40 CFR Part 70

[AD–FRL–5465–9]

Clean Air Act Interim Approval of Operating Permits Program; State of Rhode Island

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is promulgating source category-limited interim approval of the Operating Permits Program submitted by the State of Rhode Island for the purpose of complying with Federal requirements for an approvable State program to issue operating permits to all major stationary sources, and to certain other sources.

DATES: This action will become effective July 5, 1996 unless notice is received by June 5, 1996 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Comments should be addressed to Ida E. Gagnon, Air Permits, CAP, U.S. Environmental Protection Agency, Region I, JFK Federal Building, Boston, MA 02203–2211.

Copies of the State's submittal and other supporting information relevant to this action are available for inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 1, One Congress Street, 11th floor, Boston, MA 02203.

FOR FURTHER INFORMATION CONTACT: Ida E. Gagnon, Air Permits, APO, U.S. Environmental Protection Agency, Region 1, JFK Federal Building, Boston, MA 02203–2211, (617) 565–3500.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

A. Introduction

As required under title V of the 1990 Clean Air Act Amendments (sections 501–507 of the Clean Air Act (''the Act'')), EPA has promulgated rules which define the minimum elements of an approvable State operating permits program and the corresponding standards and procedures by which the EPA will approve, oversee, and withdraw approval of State operating permits programs (see 57 FR 32250 (July 21, 1992)). These rules are codified at 40 Code of Federal Regulations (CFR) Part 70. Title V requires States to develop, and submit to EPA, programs for issuing these operating permits to all major stationary sources and to certain other sources.

The Act requires that States develop and submit these programs to EPA by November 15, 1993, and that EPA act to approve or disapprove each program within 1 year after receiving the submittal. The EPA's program review occurs pursuant to section 502 of the Act and the part 70 regulations, which together outline criteria for approval or disapproval. Where a program substantially, but not fully, meets the requirements of Part 70, and where a state requests source category-limited interim approval, EPA may grant the program interim approval for a period of up to 2 years. EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial program and anticipates no adverse comments. However, in a separate document in this Federal Register publication, EPA is proposing source category-limited interim approval of the Operating Permit Program submitted by the State of Rhode Island should adverse or critical comments be filed. This action will be effective July 5, 1996 unless adverse or critical comments are received by June 5, 1996.

If EPA receives such comments, this action will be withdrawn before the effective date by simultaneously publishing a subsequent notice that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The 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. If no such comments are received, the public is advised that this action will be effective on July 5, 1996.

B. Federal Oversight

When EPA promulgates this source category-limited interim approval, it will extend for two years following the effective date, and cannot be renewed. During the interim approval period, the State of Rhode Island is protected from sanctions, and EPA is not obligated to promulgate, administer and enforce a Federal permits program for the State of Rhode Island. Permits issued under a program with interim approval have full standing with respect to part 70, and the state will permit sources based on the transition schedule submitted with the source category-limited interim approval request. This schedule may extend for no more than five years beyond the interim approval date.

II. Proposed Action and Implications

A. Analysis of State Submission

1. Support Materials

The Governor of the State of Rhode Island submitted an administratively complete title V Operating Permits Program (PROGRAM) on June 20, 1995. EPA deemed the PROGRAM administratively complete in a letter to the Governor dated on July 28, 1995. The PROGRAM submittal includes a legal opinion from the Attorney General of Rhode Island stating that the laws of the State provide adequate authority to carry out the PROGRAM, and a description of how the State intends to implement the PROGRAM. The submittal additionally contains evidence of proper adoption of the PROGRAM regulations, permit application forms, a data management system and a fee adequacy demonstration.

2. Regulations and Program Implementation

The State of Rhode Island has submitted Air Pollution Control Regulation No. 29 entitled ''Operating Permits'' for implementing the State part 70 program as required by 40 CFR 70.4(b)(2). Sufficient evidence of procedurally correct adoption is included in Section IV of the submittal.

