criteria required for approvability provided the State meets the conditions described herein. EPA will evaluate all comments received on this action and the Interim Final Determination action. Assuming no substantial changes are made other than those areas cited in this document when New York adopts and formally submits its heavy duty CFFP to EPA and EPA receives no substantive negative comments, EPA will publish a final rulemaking approving or conditionally approving the CFFP regulation which will remove the need to impose sanctions on the State regarding this Clean Air Act requirement at this time.

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.

Administrative Requirements

Executive Order 12866

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.

Regulatory Flexibility Act

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.

SIP approvals under sections 110 and 301, and subchapter I, part D of the Clean Air 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 any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of a flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, 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 EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action proposed does not include a federal mandate that may result in estimated annual 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 to the private sector, result from this action.

The Administrator's decision to approve or disapprove the SIP revision will be based on whether it meets the requirements of section 110(a)(2)(A)–(K) and part D of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401–7671q.

Dated: August 29, 1996.

Jeanne M. Fox,

Regional Administrator.

[FR Doc. 96–23818 Filed 9–18–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 70

[AD–FL–5611–5]

Clean Air Act Interim Approval of Operating Permits Program; Delegation of Sections 111 and 112 Standards; State of Maine

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes source category-limited interim approval of the Operating Permits Program submitted by Maine 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 proposing to approve Maine's authority to implement hazardous air pollutant requirements.

DATES: Comments on this proposed action must be received in writing by October 21, 1996.

ADDRESSES: Comments should be addressed to Donald Dahl, Air Permits, CAP, U.S. Environmental Protection Agency, Region I, JFK Federal Building, Boston, MA 02203–2211. Copies of the State's submittal and other supporting information used in developing the proposed interim approval are available for inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 1, One Congress Street, 11th floor, Boston, MA 02203–2211.

FOR FURTHER INFORMATION CONTACT: Donald Dahl, CAP, U.S. Environmental Protection Agency, Region 1, JFK Federal Building, Boston, MA 02203–2211, (617) 565–4298.

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. Additionally, where a state can demonstrate to the satisfaction of EPA that reasons exist to justify granting a source category-limited interim approval, EPA may so exercise its authority. A program with a source category-limited interim approval is one that substantially meets the requirements for Part 70 and that applies to at least 60% of all affected sources which account for 80% of the total emissions in the state. 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.

B. Federal Oversight and Sanctions

If EPA were to finalize this proposed interim approval, it would extend for two years following the effective date of final interim approval. During the interim approval period, the State of Maine would be protected from sanctions, and EPA would not be obligated to promulgate, administer and enforce a Federal permits program for the State of Maine. 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 begins upon the effective date of interim approval, as does the 3-year time period for processing the initial permit applications except for source category-limited interim approval.[1]

Following final interim approval, if the State of Maine failed to submit a complete corrective program for full approval by the date 6 months before expiration of the interim approval, EPA would start an 18-month clock for mandatory sanctions. If the State of Maine then failed to submit a corrective program that EPA found complete before the expiration of that 18-month period, EPA would apply sanctions as required by section 502(d)(2) of the Act, which would remain in effect until EPA determined that the State of Maine had corrected the deficiency by submitting a complete corrective program. If, six months after application of the first sanction, the State of Maine still has not submitted a corrective program that EPA finds complete, a second sanction will be required.

If, following final interim approval, EPA were to disapprove the State of Maine's complete corrective program, EPA would be required under section 502(d)(2) to apply sanctions on the date 18 months after the effective date of the disapproval, unless prior to that date the State of Maine had submitted a revised program and EPA had determined that it corrected the deficiencies that prompted the disapproval. If, six months after EPA applies the first sanction, the State of Maine has not submitted a revised program that EPA has determined corrected the deficiencies that prompted disapproval, a second sanction will be required.

Moreover, if EPA has not granted full approval to the State of Maine's program by the expiration of an interim approval and that expiration occurs after November 15, 1995, EPA must promulgate, administer and enforce a Federal permits program for the State of Maine upon interim approval expiration.

