

Friday, except Federal holidays. The telephone number is (202) 267-1477.

FOR FURTHER INFORMATION CONTACT: Carlton Perry, Project Manager, Auxiliary, Boating, and Consumer Affairs Division, (202) 267-0979.

SUPPLEMENTARY INFORMATION:

Regulatory History

The Omnibus Budget Reconciliation Act of 1990 (the Act) amended 46 U.S.C. 2110 and required the Secretary of Transportation to establish a fee or charge for recreational vessels and to collect it annually in fiscal years (FY) 1991 through 1995 from the vessel owner or operator. The Act applied to recreational vessels greater than 16 feet in length, operated on the navigable waters of the United States where the Coast Guard has a presence. The Coast Guard issued regulations in 33 CFR subpart 1.30 to implement the Act, after notice and public comment (56 FR 30244; July 1, 1991).

Section 501 of the High Seas Driftnet Fisheries Enforcement Act (Pub. L. 102-582), enacted November 2, 1992, amended 46 U.S.C. 2110(b)(1) to reduce the number of recreational vessels subject to the annual fee by changing the vessel length categories subject to the fee for fiscal years 1993 and 1994, and by eliminating the fee on October 1, 1994. The Coast Guard revised 33 CFR subpart 1.30 by publishing an interim final rule (58 FR 8884; February 17, 1993) and final rule (59 FR 22129; April 29, 1994).

As part of the President's Regulatory Reinvention Initiative review, the Coast Guard is removing the regulations which established a recreational vessel fee (RVF). This rule is the final action to implement Pub. L. 102-582. It removes the RVF regulations in 33 CFR Subpart 1.30 which are no longer necessary.

Because the fees were eliminated by Pub. L. 102-582 on 1 October, 1994, and the fees have not been collected since then, the Coast Guard finds good cause, under 5 U.S.C. 553 (b)(3)(B) and (d)(3), why notice and public procedure before publication of the rule are unnecessary and that the rule should be made effective in less than 30 days after publication.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order, nor has it been reviewed by the Office of Management and Budget. It is not significant under the regulatory

policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Assessment is unnecessary.

Collection of Information

The information collection approved for 33 CFR subpart 1.30 by the Office of Management and Budget (OMB) under section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) expired on January 1, 1995. The subpart number was 33 CFR subpart 1.30 and the former corresponding OMB approving number was OMB Control Number 2115-0588. This rule contains no collection-of-information requirements under the Paperwork Reduction Act.

Federalism

The Coast Guard has analyzed this rule in accordance with the principles and criteria of Executive Order 12612 and has determined that this rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under section 2.B.2.e(34)(a) of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 1

Administrative practice and procedure, Authority delegations (Government agencies), Freedom of information, Penalties, Fees.

Subpart 1.30—[Removed]

Under the authority of 14 U.S.C. 633, subpart 1.30 is removed.

Dated: February 5, 1996.

Rudy K. Peschel,

Rear Admiral, U.S. Coast Guard Chief, Office of Navigation Safety and Waterway Services.
[FR Doc. 96-3698 Filed 2-20-96; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FL-59-1-6928a; FRL-5400-7]

Approval and Promulgation of Implementation Plans Florida: Title V, Section 507, Small Business Stationary Source Technical and Environmental Compliance Assistance Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the State Implementation Plan (SIP) submitted by the State of Florida through the Florida Department of Environmental Protection (FDEP) for the purpose of including the Small Business Stationary Source Technical and Environmental Compliance Assistance Program rules in the Florida Administrative Code, Chapters 17-202.100 through 17.202.400. This implementation plan was submitted by the State on August 12, 1994.

DATES: This action is effective April 22, 1996 unless notice is received March 22, 1996 that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be addressed to: Ms. Kimberly Bingham, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30365.

Copies of the material submitted by the State of Georgia may be examined 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.

Environmental Protection Agency, 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: Ms. Kimberly Bingham, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia

30365. The telephone number is 404/347-3555 x4195.

SUPPLEMENTARY INFORMATION:

Implementation of the CAA will require small businesses to comply with specific regulations in order for areas to attain and maintain the national ambient air quality standards (NAAQS) and reduce the emission of air toxics. In anticipation of the impact of these requirements on small businesses, the CAA requires that states adopt a Small Business Stationary Source Technical and Environmental Compliance Assistance Program (PROGRAM), and submit this PROGRAM as a revision to the federally approved SIP. In addition, the CAA directs the EPA to oversee the small business assistance program and report to Congress on their implementation. The requirements for establishing a PROGRAM are set out in section 507 of title V of the CAA and the EPA guidance document *Guidelines for the Implementation of Section 507 of the 1990 Clean Air Act Amendments*. In order to gain full approval, the state submittal must provide for each of the following PROGRAM elements: (1) The establishment of a Small Business Assistance Program (SBAP) to provide technical and compliance assistance to small businesses; (2) the establishment of a state Small Business Ombudsman to represent the interests of small businesses in the regulatory process; and (3) the creation of a Compliance Advisory Panel (CAP) to determine and report on the overall effectiveness of the SBAP. The plan must also determine the eligibility of small business stationary sources for assistance in the PROGRAM. The plan includes the duties, funding and schedule of implementation for the three PROGRAM components.