The Rhode Island operating permits regulations follow part 70 very closely. The following requirements, set out in EPA's part 70 operating permits program review are addressed in Section IV of the State's submittal.

The Rhode Island PROGRAM, including the operating permit regulations, meet the requirements of 40 CFR part 70.2 and 70.3 with respect to applicability; parts 70.4, 70.5 and 70.6 with respect to permit content and operational flexibility; part 70.5 with respect to complete application forms and criteria which define insignificant activities; part 70.7 and 70.8 with respect to public participation, minor permit modifications and permit review by affected states and EPA; and 70.11 with respect to requirements for enforcement authority.

Part 70 of the operating permits regulation requires prompt reporting of deviations from the permit requirements. Section 70.6(a)(3)(iii)(B) requires the permitting authority to define prompt in relation to the degree and type of deviation likely to occur and the applicable requirements. The State of Rhode Island has not defined ''prompt'' in its program with respect to reporting of deviations. Although the permit program regulations should

define prompt for purposes of administrative efficiency and clarity, an acceptable alternative is to define prompt in each individual permit. The EPA believes that prompt should generally be defined as requiring reporting within two to ten days of the deviation. Two to ten days is sufficient time in most cases to protect public health and safety as well as to provide a forewarning of potential problems. For sources with a low level of excess emissions, a longer time period may be acceptable. However, prompt reporting must be more frequent than the semiannual reporting requirement, given this is a distinct reporting obligation under § 70.6(a)(3)(iii)(A). Rhode Island committed in their rule to define ''prompt'' in the individual permit. See Section 29.6.4(b)(2). Where ''prompt'' is defined in the individual permit but not in the program regulations, EPA may veto permits that do not contain sufficiently prompt reporting of deviations.

In connection with the direct final rulemaking notice promulgating interim approval of the Operating Permits Program submitted by the Commonwealth of Massachusetts, EPA listed the definition of ''prompt'' as an issue. On March 4, 1996, EPA received a comment from the National Environmental Development Association's Clean Air Regulatory Project (NEDA/CARP) regarding this definition. NEDA/CARP has asked that we address this comment on record for the Rhode Island program so that they need not resubmit the comment to preserve their right to petition for review on this issue.

NEDA/CARP disagrees with EPA's statement that ''prompt reporting [of deviations] must be more frequent than the semi-annual reporting requirement, given this is a distinct reporting obligation under § 70.6(a)(3)(iii)(A).'' NEDA/CARP believes there is no legal basis for such a statement. Therefore, NEDA/CARP asserts EPA has no basis for expecting deviations to be reported more often than every 6 months.

EPA disagrees that there is no legal basis for this statement. Section 503(b)(2) of the Act requires a permittee ''to promptly report any deviations from permit requirements to the permitting authority.'' This requirement to report deviations promptly is distinct from section 504(a) of the Act which requires the results of all monitoring to be submitted no less often than every six months. The Act clearly distinguishes between the routine semi-annual reporting of all monitoring, whether or not deviations have occurred, from the requirement to report deviations that may be violations of the Act and that at least provide an indication of potential compliance problems. It makes sense that Congress would expect permittees to report potential Act violations more quickly than routine monitoring that confirms compliance. Additionally, the statute has a clear requirement for prompt reporting of deviations, and EPA believes that six months is not prompt when dealing with information that may document a violation of the Clean Air Act.

Rhode Island's definition of ''title I modification'' does not include changes reviewed under a minor source preconstruction review program (''minor NSR changes''). In an August 29, 1994 rulemaking proposal, EPA explained its view that the better reading of ''title I modifications'' includes minor NSR. However, the Agency solicited public comment on whether the phrase should be interpreted to mean literally any change at a source that would trigger permitting authority review under regulations approved or promulgated under Title I of the Act. (59 FR 44572, 44573). This would include State preconstruction review programs approved by EPA as part of the State Implementation Plan under section 110(a)(2)(C) of the Clean Air Act.

