

EXHIBIT 10.0b PRESORTED PRIORITY MAIL RATES—Continued

Weight not exceeding (pounds)	Zone					
	Local, 1, 2, and 3	4	5	6	7	8
70	33.64	47.54	53.99	58.74	63.94	77.09

Notes 1, 2, and 4 from Domestic Mail Manual Exhibit 10.0a apply to these rates as well.

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A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and transmitted to subscribers automatically. Notice of issuance will be published in the **Federal Register** as provided by 39 CFR 111.3.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 95-20459 Filed 8-17-95; 8:45 am]

BILLING CODE 7710-12-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IN48-1-6761a; FRL-5266-7]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Direct final rule.

SUMMARY: On October 25, 1994, the Indiana Department of Environmental Management (IDEM) submitted a Federally Enforceable State Operating Permit Program (FESOP) regulation and an Enhanced New Source Review (NSR) regulation as requested revisions to the State Implementation Plan (SIP). USEPA made a completeness finding in a letter dated November 25, 1994. In this rule USEPA approves Indiana's FESOP regulation, as a SIP revision, because the regulation provides an acceptable mechanism for establishing federally enforceable State operating permits for the purpose of creating federally enforceable limitations on the potential to emit of certain pollutants regulated under the Clean Air Act (Act). This program allows a number of small sources to be exempt from further operating permit review otherwise required by the Act. In this action, USEPA also approves Indiana's Enhanced NSR regulation. Sources subject to the State construction permit rule will have the opportunity to satisfy its State operating permit requirements by opting into this preconstruction rule. In the proposed rules section of this

Federal Register, USEPA is proposing approval of and soliciting public comment on these requested SIP revisions. If adverse comments are received on this direct final rule, USEPA will withdraw this final rule and address the comments received in a final rule on the related proposed rule which is being published in the proposed rules section of this **Federal Register**. Unless this final rule is withdrawn, no further rulemaking will occur on this requested SIP revision.

DATES: This final rule is effective October 17, 1995 unless adverse or critical comments are received by September 18, 1995. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments can be mailed to J. Elmer Bortzer, Chief, Regulation Development Section, Regulation Development Branch, United States Environmental Protection Agency, 77 West Jackson Boulevard (AR-18J), Chicago, Illinois 60604.

Copies of the State's submittal and USEPA's technical support document are available for inspection during normal business hours at the following location: United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard (AR-18J), Chicago, Illinois 60604.

A copy of this SIP revision is also available at the following location: Office of Air and Radiation, Docket and Information Center (Air Docket 6102), room M1500, USEPA, 401 M Street, S.W., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Sam Portanova, USEPA (AR-18J), 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-3189.

SUPPLEMENTARY INFORMATION:

I. Background

Once approved by USEPA as a SIP revision, the Indiana FESOP program will be a major mechanism in limiting potential to emit for sources to remain below the applicability threshold for the operating permits program of title V of the Act. Similarly, once approved as a SIP revision, the Indiana Enhanced NSR regulation will allow the State to

integrate the NSR preconstruction permit process with the title V permit modification process. The Federal title V State operating permit program regulation is codified in 40 CFR part 70 and the State of Indiana's title V program is codified in Title 326 of the Indiana Administrative Code (326 IAC) 2-7. Without some mechanism in State law to issue FESOPs to small sources and thereby exempt them from title V review, the title V program would encompass a large number of small sources and could be a resource burden on both the State and the smaller title V sources. The USEPA approval of these State mechanisms to establish federally enforceable limits on sources' potential to emit below the title V threshold and to establish an integrated NSR and title V permitting process will enable Indiana and Indiana sources to reduce resource burdens.

II. USEPA's Review and Findings

A. Analysis of State Submittal

1. Federally Enforceable State Operating Permit Program

Prior to the Act Amendments of 1990, States were not required to have a distinct operating permit program under the Act. In a June 28, 1989 final rule, however, USEPA promulgated five criteria for approving a State operating permit program for the purpose of issuing FESOPs limiting criteria pollutants as part of the SIP. See 54 FR 27274, 27282. Since operating permits are issued pursuant to a program approved by USEPA, these permits will also be enforceable by citizens pursuant to section 304 of the Act. On November 3, 1993, the USEPA announced in a guidance document entitled, "Approaches to Creating Federally Enforceable Emissions Limits," signed by John S. Seitz, Director, Office of Air Quality Planning and Standards, that this mechanism could be extended to create federally enforceable limits for emissions of hazardous air pollutants (HAP) if the program were approved pursuant to section 112(l) of the Act.

a. Approval Criteria

The following discussion compares the Indiana regulations and procedures governing the State's FESOP program with the five criteria of the June 28, 1989, final rule.

i. First Criterion

"The state operating permit program (i.e., the regulations or other administrative framework describing how such permits are issued) is submitted and approved by EPA into the SIP."

