

conclusion of the race. It will include all waters within the following points: from Fort Adams, to Mitchell Rock GB 3 (LLNR 17865), to Rose Island LBB 12 (LLNR 17855), to Dumplings LBB 11 (LLNR 17810).

(c) *Special Local Regulations.*

(1) Commander, U.S. Coast Guard Group Woods Hole reserves the right to delay, modify, or cancel the race as conditions or circumstances require.

(2) No person or vessel may enter, transit, or remain in the regulated area during the effective period of regulation unless participating in the event or unless authorized by the Coast Guard patrol commander.

(3) Vessels desiring to transit through the West Passage may do so without Coast Guard approval as long as the vessel remains outside the regulated areas at specified times. No vessel will be allowed to transit through any portions of the regulated Race Course Area during the actual race. In the event of an emergency, the Coast Guard patrol commander may authorize a vessel to transit through the regulated areas with a Coast Guard designated escort. Vessels encountering emergencies which require transit through the regulated areas should contact the Coast Guard patrol commander on VHF Channel 16.

(4) Spectator craft are authorized to watch the race from any area as long as it remains outside of the designated regulated areas. Spectator craft are required to be at their desired location no later than 12:30 p.m.

(5) All persons and vessels shall comply with the instructions of the Commander, U.S. Coast Guard Group Woods Hole or the designated on-scene patrol commander. On-scene patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard. Upon hearing five or more blasts from a U.S. Coast Guard vessel, the operator of a vessel shall stop immediately, then proceed as directed. Members of the Coast Guard Auxiliary will also be present to inform vessel operators of this regulation and other applicable laws.

(d) *Effective period.* This section will be effective from 10:30 a.m. to 4:30 p.m. on Sunday, May 21, 1995, unless otherwise specified in the Coast Guard Local Notice to Mariners and a notice in the Federal Register.

Dated: April 3, 1995.

R. R. Clark,

*Captain, U.S. Coast Guard, Acting  
Commander, First Coast Guard District.*

[FR Doc. 95-9038 Filed 4-12-95; 8:45 am]

BILLING CODE 4910-14-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 55

[FRL-5179-5]

#### Notice of Proposed Rule; Outer Continental Shelf Consistency Update for Florida

**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 applicable requirements for certain areas for Air Pollution from OCS Activities. The portion of the OCS air regulation that is being updated pertains to the requirements for OCS sources for which the State of Florida will be the designated COA. This action proposes to incorporate the requirements contained in "State of Florida Requirements Applicable to OCS Sources" (January 11, 1995). Proposed changes to the existing requirements are discussed below.

**DATES:** Comments on the proposed update must be received on or before May 15, 1995.

**ADDRESSES:** Comments must be mailed (in duplicate if possible) to EPA Air Docket, Attn: Docket No. A-93-31, U.S. Environmental Protection Agency, Region IV, Air, Pesticides, and Toxics Management Division, 345 Courtland Street, NE., Atlanta, GA 30365. (Attn: R. Scott Davis).

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-93-31. This docket is available for public inspection and copying Monday through Friday during regular business hours at the following locations:

EPA Air Docket, Attn: Docket No. A-93-31, Environmental Protection Agency, 401 M Street, SW., Washington DC 20460, room M-1500.

EPA Air Docket, Attn: Docket No. A-93-31, Environmental Protection Agency, Region IV Library, 345 Courtland Street, NE., Atlanta, GA 30365.

**FOR FURTHER INFORMATION CONTACT:** R. Scott Davis, Air, Pesticides, and Toxics Management Division, U.S. EPA Region IV, 345 Courtland Street, NE., Atlanta, GA 30365. Telephone (404) 347-3555 ext. 4144.