II. Proposed Action and Implications

A. Analysis of State Submission

The analysis contained in this document focuses on specific elements of Maine's title V operating permits program that must be corrected to meet the minimum requirements of 40 CFR Part 70. The full program submittal, technical support document (TSD), dated July 5, 1996 entitled ''Technical Support Document—Maine Operating Permits Program,'' which contains a detailed analysis of the submittal, and other relevant materials are available for inspection as part of the public docket. The docket may be viewed during regular business hours at the address listed above.

1. Title V program support materials. Maine's title V program was submitted by the State on October 23, 1995 (PROGRAM). The submittal was found to be administratively complete on December 29, 1995. The PROGRAM consisted of a Governor's letter, program description, Attorney General's legal opinion, license regulations and enabling legislation, program documentation, and a detailed license fee demonstration. On June 24, 1996, Maine submitted a supplement to their PROGRAM, which included a supplemental opinion from the Attorney General's Office and a clarification from DEP on several aspects of the PROGRAM.

2. Title V operating permit regulations and implementation. Maine's regulations implementing Part 70 include Department of Environmental Protection, Bureau of Air Quality Control Regulation, Chapters 100 and 140.[2] The Maine PROGRAM, including the operating license regulations, substantially meets the requirements of 40 CFR Part 70, including §§ 70.2 and 70.3 with respect to applicability, §§ 70.4, 70.5 and 70.6 with respect to permit content and operational flexibility, §§ 70.7 and 70.8 with respect to public participation and review by affected states and EPA, and § 70.11 with respect to requirements for enforcement authority. Although the regulations substantially meet Part 70 requirements, there are program deficiencies that are outlined in section II.B. below as Interim Approval issues. Those Interim Approval issues are more fully discussed in the TSD. The ''Issues'' section of the TSD also contains a detailed discussion of elements of Part 70 that are not explicitly contained in Maine's program regulations, but which are satisfied by other elements of Maine's program submittal or other Maine State law. Also discussed in the TSD are certain elements of Maine's title V regulation that are in need of a legal interpretation and which EPA is interpreting to be consistent with Part 70 with the understanding that Maine shares such interpretation. Those elements include: (1) What constitutes an increase of a regulated pollutant in the definition of ''modification or modified source;'' (2) license modification procedures when replacing pollution control equipment; (3) the process for adjusting test methods; (4) the due date for license renewal applications; (5) what types of changes are allowed to occur off permit; (6) State limitations on emission trading under operational flexibility; (7) how a source looses its application shield for failure to submit additional information; (8) the enforcement consequences for a source operating using a general permit for which it does not qualify; and (9) the liability of the original licensees until DEP approves a license transfer and the timing of applications for license transfers. EPA understands that Maine will implement its program consistent with EPA's interpretations, and will base this interim approval on these

[1] Note that states may require applications to be submitted earlier than required under section 503(c). See Chapter 140, Appendix C.3. of Maine's rules.

[2] The DEP regulations use the term ''license'' where EPA's regulations use the term ''permit.'' In an attempt to be consistent with the underlying regulations, this document will generally use the term ''license'' when describing the state regulation and the term ''permit'' when describing the federal regulation.

interpretations unless Maine comments to the contrary.

Variances. Pursuant to 38 M.R.S.A. § 587 the Maine DEP has the authority to issue a variance under certain circumstances from air pollution control requirements imposed by State law. Additionally pursuant to 38 M.R.S.A. §§ 590(3) and (6) the DEP has authority under state law to include in an air license compliance schedules up to 24 months and to grant allowances for excess emissions during cold start-ups and planned shutdowns. Each of these authorities could be interpreted to provide for variances under state law from the obligation to comply with air pollution control requirements that correspond to federal applicable requirements in the Part 70 permit. The EPA regards Maine's variance provisions as wholly external to the program submitted for approval under Part 70 and consequently is proposing to take no action on these provisions of State law. The EPA has no authority to approve provisions of State law that are inconsistent with the Act. The EPA does not recognize the ability of a permitting authority to grant relief from the duty to comply with a federally enforceable Part 70 permit, except where such relief is granted through procedures allowed by Part 70. A Part 70 permit may be issued or revised (consistent with Part 70 procedures), to incorporate those terms of a variance that are consistent with applicable requirements. A Part 70 permit may also incorporate, via Part 70 permit issuance or revision procedures, the schedule of compliance set forth in a variance. However, EPA reserves the right to pursue enforcement of applicable requirements notwithstanding the existence of a compliance schedule in a DEP license. This is consistent with 40 CFR 70.5(c)(8)(iii)(C), which states that a schedule of compliance ''shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.'' Additionally, the Maine Attorney General's Opinion specifically addresses these variance provisions and clarifies that were DEP to grant a variance and seek to modify the operating license to incorporate the variance as a Part 70 permit term, EPA would have the opportunity to object if the variance were not in compliance with the applicable requirements of the Act. See Legal Opinion of Andrew Ketterer, Maine Attorney General, November 13, 1995, at pages 3–4.