On October 25, 1994, Indiana submitted the regulations and administrative framework for the FESOP regulation, 326 IAC 2-8, as a revision to its SIP. The USEPA's approval of this submittal satisfies the first criterion.

ii. Second Criterion

"The SIP imposes a legal obligation that operating permit holders adhere to the terms and limitations of such permits (or subsequent revisions of the permit made in accordance with the approved operating permit program) and provides that permits which do not conform to the operating permit program requirements and the requirements of EPA's underlying regulations may be deemed not 'federally enforceable' by USEPA."

The following provisions satisfy the second criterion for Indiana's FESOP program. 326 IAC 2-8-2 states that until the Commissioner of IDEM has issued a FESOP for a source, a source is subject to all applicable requirements of 326 IAC 2-7 (326 IAC 2-7-3 states "no Part 70 source may operate after the time that it is required to submit a timely and complete application except in compliance with a Part 70 permit issued under this rule"). For sources that have a FESOP permit, 326 IAC 2-8-5(b) states "the commissioner may issue a compliance order to any source upon discovery that an issued permit is in nonconformance with an applicable requirement. The order may require immediate compliance or contain a schedule for expeditious compliance with the applicable requirement." Also, 326 IAC 2-8-6(b) states that "all terms and conditions in a FESOP, including any provisions designed to limit a source's potential to emit, are enforceable by the U.S. EPA and citizens under the Act." 326 IAC 2-8-6(a) states "the commissioner may not issue a FESOP that waives, or makes less stringent, any limitation or requirement contained in or issued under the state implementation plan (SIP) or requirements that are otherwise federally enforceable under the Act.

Permits that do not conform to the requirements of this rule and the requirements of U.S. EPA's underlying regulations may be deemed by the U.S. EPA not federally enforceable."

Such a determination will (1) be done according to appropriate procedures, and (2) be based upon the permit, permit approval procedures or permit requirements which do not conform with the operating permit program requirements and the requirements of USEPA's underlying regulations. USEPA will make a determination that a FESOP permit is not federally enforceable in the form of a letter to the State. Although USEPA is authorized to deem permit conditions not federally enforceable at any later date, USEPA will strive to determine Federal enforceability during Indiana's public comment period. The procedures for such a determination will be specified in a letter from IDEM to USEPA to be developed before the effective date of this action.

iii. Third Criterion

"The State operating permit program requires that all emissions, limitations, controls and other requirements imposed by such permits, will be at least as stringent as any other applicable limitation or requirement contained in the SIP or enforceable under the SIP, and that the program may not issue permits that waive, or make less stringent, any limitation or requirement contained in or issued pursuant to the SIP, or that are otherwise 'federally enforceable' (e.g., standards established under Sections 111 and 112 of the Act)."

326 IAC 2-8-4(1) requires FESOP permits to contain emission limitations and standards that assure compliance with all applicable requirements at the time of FESOP issuance. This language, in addition to the above-mentioned language of 326 IAC 2-8-6(a), satisfies the third criterion for the Indiana FESOP program.

iv. Fourth Criterion

"The limitations, controls, and requirements in the operating permits are permanent, quantifiable and otherwise enforceable as a practical matter."

The USEPA has reviewed the Indiana FESOP program and is satisfied that it requires the State to issue permits which meet the requirements of this provision. While the permits do expire, the conditions they impose must be complied with during the entire term of the permit. In addition, 326 IAC 2-8-9 states that a FESOP expiration terminates the source's right to operate

unless a timely and complete renewal application has been submitted consistent with requirements of the FESOP regulation.

v. Fifth Criterion

"The permits are issued subject to public participation." This means that the State agrees, as a part of its program, to provide USEPA and the public with timely notice of the proposed issuance of such permits, and to provide USEPA, on a timely basis, with a copy of each proposed (or draft) and final permit intended to be federally enforceable.

