

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Reporting recordkeeping requirements.

40 CFR Part 81

Air pollution control.

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

Dated: June 24, 1996.

Jack W. McGraw,

Acting Regional Administrator.

[FR Doc. 96-17319 Filed 7-8-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 55

[FRL-5534-7]

Outer Continental Shelf Air Regulations; Consistency Update for California

AGENCY: Environmental Protection Agency ("EPA").

ACTION: Notice of proposed rulemaking; consistency update.

SUMMARY: EPA is proposing to update a portion of the Outer Continental Shelf ("OCS") Air Regulations. Requirements applying to OCS sources located within 25 miles of states' seaward boundaries must be updated periodically to remain consistent with the requirements of the corresponding onshore area ("COA"), as mandated by section 328(a)(1) of the Clean Air Act ("the Act"), the Clean Air Act Amendments of 1990. The portion of the OCS air regulations that is being updated pertains to the requirements for OCS sources for which the South Coast Air Quality Management District (South Coast AQMD) and the Ventura County Air Pollution Control District (Ventura County APCD) are the designated COAs. The OCS requirements for the above Districts, contained in the Technical Support Document, are proposed to be incorporated by reference into the Code of Federal Regulations and are listed in the appendix to the OCS air regulations. Proposed changes to the existing requirements are discussed below.

DATES: Comments on the proposed update must be received on or before August 8, 1996.

ADDRESSES: Comments must be mailed (in duplicate if possible) to: EPA Air Docket (A-5), Attn: Docket No. A-93-16 Section XII, Environmental Protection Agency, Air and Toxics Division, Region 9, 75 Hawthorne St., San Francisco, CA 94105.

Docket: Supporting information used in developing the proposed notice and

copies of the documents EPA is proposing to incorporate by reference are contained in Docket No. A-93-16 Section XII. This docket is available for public inspection and copying Monday-Friday during regular business hours at the following locations:

EPA Air Docket (A-5), Attn: Docket No. A-93-16 Section XII, Environmental Protection Agency, Air and Toxics Division, Region 9, 75 Hawthorne St., San Francisco, CA 94105.

EPA Air Docket (LE-131), Attn: Air Docket No. A-93-16 Section XII, Environmental Protection Agency, 401 M Street SW, Room M-1500, Washington, DC 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT:

Christine Vineyard, Air and Toxics Division (A-5-3), U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105, (415) 744-1197.

SUPPLEMENTARY INFORMATION:

Background

On September 4, 1992, EPA promulgated 40 CFR part 55¹, which established requirements to control air pollution from OCS sources in order to attain and maintain federal and state ambient air quality standards and to comply with the provisions of part C of title I of the Act. Part 55 applies to all OCS sources offshore of the States except those located in the Gulf of Mexico west of 87.5 degrees longitude. Section 328 of the Act requires that for such sources located within 25 miles of a state's seaward boundary, the requirements shall be the same as would be applicable if the sources were located in the COA. Because the OCS requirements are based on onshore requirements, and onshore requirements may change, section 328(a)(1) requires that EPA update the OCS requirements as necessary to maintain consistency with onshore requirements.

Pursuant to § 55.12 of the OCS rule, consistency reviews will occur (1) at least annually; (2) upon receipt of a Notice of Intent under § 55.4; or (3) when a state or local agency submits a rule to EPA to be considered for incorporation by reference in part 55. This notice of proposed rulemaking is being promulgated in response to the submittal of rules by two local air pollution control agencies. Public comments received in writing within 30 days of publication of this notice will be

considered by EPA before publishing a notice of final rulemaking.

Section 328(a) of the Act requires that EPA establish requirements to control air pollution from OCS sources located within 25 miles of states' seaward boundaries that are the same as onshore requirements. To comply with this statutory mandate, EPA must incorporate applicable onshore rules into part 55 as they exist onshore. This limits EPA's flexibility in deciding which requirements will be incorporated into part 55 and prevents EPA from making substantive changes to the requirements it incorporates. As a result, EPA may be incorporating rules into part 55 that do not conform to all of EPA's state implementation plan (SIP) guidance or certain requirements of the Act. Consistency updates may result in the inclusion of state or local rules or regulations into part 55, even though the same rules may ultimately be disapproved for inclusion as part of the SIP. Inclusion in the OCS rule does not imply that a rule meets the requirements of the Act for SIP approval, nor does it imply that the rule will be approved by EPA for inclusion in the SIP.

