

## Environment

The Coast Guard considered the environmental impact of this proposal and concluded that under section 2.B.2.e(32)(3) of Commandant Instruction M16475.1B (as amended, 59 FR 38654, 29 July 1994), this proposal is categorically excluded from further environmental documentation. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

## List of Subjects in 33 CFR Part 117

Bridges.

## Regulations

In consideration of the foregoing, the Coast Guard is proposing to amend Part 117 of Title 33, Code of Federal Regulations, as follows:

**PART 117—DRAWBRIDGE OPERATION REGULATIONS**

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g); section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. In section 117.821, paragraph (b)(6) is revised to read as follows:

**§ 117.821 Atlantic Intracoastal Waterway, Albermarle Sound to Sunset Beach.**

\* \* \* \* \*

(b) \* \* \*

(6) SR 1172 bridge, mile 337.9, at Sunset Beach, NC, shall open on the hour on signal between 7 a.m. and 7 p.m., April 1 through November 30, except that on Saturdays, Sundays and Federal holidays, from June 1 through September 30, the bridge shall open on signal on the hour between 7 a.m. and 9 p.m.

\* \* \* \* \*

Dated: December 26, 1995.

W.J. Ecker,

Rear Admiral, U.S. Coast Guard Commander,  
Fifth Coast Guard District.

[FR Doc. 96-724 Filed 1-22-96; 8:45 am]

BILLING CODE 4910-14-M

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[CA 157-1-7223b; FRL-5317-3]

**Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision; Sacramento Metropolitan Air Quality Management District**

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** EPA is proposing to approve revisions to the California State Implementation Plan (SIP) which concern the control of volatile organic compound (VOC) emissions from the transfer of gasoline into stationary storage tanks and vehicle fuel tanks. The intended effect of proposing approval of these rules is to regulate emissions of VOCs in accordance with the requirements of the Clean Air Act, as amended in 1990. In the Rules section of this Federal Register, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. A detailed rationale for this approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is 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 this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this action should do so at this time.

**DATES:** Comments on this proposed rule must be received in writing by February 22, 1996.

**ADDRESSES:** Written comments on this action should be addressed to: Daniel A. Meer, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Copies of the rules and EPA's evaluation report of each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rules are also available for inspection at the following locations:

California Air Resources Board,  
Stationary Source Division, Rule

Evaluation Section, 2020 "L" Street, Sacramento, CA 95814.  
Sacramento Metropolitan Air Quality Management District, 8411 Jackson Road, Sacramento, CA 95826.

**FOR FURTHER INFORMATION CONTACT:** Mae Wang, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901, Telephone: (415) 744-1200.

**SUPPLEMENTARY INFORMATION:** This document concerns Sacramento Metropolitan Air Quality Management District (SMAQMD) Rule 448, Gasoline Transfer into Stationary Storage Containers, and Rule 449, Transfer of Gasoline into Vehicle Fuel Tanks, submitted to EPA on August 10, 1995 by the California Air Resources Board. For further information, please see the information provided in the direct final action which is located in the Rules section of this Federal Register.

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

Dated: October 11, 1995.

Felicia Marcus,

Regional Administrator.

[FR Doc. 96-777 Filed 1-22-96; 8:45 am]

BILLING CODE 6560-50-P

**40 CFR Part 52**

[OH91-1-7265b; FRL-5401-5]

**Approval and Promulgation of Implementation Plans; Ohio**

**AGENCY:** U.S. Environmental Protection Agency (USEPA).

**ACTION:** Proposed rule.

**SUMMARY:** On November 3, 1995, Ohio submitted revisions to its particulate matter plans for the Cleveland and Steubenville nonattainment areas. These revisions were submitted to address plan deficiencies identified by USEPA in a final limited disapproval of the particulate matter plans published in the Federal Register on May 27, 1994, at 59 FR 27464. For the Cleveland area, these revisions provide earlier attainment and correct the deficient test method. For the Steubenville area, these revisions include an administrative order for tightening controls at Wheeling-Pittsburgh Steel's basic oxygen furnace and provide a fully updated modeling analysis demonstrating that the plan assures attainment. USEPA is proposing to approve these revisions. On this basis, USEPA is by separate notice today making an interim final determination that these revisions remedy the deficiencies identified in the

rulemaking of May 27, 1994. As a result, the sanctions which could have resulted from the May 1994 rulemaking shall not apply.