**SUPPLEMENTARY INFORMATION:** On September 4, 1992, EPA promulgated 40 CFR part 55,<sup>1</sup> which established requirements to control air pollution from OCS sources in order to comply with federal and state ambient air quality standards and 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, approximately west of the Florida/Alabama state border. 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 (NOI) under § 55.4 of the OCS rule; and (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 proposed in response to the receipt of a NOI, submitted by Chevron U.S.A., Inc., Conoco Inc., and Murphy Exploration & Production Company on February 10, 1995, and represents the second update of part 55 for the State of Florida. The NOI includes general company information, a description of the proposed facility, estimated potential air emissions, emissions points, fuels, air pollution controls, and any proposed operating limitations. Public comments received in writing within 30 days of publication of this notice will be considered by EPA before promulgation of the final updated rule.

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

<sup>1</sup> 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.

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 state rules for inclusion in part 55 to ensure that they comply with 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.<sup>2</sup>

In today's notice EPA proposes to incorporate the rules applicable to sources for which the State of Florida will be the COA. These rules include revisions to existing rules that already apply to OCS sources and are a result of the recodification and renumbering of Florida air regulations (Adopted 11/30/94) and the adoption of amendments to other existing air regulations:

Florida Administrative Code—  
Department of Environmental  
Protection. The following sections of  
Chapter 62:

- 4.001 Scope of Part I (Adopted 8/31/88)
- 4.020 Definitions (Adopted 7/11/93)
- 4.021 Transferability of Definitions (Adopted 8/31/88)
- 4.030 General Prohibitions (Adopted 8/31/88)
- 4.040 Exemptions (Adopted 8/31/88)
- 4.050 Procedure to Obtain Permit; Application, except (4)(b) through (4)(l) and 4(r) (Adopted 11/23/94)

<sup>2</sup> Upon delegation the onshore area 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).

