of interim approval, as does the 3-year time period for processing the initial permit applications.[1]

Following final interim approval, if the Commonwealth of Massachusetts fails to submit a complete corrective program for full approval by the date 6 months before expiration of the interim approval, EPA will start an 18-month clock for mandatory sanctions. If the Commonwealth of Massachusetts then fails to submit a corrective program that EPA finds complete before the expiration of that 18-month period, EPA will be required to apply one of the sanctions in section 179(b) of the Act, which will remain in effect until EPA determines that the Commonwealth of

[1] Note that states may require applications to be submitted earlier than required under section 503(c). See 310 CMR Appendix C(4)(a).