EPA Evaluation and Proposed Action

In updating 40 CFR part 55, EPA reviewed the rules submitted for inclusion in part 55 to ensure that they are rationally related to the attainment or maintenance of federal or state ambient air quality standards or part C of title I of the Act, that they are not designed expressly to prevent exploration and development of the OCS and that they are applicable to OCS sources. 40 CFR 55.1. EPA has also evaluated the rules to ensure they are not arbitrary or capricious. 40 CFR 55.12 (e). In addition, EPA has excluded administrative or procedural rules,² and requirements that regulate toxics which are not related to the attainment and maintenance of federal and state ambient air quality standards.

A. After review of the rules submitted by South Coast AQMD against the criteria set forth above and in 40 CFR part 55, EPA is proposing to make the following rules applicable to OCS sources for which the South Coast AQMD is designated as the COA.

1. *The following rules were submitted as revisions to existing requirements:*
Rule 102 Definition of Terms (Adopted 11/17/95)

¹ The reader may refer to the Notice of Proposed Rulemaking, December 5, 1991 (56 FR 63774), and the preamble to the final rule promulgated September 4, 1992 (57 FR 40792) for further background and information on the OCS regulations.

² After delegation, each COA will use its administrative and procedural rules as onshore. In those instances where EPA does not delegate authority to implement and enforce part 55, EPA will use its own administrative and procedural requirements to implement the substantive requirements. 40 CFR 55.14 (c)(4).

Rule 212 Standards for Approving Permits and Proposed Amended Regulation XIII—New Source Review (Adopted 12/7/95) except (e)

Rule 301 Permit Fees (Adopted 10/13/95)

Rule 431.1 Sulfur Content of Gaseous Fuels (Adopted 11/17/95)

Rule 701 Air Pollution Emergency Contingency Actions (Renamed) (Adopted 9/8/95)

Rule 1134 Emissions of Oxides of Nitrogen from Stationary Gas Turbines (Adopted 12/7/95)

Rule 1149 Storage Tank Degassing (Adopted 7/14/95)

Rule 1301 General (Adopted 12/7/95)

Rule 1302 Definitions (Adopted 12/7/95)

Rule 1303 Requirements (Adopted 12/7/95)

Rule 1304 Exemptions (Adopted 12/7/95)

Rule 1306 Emission Calculations (Adopted 12/7/95)

Rule 1313 Permit to Operate (Adopted 12/7/95)

Rule 1610 Old-Vehicle Scrapping (Adopted 10/13/95)

Rule 1612 Credits for Clean On-Road Vehicles (Adopted 9/8/95)

Rule 1620 Credits for Clean Off-Road Mobile Equipment (Adopted 9/8/95)

Rule 2000 General (Adopted 12/7/95)

Rule 2001 Applicability (Adopted 12/7/95)

Rule 2002 Allocations for Oxides of Nitrogen (NOx) and Oxides of Sulfur (SOx) (Adopted 12/7/95)

Rule 2004 Requirements (Adopted 12/7/95)

Rule 2005 New Source Review for RECLAIM (Adopted 12/7/95) except (i)

Rule 2006 Permits (Adopted 12/7/95)

Rule 2007 Trading Requirements (Adopted 12/7/95)

Rule 2015 Backstop Provisions (Adopted 12/7/95) except (b)(1)(G) and (b)(3)(B)

Appendix A Volume IV—(Protocol for oxides of sulfur) (Adopted 9/8/95)

Appendix A Volume V—(Protocol for oxides of nitrogen) (Adopted 9/8/95)

Rule 2100 Registration of Portable Equipment (adopted 12/8/95)

2. *The following rule was submitted to be added as a new requirement:*

Rule 118 Emergencies (Adopted 12/8/95)

3. *The following rules were submitted but will not be included because they are Administrative and/or Procedural:*

Rule 301.2 Annual Operating Permit Fee-Reduced Penalty for Underpayment (Adopted 8/11/95)

Rule 310 Amnesty for Unpermitted Equipment (Adopted 10/13/95)

Rule 1309 Emission Reduction Credits (Adopted 12/7/95)

Rule 1309.1 Priority Reserve (Adopted 12/7/95)

Rule 1310 Analysis and Reporting (Adopted 12/7/95)

Rule 1501 Work Trip Reduction Plans (Adopted 12/8/95)

Rule 1501.1 Alternatives to Work Trip Reduction Plans (Adopted 12/8/95)

Rule 2202 On-Road Motor Vehicle Mitigation Options (Adopted 12/8/95)

4. *The following rules were submitted but will not be included until the District submits the resolution for these rules:*