3. Permit fee demonstration. Section 502(B)(3) of the Act requires that each permitting authority collect fees sufficient to cover all reasonable direct and indirect costs required to develop and administer its title V operating permit program. Each title V program submittal must contain either a detailed demonstration of fee adequacy or a demonstration that the fees collected exceed $25 per ton of actual emissions per year, adjusted from the August, 1989 consumer price index (''CPI'').

As part of its PROGRAM, Maine submitted a detailed fee demonstration. Maine has demonstrated that PROGRAM costs will be $1.7 million dollars per year and that the State will collect 2.1 million dollars from title V sources. EPA has reviewed Maine's fee demonstration and believes that DEP has made reasonable assumptions concerning permit processing costs, license oversight, and resource demands to support the program. DEP has specifically enumerated its expected fee revenues from Part 70 sources in the State to support its income projections. Therefore, Maine has demonstrated that the State will collect sufficient permit fees to meet EPA requirements. For more information, see the detailed fee demonstration of Maine's title V Program in the docket supporting this action.

4. Provisions implementing the requirements of other titles of the act. a. Authority and/or commitments for section 112 implementation. Maine has demonstrated in its title V program submittal adequate legal authority to implement and enforce all section 112 requirements through the title V permit. This legal authority is contained in Maine's enabling legislation, regulatory provisions defining ''applicable requirements,'' and the requirement that a title V permit must incorporate all applicable requirements. EPA has determined that this legal authority is sufficient to allow Maine to issue permits that assure compliance with all section 112 requirements and to carry out all section 112 activities. In addition, given Maine's commitments regarding implementation of the State's title V program, EPA has determined that the State will issue permits that assure compliance with all section 112 requirements, and will carry out all section 112 activities. For further discussion of this subject, please refer to the April 13, 1993 guidance memorandum titled ''Title V Program Approval Criteria for Section 112 Activities,'' signed by John Seitz, Director of the Office of Air Quality Planning and Standards.

b. Implementation of 112(g) upon program approval. On February 14, 1995, EPA published an interpretive notice (see 60 FR 8333) that postpones the effective date of section 112(g) until after EPA has promulgated a rule addressing the requirements of that provision. The section 112(g) interpretive notice explains that EPA is still considering whether the effective date of section 112(g) should be delayed beyond the date of promulgation of the Federal rule so as to allow States time to adopt rules implementing the Federal rule, and that EPA will provide for any such additional delay in the final section 112(g) rulemaking. Unless and until EPA provides for such an additional postponement of the effective date of section 112(g), Maine must be able to implement section 112(g) during the period between promulgation of the Federal section 112(g) rule and adoption of implementing State regulations for section 112(g) requirements. EPA believes that Maine can utilize the provisions found in Section 140.6 governing the licensing of new or reconstructed HAP sources to serve as a procedural vehicle for implementing the section 112(g) rule and making these requirements Federally enforceable between promulgation of the Federal section 112(g) rule and adoption of implementing State regulations for section 112(g). Maine has generally patterned these provisions on EPA's most recent proposals for implementing section 112(g) of the Act. For this reason, EPA is proposing to approve Maine's preconstruction permitting program found in Section 140.6 under the authority of title V and Part 70 solely for the purpose of implementing section 112(g) during the transition period between title V approval and adoption of a State rule implementing EPA's section 112(g) regulations.

