enforce the rule; state statutes, regulations, and other provisions that contain the appropriate authority to implement and enforce the rule, a demonstration of adequate resources, a schedule demonstrating expeditious implementation of the rule, and a plan that assures expeditious compliance by all sources subject to the rule. Utah, concurrently with its request for delegation, submitted documentation demonstrating it meets the criteria necessary for granting approval.

As required by 40 CFR 63.91(a)(2), the EPA is seeking public comments for 30 days. The comments shall be submitted concurrently to the State of Utah and to EPA. The State of Utah can then submit a response to the comments to EPA.

EPA is approving the State of Utah's request for delegation as a direct final rule without prior proposal because EPA views this as a noncontroversial action and anticipates no adverse comments. If no adverse comments are received in response to this rule, this **Federal Register** notice will serve as the final notice of the approval to delegate the implementation and enforcement of this program. The effective date will be 60 days from the date of this publication and no further activity will be contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on the accompanying proposed rule which appears in the Proposed Rule Section of this **Federal Register**. However, 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.

Final Action

Through review of the documentation submitted to EPA and knowledge of Utah's implementation activities for these standards, EPA has determined that the State of Utah meets all of the statutory and regulatory requirements established by Section 112 of the Clean Air Act, as amended in 1990, and 40 CFR Part 63 for the implementation and enforcement of the National Emission Standards for Coke Oven Batteries. Therefore, pursuant to Section 112(l) of the Clean Air Act, as amended in 1990, 42 U.S.C. 7412(l), and 40 CFR Part 63, EPA hereby delegates its authority to the State of Utah for the implementation and enforcement of the National Emission Standards for Coke Oven Batteries for all sources located, or to be located in the State of Utah.

Please note that not all authorities for the NESHAP can be delegated to the state. The EPA Administrator retains authority to implement those portions of the national emission standards and their general provisions that require approval of equivalency determinations and alternative test methods, decision-making to ensure national consistency, and EPA rulemaking to implement. Sections not delegable include, but are not limited, to the authorities listed as not delegable in 40 CFR part 63, subpart L, under Delegation of Authority.

As these National Emission Standards for Coke Oven Batteries are updated, Utah should revise its rules and regulations accordingly and in a timely manner.

EPA retains concurrent enforcement authority. If at any time there is a conflict between the state and federal regulations, the federal regulations must be applied if they are more stringent than the state regulations.

Effective May 9, 1995 all notices, reports, and other correspondence required under 40 CFR part 63, subpart L, should be sent to the State of Utah rather than to EPA Region VIII, Denver, Colorado.

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Intergovernmental relations.

Authority: 42 U.S.C. 7412.

Dated: February 23, 1995.

Kerrigan Clough,

Acting Regional Administrator, Region VIII.

[FR Doc. 95–5978 Filed 3–9–95; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 70

[NM002; FRL–5169–6]

Clean Air Act Interim Approval of Operating Permits Program; City of Albuquerque Environmental Health Department, Air Pollution Control Division

AGENCY: Environmental Protection Agency (EPA).

ACTION: Informational notice.

SUMMARY: The EPA published without prior proposal a **Federal Register** (FR) notice promulgating interim approval of the operating permits program submitted by the New Mexico Governor's designee, Mr. Lawrence Rael, for the City of Albuquerque as Chief Administrative Officer, and for Bernalillo County as the administrative head of the Albuquerque/Bernalillo County Operating Permits Program, for the purpose of complying with the Federal requirements of an approved program to issue operating permits to all major stationary sources, and to certain other sources with the exception of Indian Lands. This submittal for the operating permits program was made by the City of Albuquerque on April 4, 1994. EPA's direct final approval was published on January 10, 1995 (60 FR 2527).

The EPA subsequently received comments from the American Forest and Paper Association (AF&PA) on the action. Two comments were received from this commenter: one with respect to the definition of ''Title I modification'' and the other regarding the implementation of section 112(g). A letter from National Environmental Development Association/Clean Air Regulatory Project was received by the EPA approximately two weeks after the close of the public comment period. That letter set out the same comments expressed by the AF&PA, and will be added to the EPA's docket for the approval of the Albuquerque Operating Permits Program although not discussed further in this notice.