Rule 2011 Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Sulfur (SOx) Emissions (Adopted 12/7/95)

Rule 2012 Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Nitrogen (NOx) Emissions (Adopted 12/7/95)

5. *The following rules were submitted but will not be included until the District's Title V Operating Permits program has been approved:*

Rule 518 Variance Procedures for Title V Facilities (Adopted 8/11/95)

Rule 518.1 Permit Appeal Procedures for Title V Facilities (Adopted 8/11/95)

Rule 518.2 Federal Alternative Operating Conditions (Adopted 1/12/96)

Rule XXX Title V Permits (Adopted 8/11/95)

6. *The following rules were submitted but will not be included because they do not apply to OCS Sources:*

Rule 461 Gasoline Transfer and Dispensing (Adopted 9/8/95)

Rule 462 Organic Liquid Loading (Adopted 6/9/95)

Rule 1130 Graphic Arts (Adopted 9/8/95)

Rule 1166 Volatile Organic Compound Emissions from Decontamination of Soil (Adopted 7/14/95)

B. After review of the rules submitted by Ventura County APCD against the criteria set forth above and in 40 CFR part 55, EPA is proposing to make the following rules applicable to OCS sources for which Ventura County APCD is designated as the COA.

1. *The following rules were submitted as revisions to existing requirements:*

Rule 26.1 New Source Review—Definitions (Adopted 2/13/96)

Rule 26.2 New Source Review—Requirements (Adopted 2/13/96)

Rule 26.3 New Source Review—Exemptions (Adopted 2/13/96)

Rule 42 Permit Fees (Adopted 3/12/96)

Rule 44 Exemption Evaluation Fee (Adopted 10/10/95)

Rule 74.7 Fugitive Emissions of Reactive Organic Compounds (ROC) at Petroleum Refineries and Chemical Plants (Adopted 10/10/95)

Rule 74.23 Stationary Gas Turbines (Adopted 10/10/95)

2. *The following rule was submitted but will not be included because they are Administrative and/or Procedural:*

Rule 9 Arrest Authority (Adopted 3/12/96)

Rule 26.4 New Source Review—Emission Banking (Adopted 2/13/96)

Rule 26.5 New Source Review—Community Bank (Adopted 2/13/96)

3. *The following is a new rule to be included:*

Rule 76 Federally Enforceable Limits on Potential to Emit (Adopted 10/10/95)

Executive Order 12291 (Regulatory Impact Analysis)

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291. This exemption continues in effect under Executive Order 12866 which superseded Executive Order 12291 on September 30, 1993.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 requires each federal agency to perform a Regulatory Flexibility Analysis for all rules that are likely to have a "significant impact on a substantial number of small entities." Small entities include small businesses, organizations, and governmental jurisdictions.

As was stated in the final regulation, the OCS rule does not apply to any small entities, and the structure of the rule averts direct impacts and mitigates indirect impacts on small entities. This consistency update merely incorporates onshore requirements into the OCS rule to maintain consistency with onshore regulations as required by section 328 of the Act and does not alter the structure of the rule.

The EPA certifies that this notice of proposed rulemaking will not have a significant impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 55

Environmental protection, Administrative practice and procedures, Air pollution control, Hydrocarbons,

Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Nitrogen oxides, Outer Continental Shelf, Ozone, Particulate matter, Permits, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: June 30, 1996.

Felicia Marcus,
Regional Administrator.

Title 40 of the Code of Federal Regulations, part 55, is proposed to be amended as follows:

PART 55—[AMENDED]

1. The authority citation for part 55 continues to read as follows:

Authority: Section 328 of the Clean Air Act (42 U.S.C. § 7401 *et seq.*) as amended by Public Law 101-549.

2. Section 55.14 is proposed to be amended by revising paragraphs (e)(3)(ii)(G), and (e)(3)(ii)(H) to read as follows:

§ 55.14 Requirements that apply to OCS sources located within 25 miles of states seaward boundaries, by state.

* * * * *

(e) * * *

(3) * * *

(ii) * * *

(G) *South Coast Air Quality Management District Requirements Applicable to OCS Sources* (Part I and Part II).