The EPA has not yet taken final action on the August 29, 1994 proposal. However, in response to public comment on that proposal, the Agency has decided that the definition of ''title I modifications'' is best interpreted as not including changes reviewed under minor NSR programs. EPA included this interpretation in a supplemental rulemaking proposal published on August 31, 1995. 60 FR 45530, 545–546. Thus, EPA expects to confirm that Rhode Island's definition of ''title I modification'' is fully consistent with part 70.

In the event EPA ultimately changes the position proposed on August 31, 1995, EPA expects to grant Rhode Island interim approval as to this issue. In the August 29, 1994 proposal (59 FR 44572) the Agency stated that if, after considering the public comments, it determined that the phrase ''title I modifications'' should be interpreted as including minor NSR changes, it would revise the interim approval criteria as needed to allow states with a narrower definition to be eligible for interim approval. If EPA should conclude, during this rulemaking, that Title I modifications should be read to include minor NSR, it will identify the narrow definition of Title I modification as an interim approval condition on Rhode Island's program.

RI DEM defines research and development (R&D) in a manner which allows DEM to exclude research and development operations from a source when determining if the source is major. See § 29.2.4. EPA has recently announced an interpretation of its Part 70 regulation which would allow most R&D facilities to be considered separately from the source, and has proposed rule changes to Part 70 to clarify the Agency's intent. See 60 FR 45556–45558 (Aug. 31, 1995).

This interpretation of EPA's rule is generally consistent with Rhode Island's separation of R&D activities from the source in Section 29.2.4. In section 29.1.32, Rhode Island includes pilot plants in its definition of R&D operations in a manner that might appear inconsistent with the discussion of pilot plants in EPA's recent proposal. See 60 FR 45557. However, section 29.1.32 specifically states that ''Development shall not include production for sale of established products through established processes; nor shall it include production for distribution through market testing channels.'' This is consistent with the discussion of pilot plants in the August 31, 1995 proposal since production for commerce is not permitted by the Rhode Island regulation.

RI DEM is requesting a source-category limited interim approval of its operating permits program. The EPA can grant source category-limited interim approval to states whose programs do not provide for permitting all required sources if the state makes a showing that two criteria are met: (1) That there are ''compelling reasons'' for the exclusions and (2) that all required sources will be permitted on a schedule that ''substantially meets'' the requirements of part 70. Rhode Island intends to permit all subject sources within five years of initial program approval. Over 70% of the sources which account for 80% of the emissions will be issued permits during the first three years. This may extend beyond 1999, which is the final date announced for phase-ins in the interim approval guidance dated August 2, 1993, entitled ''Interim Title V Program Approvals.'' This cutoff date was selected because it is five years after the date required for EPA final action on a timely-submitted, approvable program. Although Rhode Island will not have permitted all sources by this date, it will have done so by 2001, five years from EPA program approval. Additionally, Rhode Island will have permitted over 70% of its sources by November, 1999. EPA believes this schedule substantially

meets the implementation schedule in section 503(c) of the Act.

Rhode Island identified 211 sources whose emissions based on 1993 inventory total 13,171 tons. This is an average of 62 tons per source. This is an extremely small inventory to provide the funding needed to develop, administer and enforce an operating permit program. The DEM initially estimates that the dollar per ton charge necessary to provide funding for a fully staffed operating permit program would be $117.00, substantially higher that the presumptive national average permitting fee provided for in title V and Part 70. The regulated community in Rhode Island has argued that these disproportionately higher fees put them at an economic disadvantage with their competitors in other states. A source category-limited interim approval would allow Rhode Island a longer period of time to build up to full staffing levels. This in turn translates to a more gradual increase in fees and allows the source population additional time to budget for these higher fees. EPA considers the above reasons to be compelling for granting this type of interim approval.

Additionally, Rhode Island demonstrates that all sources required to be permitted under Part 70 will be permitted on a 5 year schedule that substantially meets the requirements of part 70.