The Indiana FESOP program requires public notice in 326 IAC 2-8-13. Prior to the issuance of any FESOP, 326 IAC 2-8-13(c) requires the State to notify the public of the draft permit by publishing, in at least 1 newspaper of general circulation, a notification of the receipt of the permit application, the State's draft approval of the permit application, a notification of a public comment period of at least 30 days in duration, a notification to the public of the opportunity for a public hearing, and a notification that a copy of the application and the State's analysis are available for inspection in a public building in the area where the source is located. 326 IAC 2-8-7(a) requires that USEPA receives a copy of the draft FESOP and any notice required. These notice requirements satisfy the fifth criterion for the Indiana FESOP program.

b. Hazardous Air Pollutants

The June 28, 1989, final rule addresses only SIP programs to control criteria pollutants. Federally enforceable limits on criteria pollutants (i.e., volatile organic compounds or particulate matter) may have the incidental effect of limiting certain HAPs listed pursuant to section 112(b) of the Act. This situation would occur when a pollutant classified as a HAP is also classified as a criteria pollutant. As a legal matter, no additional program approval by USEPA is required in order for these criteria pollutant limits to be recognized for this purpose.

Since USEPA's June 28, 1989, final rule does not establish approval criteria for FESOP programs to limit HAP emissions, another mechanism must be used to approve FESOP programs for the purpose of creating federally enforceable limits on HAP emissions. The November 3, 1993, guidance document entitled "Approaches to Creating Federally Enforceable Emissions Limits" indicates that a FESOP program could be extended to create federally enforceable limits for emissions of HAPs if the program were

approved pursuant to section 112(l) of the Act. Therefore, USEPA is approving Indiana's FESOP program under section 112(l) of the Act for the purposes of creating federally enforceable limitations on the potential to emit HAPs.

The USEPA's June 28, 1989, final rule does not address HAPs because it was written prior to the 1990 amendments to section 112 and not because it establishes requirements unique to criteria pollutants. As a result, USEPA has determined that the five approval criteria for approving FESOP programs into the SIP, as specified in the June 28, 1989, final rule are also appropriate for evaluating and approving the programs under section 112(l). Hence, the five criteria are applicable to State operating permit program approvals under section 112(l). The USEPA is approving this program under section 112(l) as meeting the criteria (articulated in the previous paragraphs) of the June 28, 1989, final rule for State operating permit programs to establish federally enforceable limits on potential to emit.

In addition to meeting the criteria in the June 28, 1989, final rule a State operating permit program must meet the statutory criteria for approval under section 112(l)(5). Section 112(l) allows USEPA to approve a program only if it (1) contains adequate authority to assure compliance with any section 112 standards or requirements, (2) provides for adequate resources, (3) provides for an expeditious schedule for assuring compliance with section 112 requirements, and, (4) is otherwise likely to satisfy the objectives of the Act.

The USEPA plans to codify the approval criteria for programs limiting potential to emit of HAPs (under section 112(l)) in 40 CFR part 63, Subpart E. The USEPA currently anticipates that these criteria, as they apply to FESOPs, will mirror those set forth in the June 28, 1989, final rule with the addition that the State's authority must extend to HAPs instead of or in addition to criteria pollutants. The USEPA currently anticipates that FESOPs that are approved pursuant to section 112(l) prior to the Subpart E revisions will have had to meet these criteria, and hence, will not be subject to any further approval action.

The USEPA believes it has authority under section 112(l) to approve programs to limit potential to emit of HAPs directly under section 112(l) prior to this revision to Subpart E. Accordingly, USEPA is approving Indiana's FESOP program now so as to enable Indiana to begin issuing federally enforceable permits as soon as possible. The following discussion compares the

Indiana regulations and procedures governing the State's FESOP program with criteria listed in section 112(l)(5).

i. Indiana's FESOP program contains adequate authority to assure compliance with any section 112 standards or requirements. 326 IAC 2-8-4(1) requires FESOP permits to contain emission limitations and standards that assure compliance with all applicable requirements at the time of FESOP issuance. Also, 326 IAC 2-8-6(b) states that "all terms and conditions in a FESOP, including any provisions designed to limit a source's potential to emit, are enforceable by the U.S. EPA and citizens under the Act." 326 IAC 2-8-6(a) states "the commissioner may not issue a FESOP that waives, or makes less stringent, any limitation or requirement contained in or issued under the state implementation plan (SIP) or requirements that are otherwise federally enforceable under the Act. Permits that do not conform to the requirements of this rule and the requirements of U.S. EPA's underlying regulations may be deemed by the U.S. EPA not federally enforceable."