(H) *Ventura County Air Pollution Control District Requirements Applicable to OCS Sources.*

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3. Appendix A to CFR Part 55 is proposed to be amended by revising paragraph (b)(7) and (8) under the heading "California" to read as follows:

Appendix A to 40 CFR Part 55—Listing of State and Local Requirements Incorporated by Reference Into Part 55, by State

* * * * *

California

* * * * *

(b) * * *

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(7) The following requirements are contained in *South Coast Air Quality Management District Requirements Applicable to OCS Sources*:

Rule 102 Definition of Terms (Adopted 11/17/95)

Rule 103 Definition of Geographical Areas (Adopted 1/9/76)

Rule 104 Reporting of Source Test Data and Analyses (Adopted 1/9/76)

Rule 108 Alternative Emission Control Plans (Adopted 4/6/90)

Rule 109 Recordkeeping for Volatile Organic Compound Emissions (Adopted 3/6/92)

Rule 118 Emergencies (Adopted 12/8/95)

Rule 201 Permit to Construct (Adopted 1/5/90)

Rule 201.1 Permit Conditions in Federally Issued Permits to Construct (Adopted 1/5/90)

Rule 202 Temporary Permit to Operate (Adopted 5/7/76)

Rule 203 Permit to Operate (Adopted 1/5/90)

Rule 204 Permit Conditions (Adopted 3/6/92)

Rule 205 Expiration of Permits to Construct (Adopted 1/5/90)

Rule 206 Posting of Permit to Operate (Adopted 1/5/90)

Rule 207 Altering or Falsifying of Permit (Adopted 1/9/76)

Rule 208 Permit for Open Burning (Adopted 1/5/90)

Rule 209 Transfer and Voiding of Permits (Adopted 1/5/90)

Rule 210 Applications (Adopted 1/5/90)

Rule 212 Standards for Approving Permits (Adopted 12/7/95) except (e)

Rule 214 Denial of Permits (Adopted 1/5/90)

Rule 217 Provisions for Sampling and Testing Facilities (Adopted 1/5/90)

Rule 218 Stack Monitoring (Adopted 8/7/81)

Rule 219 Equipment Not Requiring a Written Permit Pursuant to Regulation II (Adopted 8/12/94)

Rule 220 Exemption—Net Increase in Emissions (Adopted 8/7/81)

Rule 221 Plans (Adopted 1/4/85)

Rule 301 Permit Fees (Adopted 10/13/95)

Rule 304 Equipment, Materials, and Ambient Air Analyses (Adopted 6/10/94)

Rule 304.1 Analyses Fees (Adopted 6/10/94)

Rule 305 Fees for Acid Deposition (Adopted 10/4/91)

Rule 306 Plan Fees (Adopted 6/10/94)

Rule 309 Fees for Regulation XVI (Adopted 6/10/94)

Rule 401 Visible Emissions (Adopted 4/7/89)

Rule 403 Fugitive Dust (Adopted 7/9/93)

Rule 404 Particulate Matter—Concentration (Adopted 2/7/86)

Rule 405 Solid Particulate Matter—Weight (Adopted 2/7/86)

Rule 407 Liquid and Gaseous Air Contaminants (Adopted 4/2/82)

Rule 408 Circumvention (Adopted 5/7/76)

Rule 409 Combustion Contaminants (Adopted 8/7/81)

Rule 429 Start-Up and Shutdown Provisions for Oxides of Nitrogen (Adopted 12/21/90)

Rule 430 Breakdown Provisions, (a) and e) only (Adopted 5/5/78)

Rule 431.1 Sulfur Content of Gaseous Fuels (Adopted 11/17/95)

Rule 431.2 Sulfur Content of Liquid Fuels (Adopted 5/4/90)

Rule 431.3 Sulfur Content of Fossil Fuels (Adopted 5/7/76)

Rule 441 Research Operations (Adopted 5/7/76)

Rule 442 Usage of Solvents (Adopted 3/5/82)

Rule 444 Open Fires (Adopted 10/2/87)

Rule 463 Organic Liquid Storage (Adopted 3/11/94)

Rule 465 Vacuum Producing Devices or Systems (Adopted 11/1/91)

Rule 468 Sulfur Recovery Units (Adopted 10/8/76)

Rule 473 Disposal of Solid and Liquid Wastes (Adopted 5/7/76)

Rule 474 Fuel Burning Equipment—Oxides of Nitrogen (Adopted 12/4/81)

Rule 475 Electric Power Generating Equipment (Adopted 8/7/78)

Rule 476 Steam Generating Equipment (Adopted 10/8/76)

Rule 480 Natural Gas Fired Control Devices (Adopted 10/7/77) Addendum to Regulation IV (Effective 1977)

Rule 701 Air Pollution Emergency Contingency Actions (Adopted 9/8/95)

Rule 702 Definitions (Adopted 7/11/80)