Because of this 5 year schedule, EPA is granting interim approval to the Rhode Island program rather than full approval. Pursuant to section 502(g) of the Act, Rhode Island would be authorized to implement the program for a period of two years following EPA's interim approval of the program. Normally, with interim approval, a state must submit a corrective program in order to receive full approval. Rhode Island's program is fully approvable, however, with the exception that they will be issuing permits within a five-year schedule, rather than the 3 year schedule in 503(c) of the Act. Moreover, DEM has submitted its complete 5 year transition plan with the program, so there is no corrective action for DEM to take to make the program fully approvable. Consequently, Rhode Island's program will automatically convert to full approval without any further rulemaking from EPA as long as Rhode Island issues permits in a timely fashion consistent with its 5 year transition plan. Section 502(g) of the Act giving interim approvals does not speak directly to this situation, and appears to assume that a state would always have to cure a program granted interim approval. On the other hand, the combination of sections 502(f) and 502(g) allow for interim approval of partial programs that issue permits on a 5 year schedule. Where a state submits a reasonable 5 year schedule with an otherwise fully approvable program, EPA believes it would be a futile exercise to require some further submission from the state or action from EPA to fully approve the program. EPA is interpreting this gap in the statutory structure of title V to allow for automatic conversion to full approval, and asks for comments from any party that objects to this rationale.

The complete program submittal and the TSD dated January 11, 1996 entitled ''Technical Support Document—Rhode Island Operating Permits Program'' are available in the docket for review. The TSD includes a detailed analysis, including a program checklist, of how the State's program and regulations compare with EPA's requirements and regulations, and also includes an important analysis of how operational flexibility and permit shield provisions in Section 29.11.1(c) of Rhode Island's rule operate as a matter of federal law.

3. Permit Fee Demonstration

Section 502(b)(3) of the Act requires that each permitting authority collect fees sufficient to cover all reasonable direct and indirect costs required to develop and administer its title V operating permit program. Each title V program submittal must contain either a detailed demonstration of fee adequacy or a demonstration that the fees collected exceed $25 per ton of actual emissions per year, adjusted from the August, 1989 consumer price index. The $25 per ton was presumed by Congress to cover all reasonable direct and indirect costs to an operating permit program. This minimum amount is referred to as the ''presumptive minimum.''

Rhode Island has opted to make a presumptive minimum fee demonstration. In the fee regulation, the State proposes an emission based fee for calculating the operating permit program fees for the first four years of the program. The fee structure consists of payment of a fixed fee for the first eighteen months of the program. The fixed fee shall be based on the sources actual emissions for the 1993 calendar year. Beginning in July 1996, annual emissions fees will be a fixed fee for sources with actual emissions below 10 tons per year and above that threshold fees will be assessed on a dollar per ton basis. All regulated pollutants will be assessed at the same rate. This fee is equivalent to at least the part 70 presumptive minimum fee of $25 per ton of regulated air pollutants, adjusted per the consumer price index (CPI). Using Rhode Island's emission based fee approach, the State will collect $35.00 per ton for the period of January 1995 through December 1995 and for the State fiscal year 1996, the equivalent dollar per ton charge is $48.09. The projected dollar per ton charge for the fiscal years 1997 through 2001 are $101.00, $117.00, $121.00, $125.00, and $132.00 respectively, consistent with the schedule for phasing in the full program, as described above. Rhode Island's projected rate is above the presumptive minimum adjusted by the CPI. The fee rate will be reviewed every year and adjusted as necessary to reflect staffing and resource needs, permit program efficiency and cost requirements.

Therefore, Rhode Island has demonstrated that the state is collecting sufficient permit fees to meet EPA's presumptive minimum criteria. For more information, see Section VIII of Rhode Island's title V program.