With respect to the definition of Title I modification, the AF&PA noted that the Albuquerque definition of ''Title I modification'' does not include changes reviewed under a minor source preconstruction review program (''minor NSR changes''). AF&PA stated its belief that this was consistent with the relatively narrow definition of Title I modification which AF&PA believed is contained in the current Part 70 rules. The AF&PA also noted that EPA has recently proposed changing its current definition of ''Title I modification'' to expressly include virtually any change that constitutes a modification under any provision of Title I of the Act. 59 FR 44572 (August 29, 1994). The AF&PA noted that EPA in prior months had conditioned either interim or full approval of several States' operating permit programs on the adoption of such a definition, which is broader than that contained in the Albuquerque Operating Permits Program. However, the AF&PA noted that EPA was now taking no position on the Albuquerque Operating Permits Program definition of ''Title I modification'' as grounds for either interim approval or disapproval of the program. The AF&PA in its comments stated that it supports this new approach by EPA of not taking a position on Albuquerque's narrower definition.

Because this comment is not adverse to the position taken by EPA in its Direct Final Rule approving the Albuquerque Operating Permits Program, it does not require the withdrawal of the Direct Final Rule

promulgating interim approval of the City's Program.

In its comment involving the implementation of Federal Clean Air Act section 112(g), the AF&PA objected to EPA's proposed approval of Albuquerque's stated intention to use its preconstruction permit process to implement the section 112(g) requirements of its operating permits program prior to the promulgation of a final Federal 112(g) rule. The AF&PA acknowledged that, based on comments submitted by AF&PA and others, the EPA might revise its position that section 112(g) requirements take effect upon approval of a State's Title V program, and instead allow States to defer implementing the modification provisions of section 112(g) until sometime after the final Federal rule is promulgated, an action which AF&PA stated it believes would be appropriate [1].

On February 8, 1995, the Administrator of EPA signed an interpretive notice which was published at 60 FR 83333 (February 14, 1995), delaying the implementation of section 112(g) for both new and existing sources. This delay of implementation of section 112(g) renders AF&PA's comment moot.

Accordingly, the direct final interim approval of the Albuquerque Operating Permits Program will not be withdrawn and will remain final as published January 10, 1995 (60 FR 2527).

EFFECTIVE DATE: Will be effective on March 13, 1995 as published in 60 FR 2527.

FOR FURTHER INFORMATION CONTACT: Ms. Adele D. Cardenas, New Source Review Section (6T-AN), Environmental Protection Agency, Region 6, 1445 Ross Avenue, suite 700, Dallas, Texas 75202–2733, telephone (214) 665–7210.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedures, Intergovernmental relations, Operating permits.

Authority: 42 U.S.C. 7401, *et seq.*

Therefore, the final rule appearing at 60 FR 2527, January 10, 1995, remains as published and will be effective March 13, 1995.

[1] Section 112(g) of the Clean Air Act requires the case-by-case establishment of Maximum Achievable Control Technology standards for any ''modified'' major sources of hazardous air pollutant emissions. The source is ''modified'' whenever a ''physical change or change in the method of operation'' results in a greater than de minimis increase in actual emissions of hazardous air pollutants, unless that increase will be offset by an equal or greater decrease in the quantity of emissions of another hazardous air pollutant (or pollutants) from such source which is deemed more hazardous. 42 U.S.C. § 7412(g)(1)(A).

Dated: March 3, 1995.

Jane N. Saginaw,

Regional Administrator (6A).

[FR Doc. 95–5982 Filed 3–9–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 372

[OPPTS–400082B; FRL–4929–2]

Toxic Chemical Release Reporting; Community Right-to-Know; Technical Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Technical amendment.