**DATES:** Comments on this proposed action must be received by February 22, 1996.

**ADDRESSES:** Comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Regulation Development Branch (AE-17J), United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State's submittal and USEPA's technical support document of December 5, 1995, are available for inspection at the following address: (It is recommended that you telephone John Summerhays at (312) 886-6067, before visiting the Region 5 Office.) U.S. Environmental Protection Agency, Region 5, Air and Radiation Division (AE-17J), 77 West Jackson Boulevard, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** John Summerhays, Regulation Development Section, Regulation Development Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 886-6067.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Ohio submitted major revisions to its particulate matter regulations on November 14, 1991, with supplemental submittals on December 4, 1991, and January 8, 1992. USEPA proposed rulemaking on these submittals on August 3, 1993, at 58 FR 41218, and published a notice of final rulemaking on May 27, 1994, at 59 FR 27464, granting limited approval/limited disapproval of these submittals. Although USEPA approved most of Ohio's regulations, USEPA concluded that selected requirements of the Clean Air Act applicable to the two Ohio nonattainment areas, i.e., Cuyahoga County (including Cleveland) and the Steubenville area, were not satisfied. This represented a disapproval finding under Section 179(a)(2) and initiated a "clock" toward imposition of sanctions in these areas under Section 179(b).

Ohio submitted further revisions to its particulate matter plans on November 3, 1995, seeking to remedy the deficiencies identified in USEPA's May 1994 rulemaking. Today's notice discusses and proposes action on Ohio's November 1995 submittal.

Ohio conducted a public hearing in connection with its Cuyahoga County rule revisions but has not yet conducted a public hearing with respect to revisions to the Steubenville area

attainment demonstration. USEPA has concluded that proposed rulemaking is warranted for both areas' plan revisions. However, with respect to the Steubenville area plan revisions, USEPA will publish final rulemaking only after Ohio has solicited public comments and submitted evidence that any such comments have been appropriately considered.

**II. Cuyahoga County Issues**

USEPA's rulemaking for the Cuyahoga County plan identified two main deficiencies. First, the requirement for implementing reasonably available control technology (RACT) by December 10, 1993, was not satisfied, because the plan neither implemented all technologically reasonable measures (the "technology definition" of RACT) nor implemented sufficient measures to assure expeditious attainment (the "attainment definition" of RACT) by that date. Under this latter option, if the State has adopted sufficient measures to assure attainment by December 10, 1993, and application of further measures would not result in earlier attainment, USEPA may conclude that the State has required all measures that are reasonable to require. Further discussion of these alternatives for satisfying the requirement for RACT under Section 189(a)(1)(C) is given in the "General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990," published in the Federal Register of April 16, 1992. (See 57 FR 13543.) Second, Ohio's plan did not fully satisfy the requirement for assuring attainment by the attainment deadline, as a result of questions about the ability to enforce limits on emissions from coke quenching due to deficiencies in the test method.

Ohio addressed the RACT issue by revising its rules such that all compliance deadlines that were previously post-December 1993 were changed to December 10, 1993. These rule revisions were accompanied by minor shifts in limitations applicable to various units at Ford's Cleveland Casting Plant. Ohio's submittal provides modeling evidence that the revised limits provide for attainment by December 1993, and thus implicitly argues that the "attainment definition" of RACT is satisfied.

The modeling in Ohio's submittal is essentially identical to the modeling submitted in Ohio's original 1991 SIP submittal, with the exception of course of reflecting the modified limitations. USEPA concluded in 1994 that Ohio's modeling satisfied applicable guidance. Relevant guidance has in general

remained the same, except that a new version of the applicable model has become available subsequent to the 1991 submittal, i.e., the original Industrial Source Complex (ISC) model has been superseded first with the ISC2 model and then with the ISC3 model.