4. Provisions Implementing the Requirements of Other Titles of the Act

a. Authority and/or Commitments for Section 112 Implementation

Rhode Island has demonstrated in its title V program submittal adequate legal authority to implement and enforce all section 112 requirements through the title V permit. This legal authority is contained in Rhode Island's enabling legislation and in regulatory provisions defining ''applicable requirements'' and stating that the permit must incorporate all applicable requirements. EPA has determined that this legal authority is sufficient to allow Rhode Island to issue permits that assure compliance with all section 112 requirements and carry out all section 112 activities at permitted facilities.

Therefore, EPA is interpreting the State of Rhode Island's legal authority and commitments to be sufficient to allow the State to issue permits that assure compliance with all section 112 requirements, and to carry out all section 112 activities at permitted facilities. For further rationale on this interpretation, please refer to the Technical Support Document referenced above and the April 13, 1993 guidance memorandum titled ''Title V Program Approval Criteria for Section 112 Activities,'' signed by John Seitz, Director of the Office of Air Quality Planning and Standards.

b. Implementation of 112(g) Upon Program Approval

On February 14, 1995 EPA published an interpretive notice (see 60 FR 8333) that postpones the effective date of section 112(g) until after EPA has promulgated a rule addressing that provision. The section 112(g) interpretive notice explains that EPA is still considering whether the effective date of section 112(g) should be delayed beyond the date of promulgation of the Federal rule so as to allow states time to adopt rules implementing the Federal rule, and that EPA will provide for any such additional delay in the final section 112(g) rulemaking. Unless and until EPA provides for such an additional postponement of section 112(g) Rhode Island must be able to implement section 112(g) during the period between promulgation of the Federal section 112(g) rule and adoption of implementing State regulations. EPA believes that Rhode Island can utilize its preconstruction permitting program to serve as a procedural vehicle for implementing the section 112(g) rule and making these requirements Federally enforceable between promulgation of the Federal section 112(g) rule and adoption of implementing State regulations. For this reason, EPA is approving Rhode Island's preconstruction permitting program found in Regulation No.9 under the authority of title V and part 70 solely for the purpose of implementing section 112(g) during the transition period between title V approval and adoption of a State rule implementing EPA's section 112(g) regulations.

Since the approval would be for the single purpose of providing a mechanism to implement section 112(g) during the transition period, the approval would be without effect if EPA decides in the final section 112(g) rule that sources are not subject to the requirements of the rule until State regulations are adopted. Also, since the approval would be for the limited purpose of allowing the State sufficient time to adopt regulations, EPA proposes to limit the duration of the approval to 18 months following promulgation by EPA of its section 112(g) rule.

c. Program for Straight Delegation of Sections 111 and 112 Standards

Requirements for operating permit program approval, specified in 40 CFR 70.4(b), encompass section 112(l)(5) requirements for approval of a program for delegation of section 112 General Provision Subpart A and standards as promulgated by EPA as they apply to part 70 sources. Section 112(l)(5) requires that the State's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under part 70. Therefore, the EPA is also granting approval of the State's program under section 112(l)(5) and 40 CFR Parts 63.91 for receiving delegation of section 112 standards that are unchanged from the Federal standards as promulgated, and to delegate existing standards under 40 CFR parts 61 and 63 as indicated in Table 1 as they apply to title V sources.[1] In addition, in a letter dated April 4, 1996, EPA is approving a Memorandum of Agreement (MOA) granting to the DEM delegation of authority to administer and enforce those NSPS listed in Table 2 as they apply to title V sources.[2]

Rhode Island in Section X of its Title V submittal informed EPA that it commits to adopt, as deemed necessary by EPA, and implement through existing state law and regulations, future requirements of section 112. Therefore, as required by EPA, Rhode Island Department of Environmental Protection will implement Section 112 through their existing rules and adopt new rules as necessary.

Rhode Island has informed the EPA that it intends to accept future delegations of section 111 and 112 standards by checking the appropriate boxes on a standardized checklist. The checklist will list applicable regulations and will be sent by the EPA Regional Office to Rhode Island. Rhode Island will accept delegation by checking the appropriate box and returning the checklist to EPA Region I. The details of this delegation mechanism have been set forth in an agreement between Rhode Island and EPA in a letter dated April 4, 1996. This program will apply to both existing and future standards but is limited to sources covered by the part 70 program.