- 4.070 Standards for Issuing or Denying Permits; Issuance; Denial (Adopted 3/28/91)
- 4.080 Modification of Permit Conditions (Adopted 3/19/90)
- 4.090 Renewals (Adopted 7/11/93)
- 4.100 Suspension and Revocation (Adopted 8/31/88)
- 4.110 Financial Responsibility (Adopted 8/31/88)
- 4.120 Transfer of Permits (Adopted 3/19/90)
- 4.130 Plant Operation—Problems (Adopted 8/31/88)
- 4.160 Permit Conditions, except (16) and (17) (Adopted 7/11/93)
- 4.200 Scope of Part II (Adopted 8/31/88)
- 4.210 Construction Permits (Adopted 8/31/88)
- 4.220 Operation Permits for New Sources (Adopted 8/31/88)
- 4.510 Scope of Part III (Adopted 8/31/88)
- 4.520 Definitions (Adopted 7/11/90)
- 4.530 Procedures (Adopted 3/19/90)
- 4.540 General Conditions for all General Permits (Adopted 8/31/88)
- 210.100 Purpose and Scope (Adopted 11/23/94)
- 210.200 Definitions (Adopted 11/23/94)
- 210.300 Permits Required (Adopted 11/23/94)
- 210.360 Administrative Permit Corrections (Adopted 11/23/94)
- 210.370 Reports (Adopted 11/23/94)
- 210.400 Emission Estimates (Adopted 11/23/94)
- 210.500 Air Quality Models (Adopted 11/23/94)
- 210.550 Stack Height Policy (Adopted 11/23/94)
- 210.600 Enhanced Monitoring (Adopted 11/23/94)
- 210.650 Circumvention (Adopted 9/25/92)
- 210.700 Excess Emissions (Adopted 11/23/94)
- 210.900 Forms (Adopted 11/23/94)
- 210.980 Severability (Adopted 9/25/92)
- 212.100 Purpose and Scope (Adopted 2/2/93)
- 212.200 Definitions (Adopted 2/2/93)
- 212.300 Sources Not Subject to Prevention of Significant Deterioration or Nonattainment Requirements (Adopted 9/25/92)
- 212.400 Prevention of Significant Deterioration (Adopted 2/2/93)
- 212.410 Best Available Control Technology (BACT) (Adopted 9/25/92)
- 212.500 New Source Review for Nonattainment Areas (Adopted 2/2/93)
- 212.510 Lowest Achievable Emission Rate (LAER) (Adopted 9/25/92)
- 212.600 Source Specific New Source Review Requirements (Adopted 9/25/92)
- 212.700 Source Reclassification (Adopted 9/25/92)
- 256.100 Declaration and Intent (Adopted 11/30/94)
- 256.200 Definitions (Adopted 11/30/94)
- 256.300 Prohibitions (Adopted 11/30/94)
- 256.450 Open Burning Allowed (Adopted 6/27/91)
- 256.600 Industrial, Commercial, Municipal and Research Open Burning (Adopted 8/26/87)
- 256.700 Open Burning Allowed (Adopted 11/30/94)
- 272.100 Purpose and Scope (Adopted 11/23/94)
- 272.200 Definitions (Adopted 11/23/94)
- 272.300 Ambient Air Quality Standards (Adopted 11/23/94)
- 272.500 Maximum Allowable Increases (Prevention of Significant Deterioration) (Adopted 11/23/94)
- 272.750 DER Ambient Test Methods (Adopted 9/25/92)
- 273.200 Definitions (Adopted 9/25/92)
- 273.300 Air Pollution Episodes (Adopted 9/25/92)
- 273.400 Air Alert (Adopted 9/25/92)
- 273.500 Air Warning (Adopted 9/25/92)
- 273.600 Air Emergency (Adopted 9/25/92)
- 296.100 Purpose and Scope (Adopted 11/23/94)
- 296.200 Definitions (Adopted 11/23/94)
- 296.310 General Particulate Emission Limiting Standards (Adopted 11/23/94)
- 296.320 General Pollutant Emission Limiting Standards, except (2) (Adopted 2/2/93)
- 296.330 Best Available Control Technology (BACT) (Adopted 11/23/94)
- 296.400 Specific Emission Limiting and Performance Standards (Adopted 11/23/94)
- 296.500 Reasonably Available Control Technology (RACT)—Volatile Organic Compounds (VOC) and Nitrogen Oxides (NO<sub>x</sub>) Emitting Facilities (Adopted 11/23/94)
- 296.570 Reasonably Available Control Technology (RACT)—Requirements for Major VOC- and NO<sub>x</sub>-Emitting Facilities (Adopted 11/23/94)
- 296.600 Reasonably Available Control Technology (RACT)—Lead (Adopted 8/8/94)
- 296.601 Lead Processing Operations in General (Adopted 8/8/94)
- 296.700 Reasonably Available Control Technology (RACT)—Particulate Matter, except (2)(f) (Adopted 11/23/94)
- 296.800 Standards of Performance for New Stationary Sources (NSPS) (Adopted 11/23/94)
- 296.810 National Emission Standards for Hazardous Air Pollutants (NESHAP)—Part 61 (Adopted 11/23/94)
- 296.820 National Emission Standards for Hazardous Air Pollutants (NESHAP)—Part 63 (Adopted 11/23/94)
- 297.100 Purpose and Scope (Adopted 11/23/94)
- 297.200 Definitions (Adopted 11/23/94)
- 297.310 General Test Requirements (Adopted 11/23/94)
- 297.330 Applicable Test Procedures (Adopted 11/23/94)
- 297.340 Frequency of Compliance Tests (Adopted 11/23/94)
- 297.345 Stack Sampling Facilities Provided by the Owner of an Air Pollution Point Source (Adopted 11/23/94)
- 297.350 Determination of Process Variables (Adopted 11/23/94)
- 297.400 EPA Methods Adopted by Reference (Adopted 11/23/94)
- 297.401 EPA Test Procedures (Adopted 11/23/94)
- 297.411 DER Method 1 (Adopted 11/23/94)