Section 507 (a) and (e) of the CAA set forth requirements the State must meet to have an approvable PROGRAM. The State of Florida has addressed these requirements and has established a PROGRAM which was approved by EPA on February 14, 1995 (See 60 FR 6306). As a result of the preceding requirements, the State of Florida through the FDEP on August 12, 1994, submitted a revision to include rules for the PROGRAM in the Florida Administrative Code, Chapters 17-202.100 through 17.202.400. The following is a brief description of what each chapter addresses:

1. Chapter 17-202.100 establishes procedures for notifying small businesses of their rights and assures an opportunity for public comment on any petition filed by any air pollution source seeking inclusion in the small business assistance program.

2. Chapter 17-202.200 identifies the definition of the words and phrases used in Chapter 17.202.

3. Chapter 17-202.300 outlines the procedures for notifying small businesses of the rights and obligations to federal and state requirements.

4. Chapter 17-202.400 establishes the procedures that will be used by the Department to provide public notice and comments on actions taken by the state.

Final Action

In this action, EPA is approving the SIP revision to include the Small Business Stationary Source Technical and Environmental Compliance Assistance program in the Florida Administrative Code, Chapter 17-202, that was submitted by the State of Florida through the Department of Environmental Protection. The 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 22, 1996 in the Federal Register, unless notice is received by March 22, 1996 that adverse or critical comments are received.

If 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 proposed rule published with this action. 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 April 22, 1996.

Under section 307(b)(1) of the 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 April 22, 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.

By today's action, the EPA is approving a State program created for the purpose of assisting small business stationary sources in complying with existing statutory and regulatory requirements. The program being approved today does not impose any new regulatory burden on small business stationary sources; it is a program under which small business stationary sources may elect to take advantage of assistance provided by the State. Therefore, because the EPA's approval of this program does not impose any new regulatory requirements on small businesses, I certify that it does not have a significant economic impact on any small entities affected.

SIP approvals under 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. versus Environmental Protection Agency*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2) and 7410(k).

Nothing in this action shall be construed as permitting or 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.

Title II of the Unfunded Mandates Reform Act of 1995 ("UMRA"), P.L. 104-4, establishes requirements for the Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written

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.

Dated: December 11, 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 K—Florida

2. Section 52.520 is amended by adding paragraph (c)(92) to read as follows:

§ 52.520 Identification of plan.

* * * * *

(c) * * *

(92) The Florida Department of Environmental Protection has submitted revisions to the Florida State Implementation Plan on August 12, 1994. These revisions address including the Small Business Stationary Source Technical and Environmental Program in the Florida Administrative Code, Chapter 17-202.

(i) Incorporation by reference.

(A) Chapter 17-202, Small Business Stationary Source Technical and Environmental Compliance Assistance Program adopted on June 30, 1994.

(ii) Additional material. None.

[FR Doc. 96-3790 Filed 2-20-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[MI37-01-6713a; FRL-5422-5]

Approval and Promulgation of State Implementation Plan; Michigan; Site-Specific SIP Revision for the Enamalum Corporation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA approves a revision to the Michigan State Implementation Plan (SIP) for ozone that was submitted on August 26, 1994 by the State of

Michigan. This revision is a site-specific SIP revision that determines the appropriate reasonably available control technology (RACT) level for volatile organic compound (VOC) emissions from the Enamalum Corporation Novi, Michigan facility. This approval of the site-specific SIP revision allows for a limit higher than that found in the control technology guidance (CTG) document for this source category. Approval of this site-specific SIP revision is based upon the argument that the Enamalum Corporation facility cannot afford the controls normally required by the State's RACT rule. 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 consent order that has been incorporated by reference.

DATES: This "direct final" is effective on April 22, 1996, unless EPA receives adverse or critical comments by March 22, 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 Programs Branch (AR-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 Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 353-6960.

SUPPLEMENTARY INFORMATION:

I. Background

The Enamalum Corporation owns a facility located in Novi, Michigan that