ii. 326 IAC 2-8-16 requires fees to be collected from FESOP sources. The State believes that sufficient resources will be available to administer FESOP permits for those who request and qualify. The USEPA believes this fee mechanism will be sufficient to provide for adequate resources to implement this program, and will monitor the State's implementation of the program to assure that adequate resources continue to be available. Please refer to the technical support document, included with the docket of this notice, for more information regarding Indiana's FESOP resources.

iii. Indiana's FESOP program also meets the requirement for an expeditious schedule for assuring compliance. Nothing in this program would allow a source to avoid or delay compliance with the Federal requirement if it fails to obtain the appropriate federally enforceable limit by the relevant deadline.

iv. Finally, Indiana's FESOP program is consistent with the objectives of the section 112 program since its purpose is to enable sources to obtain federally enforceable limits on potential to emit. The USEPA believes this purpose is consistent with the overall intent of section 112.

In this rule, USEPA has stated that the Indiana FESOP program meets the five criteria required for Federal approvability under the June 28, 1989, final rule. By approving the Indiana FESOP program, USEPA recognizes the program as a federally enforceable

method of limiting potential to emit criteria pollutants. The USEPA is approving Indiana's FESOP program for the purpose of limiting potential to emit of HAPs, in addition to criteria pollutants.

c. Conclusion

After consideration of the material submitted by the State of Indiana, USEPA has determined that the Indiana FESOP Program satisfies the criteria needed to establish Federal enforceability of State operating permits, published in the final rule on June 28, 1989 (54 FR 27274) and Section 112(l) of the Act. The USEPA approves the incorporation of this program into the SIP for the purpose of issuing federally enforceable operating permits. Therefore, emissions limitations and other provisions contained in operating permits issued by the State in accordance with the applicable Indiana SIP provisions, approved herewith, shall be federally enforceable by USEPA, and by any person in the same manner as other requirements of the SIP.

2. Enhanced New Source Review

40 CFR part 70 gives State permitting authorities the option of integrating requirements determined during preconstruction permit review (NSR) with those required under title V. See 40 CFR 70.7(d)(1)(v) and 57 FR 32259 (July 21, 1992). If an NSR process is integrated with the procedural and compliance-related requirements of 40 CFR 70.6, 70.7, and 70.8, an existing title V permit can be revised through the administrative amendment process described in 40 CFR 70.7(d). Indiana has included the "Enhanced NSR" regulation (326 IAC 2-1-3.2) in its SIP submittal for the purpose of providing title V and NSR sources an integrated permit review process. This regulation is also available to integrate NSR and FESOP requirements.

The following is a comparison of the Indiana Enhanced NSR regulation to the procedural and compliance-related requirements of 40 CFR 70.6, 70.7, and 70.8.

a. Permit Applications

326 IAC 2-1-3.2(a) allows anyone required to obtain a construction permit to elect to be subject to the Enhanced NSR regulations for the purpose of integrating their NSR requirements with their title V or FESOP requirements. 326 IAC 2-1-3.2(b) states that sources must meet the permit application requirements of 326 IAC 2-7-4 (title V) or 326 2-8-3 (FESOP), as appropriate. Sources may use the standard

application forms available to title V or FESOP sources.

b. Permit Content

326 IAC 2-1-3.2(c) requires permits issued to title V sources under the Enhanced NSR regulation to include the permit requirements of 326 IAC 2-7-5 and 2-7-6. These subsections meet the requirements of 40 CFR 70.6 for permit content and compliance requirements. 326 IAC 2-1-3.2(c) requires permits issued under the Enhanced NSR regulation to FESOP sources to include the permit requirements of 326 IAC 2-8-4. This subsection addresses FESOP permit content.

c. Permit Issuance

326 IAC 2-1-3.2(e) states that an Enhanced NSR permit may be issued only if IDEM has received a complete application for a permit. IDEM has complied with the public and affected States notices of 326 IAC 2-1-3.2(f) and (g), the permit conditions provide for compliance with all applicable requirements, USEPA has received a copy of the proposed permit and any notices required, and USEPA has not objected to the issuance of a permit subject to title V. These requirements are consistent with 40 CFR 70.7(a).