Rule 704 Episode Declaration (Adopted 7/9/82)

Rule 707 Radio—Communication System (Adopted 7/11/80)

Rule 708 Plans (Adopted 7/9/82)

Rule 708.1 Stationary Sources Required to File Plans (Adopted 4/4/80)

Rule 708.2 Content of Stationary Source Curtailment Plans (Adopted 4/4/80)

Rule 708.4 Procedural Requirements for Plans (Adopted 7/11/80)

Rule 709 First Stage Episode Actions (Adopted 7/11/80)

Rule 710 Second Stage Episode Actions (Adopted 7/11/80)

Rule 711 Third Stage Episode Actions (Adopted 7/11/80)

Rule 712 Sulfate Episode Actions (Adopted 7/11/80)

Rule 715 Burning of Fossil Fuel on Episode Days (Adopted 8/24/77) Regulation IX—New Source Performance Standards (Adopted 4/8/94)

Rule 1106 Marine Coatings Operations (Adopted 1/13/95)

Rule 1107 Coating of Metal Parts and Products (Adopted 5/12/95)

Rule 1109 Emissions of Oxides of Nitrogen for Boilers and Process Heaters in Petroleum Refineries (Adopted 8/5/88)

Rule 1110 Emissions from Stationary Internal Combustion Engines (Demonstration) (Adopted 11/6/81)

Rule 1110.1 Emissions from Stationary Internal Combustion Engines (Adopted 10/4/85)

Rule 1110.2 Emissions from Gaseous and Liquid-Fueled Internal Combustion Engines (Adopted 12/9/94)

Rule 1113 Architectural Coatings (Adopted 9/6/91)

Rule 1116.1 Lightering Vessel Operations—Sulfur Content of Bunker Fuel (Adopted 10/20/78)

Rule 1121 Control of Nitrogen Oxides from Residential-Type Natural Gas-Fired Water Heaters (Adopted 3/10/95)

Rule 1122 Solvent Cleaners (Degreasers) (Adopted 4/5/91)

Rule 1123 Refinery Process Turnarounds (Adopted 12/7/90)

Rule 1129 Aerosol Coatings (Adopted 11/2/90)