Since the approval would be for the single purpose of providing a mechanism to implement section 112(g) during the transition period, the approval would be without effect if EPA decides in the final section 112(g) rule that sources are not subject to the requirements of the rule until State regulations are adopted and Maine's Section 140.6 needs to be revised to accord with EPA's final section 112(g) rule. Also, since the approval would be for the limited purpose of allowing the State sufficient time to adopt regulations, EPA proposes to limit the duration of the approval to 18 months following promulgation by EPA of its section 112(g) rule. Finally, since Maine has already adopted program regulations imposing MACT on the types of changes addressed under section 112(g), Maine may be in a position to fully implement section 112(g) immediately upon final promulgation of section 112(g) rule,

without further modification of Chapter 140, if Maine's current regulation corresponds to EPA's final 112(g) rule.

c. Program for straight delegation of sections 111 and 112 standards. The Part 70 requirements for approval of a State operating permit program, specified in 40 CFR 70.4(b), encompass section 112(l)(5) requirements for approval of a program for delegation of the hazardous air pollutant program General Provisions, Subpart A, of 40 CFR Parts 61 and 63, promulgated under section 112 of the Act, and MACT standards as promulgated by EPA as they apply to Part 70 sources. Section 112(l)(5) requires that a State's program contain adequate legal authorities, adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under Part 70. The Maine Department of Environmental Protection provided a supplemental request on June 24, 1996, for delegation of non-part 70 sources and along with the PROGRAM submitted information regarding adequate legal authorities, adequate resources for implementation, and an expeditious compliance schedule. Therefore, EPA is also proposing to grant approval under section 112(l)(5) and 40 CFR § 63.91 of Maine's mechanism for receiving delegation for both major and area sources of section 112 standards that are unchanged from the Federal standards as promulgated (straight delegation) and section 112 infrastructure programs such as those programs authorized under sections 112(i)(5), 112(g), 112(j), and 112(r). In addition, EPA is reconfirming the delegation of 40 CFR Parts 60 and 61 standards currently delegated to Maine as indicated in Table I.[3] The original delegation agreement between EPA and Maine was set forth in a letter to Henry E. Warren on September 30, 1982. For future delegation of Part 60 standards Maine will use the process as outlined in letter from James Brooks to Gerald C. Potamis, dated June 24, 1996. Please note EPA has withdrawn delegation of the following NESHAPs at Maine's request: Subpart L ''Benzene-Coke By Product Recovery,'' Subpart Q ''Radon-DOE,'' Subpart Y ''Benzene Storage Vessels,'' Subpart T ''Radon Disposal of Uranium,'' Subpart BB ''Benzene Transfer Operations,'' and Subpart FF ''Benzene Waste Operations.'' Maine requested the withdrawal because there currently are no applicable sources in the State.

EPA is proposing to delegate all applicable future 40 CFR Part 61 and 63 standards pursuant to the following mechanism unless otherwise requested by Maine.[4] Maine will accept future delegation of standards using incorporation by reference. The details of this delegation mechanism will be set forth in a future Memorandum of Agreement between EPA and Maine. This program will apply to both existing and future standards for both major and area sources. In addition, Maine has indicated that for some section 112 standards it may choose to submit a more stringent State rule or program for EPA approval under section 112(l). EPA will need to take public notice and comment for any section 112 delegation other than straight delegation.

d. Implementation of Title IV of the Act. Maine makes a commitment in Attachment H of its Program submittal to revise its regulations as necessary in order to implement the Acid Rain provisions.

e. New source review requirements. Maine's program submittal included definitions under Chapter 100 and licensing requirements under Chapters 115 and 140 designed to implement preconstruction new source review (NSR) permitting requirements for new and modified major and minor sources of air pollutants. This action under Title V of the Act and 40 CFR Part 70 is not an approval of these NSR provisions into the Maine State implementation plan (SIP), nor does EPA take any position under the Act in this action on the adequacy of Chapters 100, 115, and 140 to the extent they modify NSR requirements currently approved into the SIP. EPA will act on these provisions under section 110 of the Act after Maine requests EPA to approve them into the SIP.[5]

B. Proposed Action

The scope of Maine's Part 70 program covers all Part 70 sources within the state of Maine, except any sources of air pollution over which an Indian Tribe has jurisdiction. *See, e.g.*, 59 FR 55813, 55815–18 (Nov. 9, 1994). The term ''Indian Tribe'' is defined under the Act as ''any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village, which is Federally recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.'' *See* section 302(r) of the CAA; *see also* 59 FR 43956, 43962 (Aug. 25, 1994); 58 FR 54364 (Oct. 21, 1993). EPA is not taking any position in this action on whether any Federally recognized tribe in Maine has jurisdiction over sources of air pollution.