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

[2] Please note that federal rule making is not required for delegation of section 111 standards. EPA is publishing this table for informational purposes.

d. Commitment To Implement Title IV of the Act

Rhode Island has committed to take action, following promulgation by EPA of regulations implementing section 407 and 410 of the Act, or revisions to either part 72, 74, or 76 or the regulations implementing section 407 or 410, to either incorporate by reference or submit, for EPA approval, Rhode Island Department of Environmental Management (DEM) regulations implementing these provisions.

B. Direct Final Actions

The EPA is promulgating source category-limited interim approval of the operating permits program submitted to EPA by the State of Rhode Island on June 20, 1995. This interim approval, which may not be renewed, extends for a period of up to 2 years. During the interim approval period, the State is protected from sanctions for failure to have a program, and EPA is not obligated to promulgate a Federal permits program in the State. Permits issued under a program with interim approval have full standing with respect to Part 70, and the state will permit sources based on the transition schedule submitted with the source category-limited interim approval. As discussed above, this interim approval will convert to a full approval without further action by EPA, provided Rhode Island issues permits consistent with their transition schedule.

The scope of the State of Rhode Island's part 70 program that EPA is approving in this notice would apply to all part 70 sources (as defined in the approved program) within the State of Rhode Island, except any sources of air pollution over which an Indian Tribe has jurisdiction. *See, e.g.*, 59 FR 55813, 55815–18 (Nov. 9, 1994). The term ''Indian Tribe'' is defined under the Act as ''any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village, which is Federally recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.'' *See* section 302(r) of the CAA; *see also* 59 FR 43956, 43962 (Aug. 25, 1994); 58 FR 54364 (Oct. 21, 1993).

Requirements for approval, specified in 40 CFR 70.4(b), encompass section 112(l)(5) requirements for approval of a program for delegation of section 112 standards as promulgated by EPA as they apply to Part 70 sources. Section 112(l)(5) requires that the State's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance

schedule, which are also requirements under Part 70. Therefore, the EPA is also granting approval under section 112(l)(5) and 40 CFR 63.91 of the State's program for receiving delegation of section 112 standards that are unchanged from Federal standards as promulgated. This program for delegations only applies to sources covered by the Part 70 program.

III. Administrative Requirements

A. Request for Public Comments

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

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

(2) To serve as the record in case of judicial review. The EPA will consider any comments received by June 5, 1996.

B. Executive Order 12866

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

C. Regulatory Flexibility Act

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

D. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the action promulgated today does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves 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.

Table I to the Preamble—Delegation of Parts 61 and 63 Standards As They Apply to Rhode Island's Title V Operating Permits Program

Part 61 Subpart Categories

C BERYLLIUM
D BERYLLIUM-ROCKET MOTOR
E MERCURY
F VINYL CHLORIDE
J EQUIP LEAKS OF BENZENE
L BENZENE-COLE BY-PRODUCT RECOVERY PLANT
N ARSENIC-GLASS MANUFACTURING
O ARSENIC-PRIMARY COPPER-SMELTERS
P ARSENIC-TRIOXIDE AND METALLIC
V EQUIP LEAKS (FUGITIVE EMISSION SOURCES)
Y BENZENE STORAGE VESSELS
BB BENZENE TRANSFER OPERATIONS
FF BENZENE WASTE OPERATION

40 CFR Part 63

A GENERAL PROVISIONS
H ORGANIC HAZARDOUS AIR POLLUTANTS FOR EQUIPMENT LEAKS
I ORGANIC HAZARDOUS AIR POLLUTANTS FOR CERTAIN PROCESS SUBJECT TO THE NEGOTIATED REGULATION FOR HAZARDOUS LEAKS
N CHROMIUM EMISSIONS FROM HARD AND DECORATIVE CHROMIUM ELECTROPLATING
O ETHYLENE OXIDE EMISSION STANDARDS FOR STERILIZATION FACILITIES
R GASOLINE DISTRIBUTION (STAGE 1)
GG AEROSPACE MANUFACTURING AND REWORK
II SHIPBUILDING AND SHIP REPAIR (SURFACE COATING)