SUMMARY: This document corrects seven errors and clarifies one listing in the final rule published in the **Federal Register** of November 30, 1994, in which EPA promulgated the addition of 286 chemicals and chemical categories to section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986. Five of the errors are typographical errors, two for the Chemical Abstracts Service (CAS) registry numbers for isophorone diisocyanate and metribuzin and three for the spelling of the chemical names for acifluorfen, sodium salt, dicamba, and 4-methyldiphenylmethane-3,4-diisocyanate. The sixth correction is to remove the listing for flumetralin, which the Agency has deferred for listing, from the CAS order list in the regulations. The seventh correction is an editing error in the chemical formula for the polychlorinated alkanes category. In addition, EPA is clarifying the listing for the polychlorinated alkanes category. This document corrects these errors and makes the above referenced clarification.

EFFECTIVE DATE: This document is effective March 10, 1995.

FOR FURTHER INFORMATION CONTACT: Maria J. Doa, Project Manager, 202–260–9592 for specific information on this document. For general information on EPCRA contact the Emergency Planning and Community Right-to-Know Information Hotline, Environmental Protection Agency, Mail Stop 5101, 401 M St., SW., Washington, DC 20460, Toll free: 800–535–0202, Toll free TDD: 800–553–7672.

SUPPLEMENTARY INFORMATION:

I. CAS Number Corrections

In the **Federal Register** of November 30, 1994 (59 FR 61432), EPA issued the final rule adding chemicals to the Emergency Planning and Community Right-to-Know Act (EPCRA) section 313 list of toxic chemicals. The Chemical Abstract Service (CAS) number for isophorone diisocyanate was incorrectly published as ''004098–71–0'' in the preamble on: (1) Page 61436, second column of the table, seventh entry, (2) page 61454, second column, eighth line from the bottom, and (3) in the regulatory text, § 372.65(c), on page 61484, 11th entry under the diisocyanates category. The correct CAS number for isophorone diisocyanate is ''004098–71–9''. In addition, the CAS number for metribuzin was incorrectly published in the preamble as ''021087–64–5'' on page 61437, second column of the table, 26th entry, and in the regulatory text, § 372.65(a), as ''21087–64–5'' on page 61477, second column of the table, ninth entry, and page 61483, first column of the table, 26th entry. The correct CAS number is ''21087–64–9''.

The chemical name for acifluorfen, sodium salt was spelled incorrectly in the preamble as ''[5-(2-Chloro-4-(triflouromethyl)phenoxy)-2-nitrobenzoic acid, sodium salt]'' on: (1) Page 61434, first column of the table, third entry, and (2) in the regulatory text, § 372.65(a), page 61473, first column of the table, third entry, and § 372.65(b), page 61484, second column of the table, 12th entry. The correct spelling is ''acifluorfen, sodium salt [5-(2-Chloro-4-(trifluoromethyl)phenoxy)-2-nitrobenzoic acid, sodium salt]''.

The chemical name for dicamba was incorrectly spelled in the preamble as ''(3,6-Dichloro-2-methyoxybenzoic acid)'' on: (1) Page 61435, first column of the table, 38th entry, and (2) in the regulatory text, § 372.65(a), page 61475, first column of the table, 12th entry, and § 372.65(b), page 61482, second column of the table, 13th entry. The correct spelling is ''dicamba (3,6-Dichloro-2-methoxybenzoic acid)''.

In the regulatory text, § 372.65(c), page 61484, first column, the 12th entry under the diisocyanates category was incorrectly listed as ''4-methyldiphenylmethane-3,4-diisocyante''. The correct spelling is ''4-methyldiphenylmethane-3,4-diisocyanate''.

II. Chemical Listing Corrections and Clarification

Also in the **Federal Register** of November 30, 1994 (59 FR 61432), the chemical flumetralin was listed in the regulatory text, § 372.65(b), on page 61484. EPA did not finalize the addition of flumetralin in this rulemaking and it should not be listed in the regulations. Therefore, EPA is removing the entry for flumetralin from § 372.65(b). EPA has deferred final action on the listing of flumetralin under EPCRA section 313 until a later date (see 59 FR 61439).