Requirements for approval of an operating permit program, specified in 40 CFR 70.4(b), encompass section 112(l)(5) requirements for approval of a program for delegation of section 112 standards as promulgated by EPA as they apply to Part 70 sources. Maine has also demonstrated it has the authority and capacity to implement and enforce section 112 standards for non-Part 70 sources. As discussed above, Maine's submittal meets the requirements for EPA approval of delegation of section 112 standards. Therefore, EPA is also proposing to grant approval under section 112(l)(5) and 40 CFR § 63.91 of the State's mechanism for receiving delegation of section 112 standards that are unchanged from Federal standards as promulgated. Maine will be incorporating by reference section 112 standards for both major and area sources.

The EPA is proposing to grant source category-limited interim approval to the operating permits program submitted by Maine on October 24, 1995. Maine has proposed to permit 74% of its Title V sources which emit 89% of the total emissions of all Title V sources within the first three years of program approval. If promulgated, the State must make the following changes in its rule to receive full approval:

1. Maine does not allow for ''section 502(b)(10)'' changes at a title V source. See 40 CFR § 70.4(b)(12)(i). In an August 29, 1994 (59 FR 44572) rulemaking proposal, EPA proposed to eliminate section 502(b)(10) changes as a mechanism for implementing operational flexibility. However, the Agency solicited comment on the rationale for this proposed elimination. If EPA should conclude, during a final rulemaking, that section 502(b)(10)

[3] Please note that federal rulemaking is not required for delegation of section 111 standards.

[4] The radionuclide National Emission Standards for Hazardous Air Pollutants (NESHAP) is a section 112 regulation and, therefore, also an applicable requirement under the State operating permits program for part 70 sources. There is not yet a Federal definition of ''major source'' for radionuclide sources. Therefore, until a major source definition for radionuclide is promulgated, no source would be a major section 112 source solely due to its radionuclide emissions. However, a radionuclide source may, in the interim, be a major source under Part 70 for another reason, thus requiring a Part 70 permit. The EPA will work with the State in the development of its radionuclide program to ensure that permits are issued in a timely manner.

[5] Note that the Attorney General's opinion at several points appears to assume that EPA will be approving all of Maine's licensing program into the SIP. See Attorney General's Opinion at pages 3, 10, 11, and 19. As discussed further in the TSD, DEP has not requested EPA to approve all of these license requirements in the SIP, and some licensing provisions that relate primarily to operating requirements as opposed to new or modified sources may not be appropriate for approval into the SIP.

changes are no longer required as a mechanism for operational flexibility, then Maine will not be required to address 502(b)(10) changes in its rule.

2. Maine's rules do not require the DEP to process a ''Part 70 Minor Change'' within 90 days of receiving an application. See 40 CFR § 70.7(e)(2)(iv). A ''Part 70 Minor Change'' is similar to a minor permit modification under Part 70, except for the exclusion of construction projects which are excluded in the State's rule. A ''Part 70 Minor Change,'' as defined by the State, includes a provision allowing facilities to implement a proposed permit modification upon application and prior to DEP's review. Maine must revise its program regulations to require that DEP process all Part 70 minor changes within 90 days of receiving the application to avoid the possibility of a source operating indefinitely based on an unreviewed proposed permit modification.

3. Section 140.7 contains provisions for a ''Part 70 Minor Revisions.'' This permitting track allows Maine to process emission increases under 4 tons per year of one regulated pollutant or under 8 tons per year total for all regulated pollutants without EPA, affected state, or public review. This provision is inconsistent with the most nearly analogous permit modification requirements in EPA's current rule, which require minor permit modifications to receive at least affected state and EPA review. On August 31, 1995, EPA proposed changes in the Part 70 permit modification procedures that might accommodate such changes. (See 60 FR 45530, 45538). If EPA amends Part 70 to allow for such changes, then Maine may not need to revise this provision depending on whether netting transactions can qualify under the 4 and 8 ton per year thresholds. Under EPA's current rule, however, Maine must revise its program regulations to make Part 70 Minor Revisions consistent with EPA's minor permit modification process at 40 CFR § 70.7(e)(2).