- Rule 1134 Emissions of Oxides of Nitrogen from Stationary Gas Turbines (Adopted 12/7/95)
- Rule 1136 Wood Products Coatings (Adopted 9/8/95)
- Rule 1140 Abrasive Blasting (Adopted 8/2/85)
- Rule 1142 Marine Tank Vessel Operations (Adopted 7/19/91)
- Rule 1146 Emissions of Oxides of Nitrogen from Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters (Adopted 5/13/94)
- Rule 1146.1 Emission of Oxides of Nitrogen from Small Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters (Adopted 5/13/94)
- Rule 1148 Thermally Enhanced Oil Recovery Wells (Adopted 11/5/82)
- Rule 1149 Storage Tank Degassing (Adopted 7/14/95)
- Rule 1168 Control of Volatile Organic Compound Emissions from Adhesive Application (Adopted 12/10/93)
- Rule 1171 Solvent Cleaning Operations (Adopted 5/12/95)
- Rule 1173 Fugitive Emissions of Volatile Organic Compounds (Adopted 5/13/94)
- Rule 1176 Sumps and Wastewater Separators (Adopted 5/13/94)
- Rule 1301 General (Adopted 12/7/95)
- Rule 1302 Definitions (Adopted 12/7/95)
- Rule 1303 Requirements (Adopted 12/7/95)
- Rule 1304 Exemptions (Adopted 12/7/95)
- Rule 1306 Emission Calculations (Adopted 12/7/95)
- Rule 1313 Permit to Operate (Adopted 12/7/95)
- Rule 1403 Asbestos Emissions from Demolition/Renovation Activities (Adopted 4/8/94)
- Rule 1610 Old-Vehicle Scrapping (Adopted 10/13/95)
- Rule 1612 Credits for Clean On-Road Vehicles (Adopted 9/8/95)
- Rule 1620 Credits for Clean Off-Road Mobile Equipment (Adopted 9/8/95)
- Rule 1701 General (Adopted 1/6/89)
- Rule 1702 Definitions (Adopted 1/6/89)
- Rule 1703 PSD Analysis (Adopted 10/7/88)
- Rule 1704 Exemptions (Adopted 1/6/89)
- Rule 1706 Emission Calculations (Adopted 1/6/89)
- Rule 1713 Source Obligation (Adopted 10/7/88)
- Regulation XVII Appendix (effective 1977)
- Rule 1901 General Conformity (Adopted 9/9/94)
- Rule 2000 General (Adopted 12/7/95)
- Rule 2001 Applicability (Adopted 12/7/95)
- Rule 2002 Allocations for oxides of nitrogen (NO_x) and oxides of sulfur (SO_x) Emissions (Adopted 12/7/95)
- Rule 2004 Requirements (Adopted 12/7/95)
- Rule 2005 New Source Review for RECLAIM (Adopted 12/7/95) except (i)
- Rule 2006 Permits (Adopted 12/7/95)
- Rule 2007 Trading Requirements (Adopted 12/7/95)
- Rule 2008 Mobiles Source Credits (Adopted 10/15/93)
- Rule 2010 Administrative Remedies and Sanctions (Adopted 10/15/93)
- Rule 2011 Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Sulfur (SO_x) Emissions (Adopted 10/15/93)
- Appendix A Volume IV—(Protocol for oxides of sulfur) (Adopted 9/8/95)
- Rule 2012 Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Nitrogen (NO_x) Emissions (Adopted 10/13/93)
- Appendix A Volume V—(Protocol for oxides of nitrogen) (Adopted 9/8/95)
- Rule 2015 Backstop Provisions (Adopted 12/7/95) except (b)(1)(G) and (b)(3)(B)
- Rule 2100 Registration of Portable Equipment (Adopted 12/7/95)
- XXXI Acid Rain Permit Program (Adopted 2/10/95)
- (8) The following requirements are contained in *Ventura County Air Pollution Control District Requirements Applicable to OCS Sources*:
- Rule 2 Definitions (Adopted 12/15/92)
- Rule 5 Effective Date (Adopted 5/23/72)
- Rule 6 Severability (Adopted 11/21/78)
- Rule 7 Zone Boundaries (Adopted 6/14/77)
- Rule 10 Permits Required (Adopted 6/13/95)
- Rule 11 Definition for Regulation II (Adopted 6/13/95)
- Rule 12 Application for Permits (Adopted 6/13/95)
- Rule 13 Action on Applications for an Authority to Construct (Adopted 6/13/95)
- Rule 14 Action on Applications for a Permit to Operate (Adopted 6/13/95)
- Rule 15.1 Sampling and Testing Facilities (Adopted 10/12/93)
- Rule 16 BACT Certification (Adopted 6/13/95)
- Rule 19 Posting of Permits (Adopted 5/23/72)
- Rule 20 Transfer of Permit (Adopted 5/23/72)
- Rule 23 Exemptions from Permits (Adopted 12/13/94)
- Rule 24 Source Recordkeeping, Reporting, and Emission Statements (Adopted 9/15/92)
- Rule 26 New Source Review (Adopted 10/22/91)
- Rule 26.1 New Source Review—Definitions (Adopted 2/13/96)
- Rule 26.2 New Source Review—Requirements (Adopted 2/13/96)
- Rule 26.3 New Source Review—Exemptions (Adopted 2/13/96)
- Rule 26.6 New Source Review—Calculations (Adopted 10/22/91)
- Rule 26.8 New Source Review—Permit To Operate (Adopted 10/22/91)
- Rule 26.10 New Source Review—PSD (Adopted 10/22/91)
- Rule 28 Revocation of Permits (Adopted 7/18/72)
- Rule 29 Conditions on Permits (Adopted 10/22/91)
- Rule 30 Permit Renewal (Adopted 5/30/89)
- Rule 32 Breakdown Conditions: Emergency Variances, A., B.1., and D. only. (Adopted 2/20/79)
- Rule 33 Part 70 Permits—General (Adopted 10/12/93)
- Rule 33.1 Part 70 Permits—Definitions (Adopted 10/12/93)
- Rule 33.2 Part 70 Permits—Application Contents (Adopted 10/12/93)
- Rule 33.3 Part 70 Permits—Permit Content (Adopted 10/12/93)
- Rule 33.4 Part 70 Permits—Operational Flexibility (Adopted 10/12/93)
- Rule 33.5 Part 70 Permits—Timeframes for Applications, Review and Issuance (Adopted 10/12/93)
- Rule 33.6 Part 70 Permits—Permit Term and Permit Reissuance (Adopted 10/12/93)
- Rule 33.7 Part 70 Permits—Notification (Adopted 10/12/93)
- Rule 33.8 Part 70 Permits—Reopening of Permits (Adopted 10/12/93)
- Rule 33.9 Part 70 Permits—Compliance Provisions (Adopted 10/12/93)
- Rule 33.10 Part 70 Permits—General Part 70 Permits (Adopted 10/12/93)
- Rule 34 Acid Deposition Control (Adopted 3/14/95)
- Appendix II-B Best Available Control Technology (BACT) Tables (Adopted 12/86)
- Rule 42 Permit Fees (Adopted 3/12/96)
- Rule 44 Exemption Evaluation Fee (Adopted 10/10/95)
- Rule 45 Plan Fees (Adopted 6/19/90)
- Rule 45.2 Asbestos Removal Fees (Adopted 8/4/92)
- Rule 50 Opacity (Adopted 2/20/79)
- Rule 52 Particulate Matter-Concentration (Adopted 5/23/72)
- Rule 53 Particulate Matter-Process Weight (Adopted 7/18/72)
- Rule 54 Sulfur Compounds (Adopted 6/14/94)
- Rule 56 Open Fires (Adopted 3/29/94)
- Rule 57 Combustion Contaminants-Specific (Adopted 6/14/77)
- Rule 60 New Non-Mobile Equipment-Sulfur Dioxide, Nitrogen Oxides, and Particulate Matter (Adopted 7/8/72)
- Rule 62.7 Asbestos—Demolition and Renovation (Adopted 6/16/92)
- Rule 63 Separation and Combination of Emissions (Adopted 11/21/78)
- Rule 64 Sulfur Content of Fuels (Adopted 6/14/94)
- Rule 66 Organic Solvents (Adopted 11/24/87)
- Rule 67 Vacuum Producing Devices (Adopted 7/5/83)
- Rule 68 Carbon Monoxide (Adopted 6/14/77)
- Rule 71 Crude Oil and Reactive Organic Compound Liquids (Adopted 12/13/94)
- Rule 71.1 Crude Oil Production and Separation (Adopted 6/16/92)
- Rule 71.2 Storage of Reactive Organic Compound Liquids (Adopted 9/26/89)
- Rule 71.3 Transfer of Reactive Organic Compound Liquids (Adopted 6/16/92)
- Rule 71.4 Petroleum Sumps, Pits, Ponds, and Well Cellars (Adopted 6/8/93)
- Rule 71.5 Glycol Dehydrators (Adopted 12/13/94)
- Rule 72 New Source Performance Standards (NSPS) (Adopted 6/28/94)
- Rule 74 Specific Source Standards (Adopted 7/6/76)
- Rule 74.1 Abrasive Blasting (Adopted 11/12/91)
- Rule 74.2 Architectural Coatings (Adopted 08/11/92)