d. Public Comment

326 IAC 2-1-3.2(f) requires all permit proceedings under the Enhanced NSR regulation to follow the public comment procedures of 326 IAC 2-7-17 for title V sources and 326 IAC 2-8-14 for FESOP sources. 326 IAC 2-1-3.2(g) requires review by USEPA and affected States for each permit application, draft permit, proposed permit, and final permit in accordance with 326 IAC 2-7-18 for title V sources and 326 IAC 2-8-14 for FESOP sources. 326 IAC 2-7-17 and 2-7-18 are the subsections of the Indiana title V regulation which address the requirements of 40 CFR 70.7(h) and 70.8.

e. Permit Integration

326 IAC 2-1-3.2(h) states that for any source subject to 326 IAC 2-7-2 or 2-8-2, a permit issued under the Enhanced NSR regulation shall become the source's title V permit or FESOP permit, respectively. For any modification to an existing title V source subject to 326 IAC 2-7-12, a permit issued under the Enhanced NSR regulation shall be incorporated into the source's title V permit through an administrative amendment in accordance with 326 IAC 2-7-11. This is consistent with 40 CFR 70.7(d)(1)(v). For any modification to an existing FESOP source subject to 326 IAC 2-8-

11, a permit issued under the Enhanced NSR regulation shall be incorporated into the source's FESOP permit through an administrative amendment in accordance with 326 IAC 2-8-10.

f. Conclusion

The USEPA is approving the 326 IAC 2-1-3.2 Enhanced NSR regulation for the purpose of providing an integrated NSR and title V process. The 326 IAC 2-1-3.2 regulation meets the requirements of the 40 CFR part 70 preamble (see 57 FR 32259 (July 21, 1992)), and 40 CFR 70.7(d)(1)(v).

B. Conclusion

The USEPA is approving the 326 IAC 2-8 regulation for the Indiana FESOP program to enable sources to establish federally enforceable limits on potential to emit of criteria pollutants and HAPs. This regulation meets the 5 following criteria established in the June 28, 1989, final rule (54 FR 27274): (1) the State operating permit program is submitted to and approved by USEPA into the SIP; (2) the SIP imposes a legal obligation that operating permit holders adhere to the terms and limitations of such permits and provides that permits which do not conform to the State program requirements and the requirements of USEPA's underlying regulations may be deemed not federally enforceable by USEPA; (3) the State program requires that all emissions limitations, controls, and other requirements imposed by such permits will be at least as stringent as any other applicable limitations and requirements contained in the SIP or enforceable under the SIP, and that the program may not issue permits that waive, or make less stringent, any limitations or requirements contained in or issued pursuant to the SIP, or that are otherwise federally enforceable; (4) the limitations, controls, and requirements in the operating permits are permanent, quantifiable, and otherwise enforceable as a practical matter; and (5) the permits are issued subject to public participation. The State agrees, as part of its program, to provide USEPA and the public with timely notice of the proposal and issuance of such permits, and to provide USEPA, on a timely basis, with a copy of each proposed and final permit intended to be federally enforceable. The program must also provide for an opportunity for public comment on the permit applications prior to issuance of the final permit.

The USEPA is also approving 326 IAC 2-8 for the Indiana FESOP program, pursuant to section 112(l) of the Act, to enable sources to establish federally enforceable limits on potential to emit

for HAPs. The Indiana FESOP program meets the following section 112(l) criteria: (1) the program contains adequate authority to assure compliance with any section 112 standards or requirements; (2) the program provides for adequate resources; (3) the program provides for an expeditious schedule for assuring compliance with section 112 requirements; and (4) the program is otherwise likely to satisfy the objectives of the Act.

USEPA is also approving the 326 IAC 2-1-3.2 Enhanced NSR regulation for integrating requirements determined under preconstruction permits with those required under title V. The Enhanced NSR regulation requires sources to meet the requirements in 40 CFR 70.5, 70.6, 70.7, and 70.8. This regulation is consistent with the preamble to the 40 CFR part 70 regulations (see 57 FR 32259 (July 21, 1992)) and 40 CFR 70.7(d)(1)(v).

III. Rulemaking Action

The USEPA approves the plan revisions submitted on October 25, 1994, to implement the FESOP program and the Enhanced NSR program. Each of the program elements mentioned above were properly addressed. The USEPA is publishing this action without prior proposal because USEPA views this action as a noncontroversial revision and anticipates no adverse comments. However, USEPA is publishing a separate document in this **Federal Register** publication, which constitutes a "proposed approval" of the requested SIP revision and clarifies that the rulemaking will not be deemed final if timely adverse or critical comments are filed. The "direct final" approval shall be effective on October 17, 1995, unless USEPA receives adverse or critical comments by September 18, 1995.