4. In Section 140.5(B)(6)(j), Maine allows a source under certain circumstances to continue to emit up to the previously licensed level for up to 24 months after the license is amended, potentially not in compliance with applicable requirements. Maine must revise its program regulations to limit this section to requirements enforceable only by the State, as provided in Section 140.5(A)(6)(m). As discussed above in connection with Maine's statutory variance authorities, EPA is required to object to any permit terms not in compliance with applicable requirements, including any such terms incorporated into a license, pursuant to Section 140.4(B)(6)(j), being issued as a title V permit.

5. Appendix B of Chapter 140 contains a list of activities which the State plans on treating as insignificant. Section B(1) of this Appendix allows for any activity with emissions less than 1 ton per year of any pollutant or 4 tons per year of all pollutants to be treated as insignificant. In addition, Section B(2) incorporates emission level thresholds for HAPs which are equal to or in many cases far less than one ton per year. It is possible to interpret these two sections to allow an activity emitting one ton per year of even a very potent HAP to be treated as insignificant under Section B(1), even if it emits in excess of any lower threshold set under Section B(2). EPA understands this is a result DEP did not intend. Moreover, Sections B(1) and B(2) could be read to allow a permittee to treat a combination of up to four tons per year of HAPs to be treated as insignificant, as long as no one HAP exceeded the thresholds in Section B(2). EPA has required insignificant activities to emit no more than one ton per year of HAPs. DEP must revise Appendix B to limit insignificant HAP emissions to one ton per year for single HAPs and one ton per year for a combination of HAPs.

III. Administrative Requirements

A. Request for Public Comments

The EPA is requesting comments on all aspects of this proposed interim approval. Copies of the State's submittal and other information relied upon for the proposed interim approval are contained in a docket maintained at the EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this proposed interim approval. The principal purposes of the docket are:

(1) to allow interested parties a means to identify and locate documents so that they can effectively participate in the approval process, and

(2) to serve as the administrative record in the event of judicial review. The EPA will consider any comments received by October 21, 1996.

B. Executive Order 12866

The Office of Management and Budget has exempted this action from Executive Order 12866 review.

C. Regulatory Flexibility Act

The EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR Part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

D. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, 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, 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 EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the 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 preexisting requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 70

Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, and Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7671q.

Dated: September 8, 1996.

John P. DeVillars,

Regional Administrator, Region I.

Table I to the preamble—Reconfirmation of Part 60 and 61 Delegations

	Part 60 Subpart Categories
D	Fossil-Fuel Fired Steam Generators
Da	Electric Utility Steam Generators
Db	Industrial-Commercial-Institutional Steam Generating Units
Dc	Small Industrial-Commercial-Institutional Steam Generating Units
E	Incinerators
Ea	Municipal Waste Combustors
F	Portland Cement Plants
G	Nitric Acid Plants

Table I to the preamble—Reconfirmation of Part 60 and 61 Delegations—Continued

H	Sulfuric Acid Plants
I	Asphalt Concrete Plants
J	Petroleum Refineries
K	Petroleum Liquid Storage Vessels
Ka	Petroleum Liquid Storage Vessels 5/18/78
Kb	Volatile Organic Liquid Storage Vessels 7/23/84
L	Secondary Lead Smelters
M	Secondary Brass and Bronze Production Plants
N	Basic Oxygen Process Furnaces Primary Emissions
O	Sewage Treatment Plants
P	Primary Copper Smelters
Q	Primary Zinc Smelters
R	Primary Lead Smelters
S	Primary Aluminum Reduction
T	Phosphate Fertilizer Wet Process
U	Phosphate Fertilizer-Superphosphoric Acid
V	Phosphate Fertilizer-Diammonium Phosphate
W	Phosphate Fertilizer-Granular Triple Superphosphate
X	Phosphate Fertilizer-Granular Triple Superphosphate Storage
Y	Coal Preparation Plants
Z	Ferroalloy Production Facilities
AA	Steel Plants—Electric Arc Furnaces
BB	Kraft Pulp Mills
CC	Glass Manufacturing
DD	Grain Elevators
EE	Surface Coating of Metal Furniture
GG	Stationary Gas Turbines
HH	Lime Manufacturing Plants
KK	Lead-Acid Battery Manufacturing
LL	Metallic Mineral Processing Plants
NN	Phosphate Rock Plants
PP	Ammonium Sulfate Manufacturing
QQ	Graphic Arts-Rotogravure Printing
RR	Tape and Label Surface Coatings
SS	Surface Coating: Large Appliances
TT	Metal Coil Surface Coating
UU	Asphalt Processing—Roofing
VV	Equipment Leaks of VOC in SOCMI
WW	Beverage Can Surface Coating
XX	Bulk Gasoline Terminals
BBB	Rubber Tire Manufacturing
DDD	VOC Emissions From Polymer Manufacturing Industry
FFF	Flexible Vinyl and Urethan Coating and Printing
GGG	Equipment Leaks of VOC in Petroleum Refineries
HHH	Synthetic Fiber Production
III	VOC From SOCMI Air Oxidation Unit
JJJ	Petroleum Dry Cleaners
NNN	VOC From SOCMI Distillation
OOO	Nonmetallic Mineral Plants
QQQ	VOC From Petroleum Refinery Wastewater Systems
SSS	Magnetic Tape Coating