- Rule 74.6 Surface Cleaning and Degreasing (Adopted 5/8/90)
- Rule 74.6.1 Cold Cleaning Operations (Adopted 9/12/89)
- Rule 74.6.2 Batch Loaded Vapor Degreasing Operations (Adopted 9/12/89)
- Rule 74.7 Fugitive Emissions of Reactive Organic Compounds (ROC) at Petroleum Refineries and Chemical Plants (Adopted 10/10/95)
- Rule 74.8 Refinery Vacuum Producing Systems, Waste-water Separators and Process Turnarounds (Adopted 7/5/83)
- Rule 74.9 Stationary Internal Combustion Engines (Adopted 12/21/93)
- Rule 74.10 Components at Crude Oil Production Facilities and Natural Gas Production and Processing Facilities (Adopted 6/16/92)
- Rule 74.11 Natural Gas-Fired Residential Water Heaters-Control of NO_x (Adopted 4/9/85)
- Rule 74.12 Surface Coating of Metal Parts and Products (Adopted 12/13/94)
- Rule 74.15 Boilers, Steam Generators and Process Heaters (5MM BTUs and greater) (Adopted 11/8/94)
- Rule 74.15.1 Boilers, Steam Generators and Process Heaters (1–5MM BTUs)(Adopted 6/13/95)
- Rule 74.16 Oil Field Drilling Operations (Adopted 1/8/91)
- Rule 74.20 Adhesives and Sealants (Adopted 6/8/93)
- Rule 74.23 Stationary Gas Turbines (Adopted 10/10/95)
- Rule 74.24 Marine Coating Operations (Adopted 3/8/94)
- Rule 74.26 Crude Oil Storage Tank Degassing Operations (Adopted 11/8/94)
- Rule 74.27 Gasoline and ROC Liquid Storage Tank Degassing Operations (Adopted 11/8/94)
- Rule 74.28 Asphalt Roofing Operations (Adopted 5/10/94)
- Rule 74.30 Wood Products Coatings (Adopted 5/17/94)
- Rule 75 Circumvention (Adopted 11/27/78)
- Rule 76 Federally Enforceable Limits on Potential to Emit (Adopted 10/10/95)
- Appendix IV–A Soap Bubble Tests (Adopted 12/86)
- Rule 100 Analytical Methods (Adopted 7/18/72)
- Rule 101 Sampling and Testing Facilities (Adopted 5/23/72)
- Rule 102 Source Tests (Adopted 11/21/78)
- Rule 103 Stack Monitoring (Adopted 6/4/91)
- Rule 154 Stage 1 Episode Actions (Adopted 9/17/91)
- Rule 155 Stage 2 Episode Actions (Adopted 9/17/91)
- Rule 156 Stage 3 Episode Actions (Adopted 9/17/91)
- Rule 158 Source Abatement Plans (Adopted 9/17/91)
- Rule 159 Traffic Abatement Procedures (Adopted 9/17/91)
- Rule 220 General Conformity (Adopted 5/9/95)