There are several reasons to "grandfather" Ohio's use of the ISC model. First, the limits being evaluated are not a new set of limits but rather reflect only a minor shift of limits for a small subset of the modeled sources. Second, the modeling submitted in November 1995 was completed in April 1993 and was part of a series of analyses starting in 1990 or 1991. Third, according to modeling conducted by USEPA in evaluating Ohio's 1991 submittal, ISC2 predicts lower concentrations than ISC in the vicinity of Ford's Cleveland Casting Plant. (This finding is documented in a technical support document dated February 8, 1993.) ISC3 would also be expected to estimate concentrations below those of ISC. For all these reasons, it is appropriate to grandfather this analysis. Thus, in sum, the modeling analysis is judged to fully satisfy current guidance.

This modeling shows a design value of 149.5 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ), thus showing attainment of the 150  $\mu\text{g}/\text{m}^3$  24-hour average standard given in 40 CFR 50.6(a). Although the recent submittal did not assess attainment of the annual average standard, the changes in emissions limits are sufficiently insignificant and the attainment margin in Ohio's 1991 submittal is sufficient (a nearby design value of 38.5  $\mu\text{g}/\text{m}^3$  versus the standard of 50  $\mu\text{g}/\text{m}^3$  given in 40 CFR 50.6(b)) that the revised limits are also judged to assure attainment of the annual average standard. Since the measures that are providing for attainment are to have been in place by December 1993, Ohio's revised plan also satisfies the requirement for RACT implementation by that date.

The second issue in Cuyahoga County pertains to the test method for one of the limitations governing metallurgical coke-making facilities. The particular limitation at issue is the limit on the solids content of water used to quench hot coke, a process that causes particulate matter emissions in relation to the quench water solids content. The test method in the rules Ohio submitted in 1991 provided for monthly averaging of water quality based on one water sample per week, which does not adequately assure continuous compliance with the limitation. Ohio's November 1995 submittal includes a revised rule which requires weekly averaging based on samples for at least

five days per week, which is in accordance with standard practice for such limits. Given that quench water quality generally varies slowly, this revision is sufficient to provide adequate assurance of continuous compliance with this limitation. Since the attainment demonstration is based on allowable emissions, this revision also addresses the prior concern with the area's attainment demonstration, insofar as USEPA can now enforce a limit consistent with the previously modeled allowable emission rate. In sum, Ohio's revisions address the previously noted deficiencies and make the Cuyahoga County plan fully satisfy applicable requirements.

### III. Steubenville Area Issues

USEPA's limited disapproval of the SIP for Ohio's portion of the Steubenville area was based on deficiencies in the attainment demonstration. The May 1994 Federal Register included lengthy discussion of deficiencies in the estimation of allowable emissions from the basic oxygen furnace shop and from the coke ovens. The Federal Register also noted that further deficiencies were identified in the technical support document, which noted deficiencies in modeling procedures used to demonstrate attainment as well as other deficiencies in estimating allowable emissions.

The most significant deficiency in emissions estimation was the underestimation of allowable fugitive emissions for Wheeling-Pittsburgh Steel Corporation's basic oxygen furnace shop. These fugitive emissions are limited by Ohio's rules to 20 percent opacity on a 3-minute average basis. Unfortunately, there is uncertainty in how much emissions this limit allows. Ohio's 1991 submittal assumed that the primary control system captured 99.5 percent of emissions from oxygen blowing in the furnaces and that less than a third of the remaining 0.5 percent was actually emitted, with the remaining uncaptured emissions apparently presumed to settle within the shop. The control system at the time was judged inadequate to achieve that high a capture efficiency, and settling was judged not to affect fine particulate matter emissions significantly. Nevertheless, it was unclear whether the rule's limits could be met by the existing control system or whether allowable emissions should be assumed to reflect enhancement of the control system.