Table I to the preamble—Reconfirmation of Part 60 and 61 Delegations—Continued

VVV	Polymeric Coating of Supporting Substrates

Part 61 Subpart Categories

C	Beryllium
E	Mercury
F	Vinyl Chloride
J	Equipment Leaks of Benzene
M	Asbestos
V	Equipment Leaks (Fugitive Emission Sources)

[FR Doc. 96–23791 Filed 9–18–96; 8:45 am]

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DEPARTMENT OF DEFENSE

48 CFR Parts 45 and 52

Federal Acquisition Regulation; Government Property

AGENCY: Department of Defense.

ACTION: Notice of public meetings.

SUMMARY: The next public meetings of the Government Property Rewrite Team are scheduled for October 3 and 4, 1996. Discussion will focus on a draft revision of Federal Acquisition Regulation (FAR) Part 45, Government Property, and the associated contract clauses.

DATES: *Public Meetings:* The public meetings will be conducted at the address shown below from 9:30 a.m. to 5:00 p.m., local time, on October 3 and 4, 1996.

ADDRESSES: *Public Meetings:* The public meetings will be held in the EPA Auditorium, 401 M Street SW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ms. Angelena Moy, by telephone at (703) 695–1097/1098, or by FAX at (703) 695–7596.

Draft Materials: Drafts of the materials to be discussed at the public meetings are available from Ms. Angelena Moy, (PDUSD (A&T) DP/MPI), Room 3C128, the Pentagon, Washington DC 20301–3060. Access to the materials will be provided electronically on the Major Policy Initiatives Office Internet Home Page: http://www.acq.osd.mil./dp/mpi/

Background: On September 16, 1994, (59 FR 47583) the Director of Defense Procurement, Department of Defense, announced an initiative to rewrite FAR Part 45, Government Property, to make it easier to understand and to minimize the burdens imposed on contractors and contracting officers. The Director of Defense Procurement is providing a forum for an exchange of ideas and information with government and industry personnel by holding public meetings, soliciting public comments, and publishing notices of the public meetings in the Federal Register.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[I.D. 091296A]

RIN 0648–AI61

Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program; Sweep-up Adjustments

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability of amendments to fishery management plans; request for comments.

SUMMARY: The North Pacific Fishery Management Council (Council) has submitted Amendment 43 to the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (BSAI) and Amendment 43 to the FMP for Groundfish of the Gulf of Alaska (GOA) and a regulatory amendment to the halibut Individual Fishing Quota (IFQ) regulations. This action is necessary to increase the consolidation (''sweep-up'') levels for small quota share (QS) blocks for Pacific halibut and sablefish managed under the IFQ program. This action is intended to maintain consistency with the objectives of the IFQ program (i.e., prevent excessive consolidation of QS, maintain diversity of the fishing fleet, and allow new entrants into the fishery), while increasing the program's flexibility by allowing a moderately greater amount of QS to be swept-up into amounts that can be fished more economically.

DATES: Comments on the FMP amendments must be received by November 12, 1996 .

ADDRESSES: Comments on the proposed FMP amendments must be submitted to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, 709 West 9th Street, Room 453, Juneau, AK 99801, or P.O. Box 21668, Juneau, AK 99802, Attn: Lori J. Gravel. Copies of the proposed amendments