Table II to the Preamble

Part 60 Subpart Categories

D FOSSIL-FUEL FIRED STEAM GENERATORS
Da ELECTRIC UTILITY STEAM GENERATORS
Db INDUSTRIAL-COMMERCIAL-INSTITUTIONAL STEAM GENERATING UNITS
Dc SMALL INDUSTRIAL COMMERCIAL INSTITUTIONAL STEAM GENERATING UNITS
E INCINERATORS
Ea MUNICIPAL WASTE COMBUSTORS
F PORTLAND CEMENT PLANTS
G NITRIC ACID PLANTS
H SULFURIC ACID PLANTS
I ASPHALT CONCRETE PLANTS
J PETROLEUM REFINERIES
K PETROLEUM LIQUID STORAGE VESSELS
Ka PETROLEUM LIQUID STORAGE VESSELS
L SECONDARY LEAD SMELTERS
M SECONDARY BRASS AND BRONZE PRODUCTION PLANTS
N BASIC OXYGEN PROCESS FURNACES PRIMARY EMISSIONS
Na BASIC OXYGEN PROCESS STEELMAKING-SECONDARY EMISSIONS
O SEWAGE TREATMENT PLANTS
P PRIMARY COPPER SMELTERS
Q PRIMARY ZINC SMELTERS
R PRIMARY LEAD SMELTERS
S PRIMARY ALUMINUM REDUCTION
T PHOSPHATE FERTILIZER WET PROCESS
U PHOSPHATE FERTILIZER-SUPERPHOSPHORIC ACID
V PHOSPHATE FERTILIZER-DIAMMONIUM PHOSPHATE
X PHOSPHATE FERTILIZER-GRANULAR TRIPLE SUPERPHOSPHATE STORAGE
Y COAL PREPARATION PLANTS
Z FERROALLOY PRODUCTION FACILITIES
AA STEEL PLANTS-ELECTRIC ARC FURNACES
CC GLASS MANUFACTURING PLANTS
DD GRAIN ELEVATORS
EE SURFACE COATING OF METAL FURNITURE
GG STATIONARY GAS TURBINES
HH LIME MANUFACTURING PLANTS
KK LEAD-ACID BATTERY MANUFACTURING
LL METALLIC MINERAL PROCESSING PLANTS
MM AUTOMOBILE AND LIGHT DUTY TRUCK SURFACE COATING OPERATIONS
NN PHOSPHATE ROCK PLANTS
PP AMMONIUM SULFATE MANUFACTURING
QQ GRAPHIC ARTS-ROTOGRAVURE PRINTING
RR TAPE AND LABEL SURFACE COATINGS

SS SURFACE COATING: LARGE APPLIANCES
TT METAL COIL SURFACE COATING
UU ASPHALT PROCESSING ROOFING
VV EQUIPMENT LEAKS OF VOC IN SOCMI
WW BEVERAGE CAN SURFACE COATING
XX BULK GASOLINE TERMINALS
BBB RUBBER TIRE MANUFACTURING
DDD VOC EMISSIONS FROM POLYMER MANUFACTURING INDUSTRY
FFF FLEXIBLE VINYL AND URETHAN COATING AND PRINTING
GGG EQUIPMENT LEAKS OF VOC IN PETROLEUM REFINERIES
HHH SYNTHETIC FIBER PRODUCTION
III VOC FROM SOCMI AIR OXIDATION UNIT
JJJ PETROLEUM DRY CLEANERS
NNN VOC FROM SOCMI DISTILLATION
OOO NONMETALLIC MINERAL PLANTS
PPP WOOL FIBERGLASS INSULATION
QQQ VOC FROM PETROLEUM REFINERY WASTEWATER SYSTEMS
SSS MAGNETIC TAPE COATING
TTT SURFACE COATING OF PLASTIC PARTS FOR BUSINESS MACHINES
UUU CALCINERS & DRYERS IN THE MINERAL INDUSTRY
VVV POLYMERIC COATING OF SUPPORTING SUBSTRATES

List of Subjects in 40 CFR Part 70

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

Dated: April 19, 1996.