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 397

[FHWA Docket No. MC–96–10]

Recommendations on Uniform Forms and Procedures for the Transportation of Hazardous Materials

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of report availability; request for comments.

SUMMARY: The FHWA is requesting public comment on the final report and recommendations of the Alliance for Uniform HazMat Transportation Procedures (the Alliance) concerning the implementation of 49 U.S.C. 5119—formerly referred to as section 22 of the Hazardous Materials Transportation Uniform Safety Act of 1990 (HMTUSA). Section 5119 requires the Secretary of Transportation (the Secretary) to establish a working group of State and local government officials to establish uniform forms and procedures for the registration of persons that transport hazardous materials by motor vehicle, and to decide whether to limit the filing of State registration and permit forms and the collection of filing fees. The Alliance is the working group created to fulfill the requirements of the HMTUSA, and accordingly, has published its final report with recommendations which is now available to the public.

DATES: Written comments must be received on or before November 6, 1996.

ADDRESSES: Submit written, signed comments to FHWA Docket No. MC–96–10, room 4232, HCC–10, Office of the Chief Counsel, Federal Highway Administration, 400 Seventh Street, SW., Washington, D. C. 20590. All comments received will be available for examination at the above address from 8:30 a.m. to 3:30 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Larry W. Minor, Office of Motor Carrier Research and Standards, (202) 366–4009; Mr. James D. McCauley, Office of Motor Carrier Safety and Technology, (202) 366–9579; or Mr. Raymond W. Cuprill, Office of Chief Counsel, (202) 366–0834, Federal Highway Administration, 400 Seventh Street, SW., Washington, D. C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Section 5119 of Title 49, United States Code, requires that the Secretary establish a working group of State and local government officials to develop recommendations on uniform forms and procedures that the States can use to register and permit persons that transport, or cause the transportation of, hazardous materials by motor vehicle. The working group is also required to make recommendations as to whether the filing of registration and permit forms, and the collection of related fees, should be limited to the State in which a person resides or has its principal place of business. In developing its recommendations, the group is required to consult with persons who are subject to these registration and permit requirements. The recommendations of the working group are to be included in a final report to the Secretary of Transportation.¹ Finally, section 5119 requires the issuance of regulations implementing those recommendations with which the Secretary agrees.

Section 5119 was originally enacted as section 22 of the Hazardous Materials Transportation Uniform Safety Act of 1990 (Pub. L. 101–615, 104 Stat. 3244; November 16, 1990). The HMTUSA amended the Hazardous Materials Transportation Act of 1974 (HMTA), Public Law 93–633, 88 Stat. 2156, which granted regulatory and enforcement authority to the Secretary to provide adequate protection against the risks to life and property inherent in the transportation of hazardous materials in commerce. The HMTA was designed to replace a patchwork of State and Federal laws and regulations concerning hazardous materials transportation with a scheme of uniform, national regulations. The HMTA and HMTUSA were repealed by Public Law 103–272 (108 Stat. 745, 1379; July 5, 1994) with the statutory provisions applicable to the transportation of hazardous materials recodified at 49 U.S.C. 5101 *et seq.*

Implementation of Section 5119

A. Creation of the Alliance for Uniform HazMat Transportation Procedures

In 1991, the National Governors' Association (NGA) and the National Conference of State Legislatures (NCSL) were awarded a contract to coordinate the staffing and operations of the

¹ The report is to be also submitted to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Public Works and Transportation of the House of Representatives.