297.412 DER Method 2 (Adopted 12/2/92)  
 297.413 DER Method 3 (Adopted 12/2/92)  
 297.414 DER Method 4 (Adopted 12/2/92)  
 297.415 DER Method 5 (Adopted 11/23/94)  
 297.416 DER Method 5A (Adopted 12/2/92)  
 297.417 DER Method 6 (Adopted 11/23/94)  
 297.418 DER Method 7 (Adopted 12/2/92)  
 297.419 DER Method 8 (Adopted 12/2/92)  
 297.420 DER Method 9 (Adopted 11/23/94)  
 297.421 DER Method 10 (Adopted 12/2/92)  
 297.422 DER Method 11 (Adopted 12/2/92)  
 297.423 DER Method 12—Determination of Inorganic Lead Emissions from Stationary Sources (Adopted 11/23/94)  
 297.424 DER Method 13 (Adopted 12/2/92)  
 297.440 Supplementary Test Procedures (Adopted 11/23/94)  
 297.450 EPA VOC Capture Efficiency Test Procedures (Adopted 11/23/94)  
 297.520 EPA Performance Specifications (Adopted 11/23/94)  
 297.570 Test Report (Adopted 11/23/94)  
 297.620 Exceptions and Approval of Alternate Procedures and Requirements (Adopted 11/23/94)

The following rule is proposed to be deleted from the State of Florida requirements applicable to OCS sources. It will be superseded by the provisions of another rule.

297.500 Continuous Emission Monitoring Requirements (Repealed 11/23/94)

#### Administrative Requirements

##### A. 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.

##### B. 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.

#### C. Paperwork Reduction Act

The Office of Management and Budget (OMB) has approved the information collection requirements contained in the final OCS rulemaking dated September 4, 1992, under the provisions of the Paperwork Reduction Act, 44 U.S.C. 35012 *et seq.*, and has assigned OMB control number 2060-0249. This consistency update does not add any further requirements.

#### List of Subjects in 40 CFR Part 55

Environmental protection, Administrative practice and procedures, Air pollution control, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Nitrogen oxides, Outer continental shelf, Ozone, Particulate matter, Permits, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: March 16, 1995.

Patrick M. Tobin,

*Acting 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 paragraph (e)(6)(i)(A) to read as follows:

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

\* \* \* \* \*

(e) \* \* \*

(6) \* \* \*

(i) \* \* \*

(A) State of Florida Requirements

Applicable to OCS Sources, January 11, 1995.

\* \* \* \* \*

3. Appendix A to part 55 is proposed to be amended by revising paragraph (a) (1) under the heading Florida 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

\* \* \* \* \*

Florida

(a) \* \* \*

(1) The following requirements are contained in State of Florida Requirements Applicable to OCS Sources, January 11, 1995:

Florida Administrative Code—  
 Department of Environmental Protection. The following sections of Chapter 62:

4.001 Scope of Part I (Adopted 8/31/88)  
 4.020 Definitions (Adopted 7/11/93)  
 4.021 Transferability of Definitions (Adopted 8/31/88)  
 4.030 General Prohibitions (Adopted 8/31/88)  
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- 296.330 Best Available Control Technology (BACT) (Adopted 11/23/94)
- 296.400 Specific Emission Limiting and Performance Standards (Adopted 11/23/94)
- 296.500 Reasonably Available Control Technology (RACT)—Volatile Organic Compounds (VOC) and Nitrogen Oxides (NO<sub>x</sub>) Emitting Facilities (Adopted 11/23/94)
- 296.570 Reasonably Available Control Technology (RACT)—Requirements for Major VOC- and NO<sub>x</sub>-Emitting Facilities (Adopted 11/23/94)
- 296.600 Reasonably Available Control Technology (RACT)—Lead (Adopted 8/8/94)
- 296.601 Lead Processing Operations in General (Adopted 8/8/94)
- 296.700 Reasonably Available Control Technology (RACT)—Particulate Matter, except (2)(f) (Adopted 11/23/94)
- 296.800 Standards of Performance for New Stationary Sources (NSPS) (Adopted 11/23/94)
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- 296.820 National Emission Standards for Hazardous Air Pollutants (NESHAP)—Part 63 (Adopted 11/23/94)
- 297.100 Purpose and Scope (Adopted 11/23/94)
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- 297.340 Frequency of Compliance Tests (Adopted 11/23/94)
- 297.345 Stack Sampling Facilities Provided by the Owner of an Air Pollution Point Source (Adopted 11/23/94)
- 297.350 Determination of Process Variables (Adopted 11/23/94)
- 297.400 EPA Methods Adopted by Reference (Adopted 11/23/94)
- 297.401 EPA Test Procedures (Adopted 11/23/94)
- 297.411 DER Method 1 (Adopted 11/23/94)
- 297.412 DER Method 2 (Adopted 12/2/92)
- 297.413 DER Method 3 (Adopted 12/2/92)
- 297.414 DER Method 4 (Adopted 12/2/92)
- 297.415 DER Method 5 (Adopted 11/23/94)
- 297.416 DER Method 5A (Adopted 12/2/92)
- 297.417 DER Method 6 (Adopted 11/23/94)
- 297.418 DER Method 7 (Adopted 12/2/92)
- 297.419 DER Method 8 (Adopted 12/2/92)
- 297.420 DER Method 9 (Adopted 11/23/94)
- 297.421 DER Method 10 (Adopted 12/2/92)
- 297.422 DER Method 11 (Adopted 12/2/92)
- 297.423 DER Method 12—Determination of Inorganic Lead Emissions from Stationary Sources (Adopted 11/23/94)
- 297.424 DER Method 13 (Adopted 12/2/92)
- 297.440 Supplementary Test Procedures (Adopted 11/23/94)
- 297.450 EPA VOC Capture Efficiency Test Procedures (Adopted 11/23/94)
- 297.520 EPA Performance Specifications (Adopted 11/23/94)
- 297.570 Test Report (Adopted 11/23/94)
- 297.620 Exceptions and Approval of Alternate Procedures and Requirements (Adopted 11/23/94)

\* \* \* \* \*

[FR Doc. 95-9060 Filed 4-12-95; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Part 70

[OH001; FRL-5189-8]

#### Clean Air Act Proposed Approval of Operating Permit Program; Ohio

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed full approval.

**SUMMARY:** The EPA proposes full approval of the operating permit program submitted by the State of Ohio for the purpose of complying with Federal requirements which mandate that States develop, and submit to EPA, programs for issuing operating permits to all major stationary sources and to certain other sources.

**DATES:** Comments on this proposed action must be received in writing by May 15, 1995.

**ADDRESSES:** Comments should be addressed to Steven Pak at the Region 5 address. Copies of the State's submittal and other supporting

information used in developing the proposed full approval are available for inspection during normal business hours at the following location: EPA Region 5, Air and Radiation Division (AE-17J), 77 West Jackson Boulevard, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** Steven Pak, EPA Region 5, Air and Radiation Division (AE-17J), 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-1497.

#### SUPPLEMENTARY INFORMATION:

##### I. Background and Purpose

As required under title V of the Clean Air Act ("the Act") as amended by the 1990 Clean Air Act Amendments, EPA promulgated rules on July 21, 1992 (57 FR 32250), which define the minimum elements of an approvable State operating permit program and the corresponding standards and procedures by which EPA will approve, oversee, and withdraw approval of State operating permit programs. These rules are codified at 40 Code of Federal Regulations (CFR) part 70. Title V and part 70 require that States develop, and submit to EPA, programs for issuing 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 one year after receiving the submittal. If the State's submission is materially changed during the one-year review period, 40 CFR 70.4(e)(2) allows EPA to extend the review period for no more than one year following receipt of the additional materials. Because Ohio provided EPA with additional materials that materially changed the State's Title V program submittal on September 12, 1994, November 21, 1994, December 9, 1994, and January 5, 1995, EPA has extended the review period and will work expeditiously to promulgate a final decision on the State's program.

EPA reviews State operating permit programs pursuant to section 502 of the Act and 40 CFR part 70, which together outline criteria for approval or disapproval. When a program substantially, but not fully, meets the requirements of 40 CFR part 70, EPA may grant the program interim approval for a period of up to two years. If EPA has not fully approved a program by November 15, 1995, or by the end of an interim program, it must establish and implement a Federal operating permit program for that State.