If USEPA receives comments adverse to or critical of the approval discussed above, USEPA will withdraw this approval before its effective date, and publish a subsequent final rule which withdraws this final action. All public comments received will then be addressed in a subsequent rulemaking notice.

Any parties interested in commenting on this action should do so at this time. If no such comments are received, USEPA hereby advises the public that this action will be effective on October 17, 1995. The Office of Management and Budget has exempted this action from review under Executive Order 12866.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. The USEPA shall consider each request for

revision to the SIP in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

IV. Regulatory Flexibility

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., USEPA 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. Alternately, USEPA 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 Section 110 and Subchapter I, Part D, of the 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 Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Act forbids USEPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. USEPA*, 427 U.S. 246, 256-66 (1976).

V. Unfunded Mandates

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

The USEPA has determined that the approval 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 programs that are not Federal mandates. Accordingly, no additional costs to State, local, or tribal governments, or the private sector, result from this action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Lead, Particulate matter, Sulfur dioxide, Volatile organic compounds.

Dated: August 20, 1995.

Valdas V. Adamkus,
Regional Administrator.

For the reasons stated in the preamble, part 52, chapter I, title 40 of the Code of Federal Regulations is amended to read as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

Subpart P—Indiana

2. Section 52.770 is amended by adding paragraphs (c)(97) and (c)(98) to read as follows:

§ 52.770 Identification of plan.

(c) * * *

(97) On October 25, 1994, the Indiana Department of Environmental Management requested a revision to the Indiana State Implementation Plan in the form of revisions to State Operating Permit Rules intended to satisfy Federal requirements for issuing federally enforceable State operating permits (FESOP) and thereby exempt certain small emission sources from review under the State's title V operating permit program. This FESOP rule is also approved for the purpose of providing federally enforceable emissions limits on hazardous air pollutants listed under section 112(b) of the Clean Air Act. This revision took the form of an amendment to Title 326: Air Pollution Control Board of the Indiana Administrative Code (326 IAC) 2-8 Federally Enforceable State Operating Permit Program.

(i) *Incorporation by reference.* 326 IAC 2-8 Federally Enforceable State Operating Permit Program. Sections 1 through 17. Filed with the Secretary of State May 25, 1994. Effective June 24, 1994. Published at Indiana Register, Volume 17, Number 10, July 1, 1994.

(98) On October 25, 1994, the Indiana Department of Environmental Management requested a revision to the Indiana State Implementation Plan in the form of revisions to State Operating Permit Rules intended to allow State permitting authorities the option of

integrating requirements determined during preconstruction permit review with those required under title V. The State's Enhanced New Source Review provisions are codified at Title 326: Air Pollution Control Board (326 IAC) 2-1-3.2 Enhanced New Source Review.

(i) *Incorporation by reference.* 326 IAC 2-1-3.2 Enhanced new source review. Filed with the Secretary of State May 25, 1994. Effective June 24, 1994. Published at Indiana Register, Volume 17, Number 10, July 1, 1994.

* * * * *

3. Section 52.788 is added to read as follows:

§ 52.788 Operating permits.

Emission limitations and other provisions contained in operating permits issued by the State in accordance with the provisions of the federally approved permit program shall be the applicable requirements of the federally approved State Implementation Plan (SIP) for Indiana for the purpose of sections 112(b) and 113 of the Clean Air Act and shall be enforceable by the United States Environmental Protection Agency (USEPA) and any person in the same manner as other requirements of the SIP. USEPA reserves the right to deem an operating permit not federally enforceable. Such a determination will be made according to appropriate procedures, and be based upon the permit, permit approval procedures or permit requirements which do not conform with the operating permit program requirements or the requirements of USEPA's underlying regulations.

[FR Doc. 95-20482 Filed 8-17-95; 8:45 am]
BILLING CODE 6560-50-P

40 CFR Part 52

PA62-1-7023a; FRL-5272-4]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Allegheny County: USX Clairton Works

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a State implementation plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision requires the availability and maintenance of certain air pollution control equipment at the USX Corporation's Clairton Works in Allegheny County, Pennsylvania. The intended effect of this action is to