The existing control system at the basic oxygen furnace shop has proved inadequate to assure compliance with the 20 percent/3-minute average limit.

Therefore, Ohio undertook enforcement action and issued an administrative order that requires significant improvements in the control system to achieve compliance. This administrative order was included in Ohio's November 1995 submittal. A review of the anticipated effectiveness of the required control system supports Ohio's assumption that the 20 percent/3-minute average limit and the administrative order implementing that limit requires 99.5 percent emissions capture at this shop. Ohio's new submittal also removes the unacceptable assumption that any uncaptured emissions of fine particles settle in the shop or otherwise fail to be emitted. The emissions estimate developed by Ohio considering the control system enhancement required by the submitted administrative order is acceptable.

The second emission estimation issue discussed in the May 1994 Federal Register concerned coke oven emissions. The procedure used by Ohio relied on equations provided in the background information document for the coke oven National Emission Standards for Hazardous Air Pollutant (NESHAP) relating fugitive emissions to leak levels. USEPA objected to the use in these equations of actual leak rates (reflecting long term average actual leak rates expected to correspond to various short term allowable leak rates) rather than the allowable leak rates. Calculation errors were also noted in the calculation of the fine particle fraction of these emissions, effectively making an improper assumption that much of the condensible particulate matter emitted by these operations is not fine particles. The November 1995 submittal corrects these problems and provides fully acceptable estimates of allowable coke oven emissions.

The technical support document for the prior rulemaking also identified other issues relating to emissions estimation, including consideration of condensible particulate matter emissions, need for support of a low silt content used in estimating emissions from blast furnace material storage piles, and the use of a higher allowable emission rate that applies to certain boilers when firing residual oil. Ohio's November 1995 submittal responded to these issues where necessary. These issues are discussed in detail in the technical support document for this rulemaking. In addition, USEPA review of the significance of these issues is summarized below.

The May 1994 rulemaking also identified two deficiencies relating to modeling. First, the State's prior modeling analysis did not properly

consider intermediate terrain. USEPA's intermediate terrain policy requires that for any hour that a receptor is above stack height but below plume height for a given source, both simple terrain modeling and complex terrain modeling should be conducted and the more conservative (higher) concentration estimate used. Ohio's prior submittal included only a limited analysis, indicating that the more conservative results were usually obtained from simple terrain modeling but were occasionally obtained from complex terrain modeling. Second, the State analyzed area source impacts using the RAM model, a model which is inappropriate in areas such as Steubenville that are categorized under modeling guidance as "rural."

Ohio addressed both of these issues by submitting an updated analysis using the ISC3 model. This model inherently implements USEPA's intermediate terrain policy by automatically performing both simple terrain modeling and complex terrain modeling for any hour for any source-receptor combination that involves intermediate terrain. This model also has an upgraded algorithm for analyzing the impacts of area sources for either "urban" or "rural" settings. Therefore, the use of this model satisfies the above concerns.

Ohio's analysis reflected selected additional revisions. Although the new analysis was based on the same underlying meteorological measurements (i.e., 12 months of measurements in 1989/1990 at a tower in Follansbee, West Virginia), the data were processed with an updated meteorological data processor (i.e., the Meteorological Processor for Regulatory Models) that was not available previously. This newer processor in some cases estimated different values for some derived parameters such as stability. This analysis also reflected correction of various source parameters such as erroneous source locations, misrepresented distributions of selected area sources, and understated efficiency of road dust control at one source. These revisions are all acceptable.