John P. DeVillars,

Regional Administrator, Region I.

Part 70, title 40 of the Code of Federal Regulations is amended as follows:

PART 70—[AMENDED]

1. The authority citation for part 70 continues to read as follows:

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

2. Appendix A to part 70 is amended by adding the entry for Rhode Island in alphabetical order to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

* * * * *

Rhode Island

(a) Department of Environmental Management: submitted on June 20, 1995; interim approval effective on July 5, 1996; interim approval expires July 6, 1998.

(b) (Reserved)

* * * * *

[FR Doc. 96–11081 Filed 5–03–96; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 3

[MD Docket No. 93–297; FCC 96–110]

Administration of U.S. Certified Accounting Authorities in Maritime Mobile and Maritime Mobile-Satellite Radio Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Report and Order establishes final rules related to the administration of U.S. certified accounting authorities in the maritime mobile and maritime mobile-satellite radio services except for distress and safety communications. The rules are required in order to ensure adherence to international settlement procedures. This Report and Order contains modified information collections requirements subject to the Paperwork Reductions Act of 1995.

EFFECTIVE DATE: This regulation is effective July 5, 1996 subject to the review of information collection requirements by the Office of Management and Budget. Upon approval of the information collections requirement from the Office of Management and Budget (OMB). The Commission will publish a public notice to notify the public of the effective date.

ADDRESSES: Comments on the information collections contained in this Report and Order should be directed to Office of The Secretary, Federal Communications Commission, 1919 M Street, N.W., Washington, DC 20554. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M Street, N.W., Washington, DC 20554, or via the Internet to dconway@fcc.gov and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725 17th Street, N.W., Washington, DC 20503 or via the Internet to fain__ t@al.eop.gov.

FOR FURTHER INFORMATION CONTACT: Shirley F. Wood, Office of the Managing Director, Financial Analysis Branch, Telephone: (202) 418–1990 or via the Internet at swood@fcc.gov.

SUPPLEMENTARY INFORMATION:

Synopsis of Commission's Report and Order Adopted March 13, 1996 and Released April 23, 1996

1. The Federal Communications Commission's International Telecommunications Settlements Section, located in Gettysburg, Pennsylvania, acts as a national clearinghouse for the settlement of international maritime mobile service and maritime mobile-satellite service accounts. In this capacity, the FCC is known as an accounting authority and settles accounts for messages transmitted or received by U.S. licensed vessels via foreign coast station facilities.

2. The FCC has also allowed private entities to settle accounts with foreign administrations. By approving these additional ''accounting authorities'', the FCC has, in effect, delegated a portion of its traditional responsibilities regarding settlement of maritime accounts to private enterprise, at least in those instances where the accounting authority is settling accounts of U.S. licensed ship stations.

3. The FCC is issuing final rules regarding the approval and/or operations of accounting authorities. This Report and Order delineates rules for (a) determining the eligibility for granting/revoking certification as a U.S. accounting authority, (b) settlement operational procedures, (c) reporting requirements, and (d) enforcement procedures.

4. *Further,* the Report and Order establishes rules to ensure compliance by ship station licensees to make proper and timely payments and declares the ship station licensee to be ultimately responsible for settlement of their accounts.

5. The complete text of this rulemaking may be purchased from the Commission's copy contractor, International Transcription Service, Inc. (202) 857–3800, 2100 M Street, N.W., Suite 140, Washington, DC 20037.

Paperwork Reduction Act

The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and OMB to comment on the information collections contained in this Report and