For some issues, the information provided by Ohio was not included in the modeling analysis. In order to assess the significance of these issues, USEPA conducted further, supplemental model runs. These supplemental runs are discussed further in the technical support document and use the same modeling approach and inputs as Ohio except for inclusion of emission estimates reflecting the minor inventory issues referenced above. As compared to the 24-hour average standard of 150  $\mu\text{g}/$

m<sup>3</sup>, the State's modeling shows a design 24-hour average concentration of 148.7 µg/m<sup>3</sup>, and USEPA's supplemental modeling shows a design concentration of 149.9 µg/m<sup>3</sup>. As compared to the annual average standard of 50 µg/m<sup>3</sup>, Ohio's modeling shows a highest concentration of 49.6 µg/m<sup>3</sup>, and USEPA's supplemental modeling also shows a highest concentration of 49.6 µg/m<sup>3</sup>. Thus, with or without consideration of the minor inventory issues, Ohio's plan may be judged to assure attainment of the air quality standards in the Steubenville area.

#### IV. Today's Action

With respect to Cuyahoga County, USEPA proposes to conclude that the revised rules now provide for RACT by December 1993, that the quench water test method issue and the associated attainment demonstration issue has been resolved, and that the further revisions to the limitation for Ford's Cleveland Casting Plant do not jeopardize attainment. With respect to the Steubenville area, USEPA proposes to conclude that the State has now submitted a fully approvable attainment demonstration for the area. USEPA also proposes in particular to approve the rule revisions for Cuyahoga County and the findings and order requiring control system enhancements at Wheeling-Pittsburgh Steel's basic oxygen furnace.

Based on the above proposed findings, USEPA proposes further to conclude that Ohio's particulate matter plans for the Cuyahoga County and Steubenville nonattainment areas now satisfy all applicable requirements under Part D of the Clean Air Act (except for new source review requirements, which are not addressed here or in the May 1994 rulemaking and are being addressed separately). More specifically, USEPA proposes to find that the deficiencies identified in the May 1994 rulemaking have been remedied. USEPA is publishing this finding as an interim final determination in a separate notice in the Rules section of this Federal Register issue. As a result, the sanctions which were to take effect December 27, 1995, are deferred and shall not be applied pending further rulemaking on these issues. If USEPA's final action finalizes the approval action proposed today, the sanctions clock shall be fully stopped. Only if USEPA publishes proposed or final disapproval action concluding that some deficiencies have not been remedied would sanctions be applied.

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.) Alternatively, 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); 42 U.S.C. 7410(a)(2).

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by an October 4, 1993 memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The Office of Management and Budget exempted this regulatory action from Executive Order 12866 review.

Under Sections 202, 203 and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

EPA has determined that the approval action proposed 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 proposes to approve 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.

#### List of Subjects in 40 CFR Part 52

Air Pollution control, Environmental protection, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: December 13, 1995.

Gail C. Ginsburg,

*Acting Regional Administrator.*

[FR Doc. 96-876 Filed 1-22-96; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Part 136

[FRL-5401-7]

#### Guidelines Establishing Test Procedures for the Analysis of Oil and Grease and Total Petroleum Hydrocarbons

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

**ACTION:** Proposed rule.

**SUMMARY:** This proposed regulation would amend the Guidelines Establishing Test Procedures for the Analysis of Pollutants under section 304(h) of the Clean Water Act to replace existing gravimetric test procedures for the conventional pollutant "oil and grease" (40 CFR 401.16) with EPA Method 1664 as part of EPA's effort to reduce dependency on the use of chlorofluorocarbons (CFCs). Method 1664 uses normal hexane (n-hexane) as the extraction solvent in place of 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113; Freon-113). CFC-113 is used in currently approved 40 CFR Part 136 methods for the determination of oil and grease. These methods are EPA Method 413.1 in Methods for Chemical Analysis of Water and Wastes (EPA-600/4-79-020) and Method 5520B in Standard Methods for the Examination of Water and Wastewater, 18th edition. This proposal would withdraw approval of Methods 413.1 and 5520B to preclude the unacceptable inconsistency between results produced by such methods and proposed Method 1664. In an effort to provide for the use and depletion of existing laboratory stocks of Freon-113, EPA plans to implement the required use of Method 1664 no sooner than six months after the final rule is published in the Federal Register. Method 1664 is also being proposed for the determination of total petroleum hydrocarbons.