

2.B.2.e.(34)(g) of Commandant Instruction M16475.1B, (as revised by 59 FR 38654, July 29, 1994), the promulgation of this regulation is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist are included in the docket.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

#### Final Regulation

For reasons set out in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

### PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. A temporary section 165.T01-020, is added to read as follows:

#### § 165.T01-020 Safety Zone: Greenwood Lake Powerboat Race, Greenwood Lake, New Jersey.

(a) *Location.* The waters of Greenwood Lake, New Jersey, shore to shore, south of latitude 41°09'N, and north of latitude 41°08'N (NAD 1983).

(b) *Effective period.* This section is effective from 10 a.m. until 7 p.m. on May 18, and May 19, 1996, unless extended or terminated sooner by the Captain of the Port, New York.

#### (c) *Regulations.*

(1) The general regulations contained in 33 C.F.R. 165.23 apply to this safety zone.

(2) Vessels not participating in this event, swimmers, and personal watercraft or any nature are precluded from entering or moving within the safety zone.

(3) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: May 6, 1996.

T.H. Gilmour,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 96-12260 Filed 5-15-96; 8:45 am]

BILLING CODE 4910-14-M

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

### 36 CFR Part 1228

RIN 3095-AA65

#### Disposition of Federal Records; Correction

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Correction to final rule.

**SUMMARY:** This document contains corrections to the final rule published on Thursday, May 2, 1996. The regulation requires agencies to reimburse NARA for certain records maintained in Federal records centers that have exceeded the authorized disposal date. The corrections are technical in nature and do not substantively change the provisions of the rule.

**EFFECTIVE DATE:** June 3, 1996.

#### FOR FURTHER INFORMATION CONTACT:

Nancy Allard at 301-713-6730, extension 226.

**SUPPLEMENTARY INFORMATION:** As published, the final rule contains an error in the numbering of paragraphs in § 1228.54 and omits in several places an article or punctuation that adds clarity to the sentences.

Accordingly, the publication on May 2, 1996 (61 FR 19552) of the final rule which was the subject of FR Doc. 96-10888 is corrected as follows:

#### § 1228.32 [Corrected]

On page 19554, in the second column, in the fifth line of paragraph (a) of § 1228.32, the word "an" is inserted after the word "in" so that the line reads "in an approved SF 115 are automatically".

#### § 1228.54 [Corrected]

1. On page 19554, in the third column, in the eleventh line of paragraph (g) of § 1228.54, a comma is inserted after the first word so that the line reads "reason, the agency wishes to retain."

2. On page 19554, in the third column, in § 1228.54(h) the second paragraph designated as "(2)" and the paragraph designated as "(3)" are corrected to be designated "(3)" and "(4)", respectively.

3. In the second line of corrected paragraph (h)(3), the word "a" is inserted before the word "temporary" so that the line reads "agree that a temporary extension is".

Dated: May 9, 1996.

Nancy Y. Allard,

Alternate Federal Register Liaison.

[FR Doc. 96-12249 Filed 5-15-96; 8:45 am]

BILLING CODE 7515-01-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[OH90-1-7255a; FRL-5500-5]

#### Approval and Promulgation of Implementation Plan; Ohio

**AGENCY:** Environmental Protection Agency.

**ACTION:** Direct final rule.

**SUMMARY:** This document conditionally approves a revision to the Ohio State Implementation Plan (SIP) to meet the requirements of the USEPA transportation conformity rule. The transportation conformity SIP revisions enable the State of Ohio to implement and enforce the Federal transportation conformity requirements at the State or local level. The Federal transportation conformity rule has been amended twice since the original 1993 publication, and the Ohio SIP will need to be amended to accommodate the changes. The purpose of transportation conformity is to assure that transportation plans, programs and projects, approved by the United States Department of Transportation conform to the purpose of the SIP to attain and maintain the public health based air quality standards. The rationale for this conditional approval and other information are provided in this document.

**DATES:** This "direct final" rule is effective on July 15, 1996, unless USEPA receives adverse or critical comments by June 17, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

**ADDRESSES:** Copies of the SIP revision are available for inspection at the following address: (It is recommended that you telephone Patricia Morris at (312) 353-8656 before visiting the Region 5 Office.)

United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch, (AR-18J), 77 West Jackson Boulevard, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:**

Patricia Morris, Regulation Development Section (AR-18J), Air Programs Branch, Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, Telephone Number (312) 353-8656.

**SUPPLEMENTARY INFORMATION:****I. Background**

Conformity provisions first appeared in the Clean Air Act (CAA) amendments of 1977 (Public Law 95-95). Although these provisions did not specifically define conformity, they provided that no Federal department could engage in, support in any way or provide financial assistance for, license or permit, or approve any activity which did not conform to a SIP which has been approved or promulgated.

The CAA Amendments of 1990 expanded the scope and content of the conformity provisions by defining conformity to an implementation plan. Conformity is defined in section 176(c) of the CAA as conformity to the SIP's purpose of eliminating or reducing the severity and number of violations of the National Ambient Air Quality Standards and achieving expeditious attainment of such standards, and that such activities will not: (1) cause or contribute to any new violation of any standard in any area, (2) increase the frequency or severity of any existing violation of any standard in any area, or (3) delay timely attainment of any standard or any required interim emission reductions or other milestones in any area.

The CAA requires USEPA to promulgate criteria and procedures for determining conformity of all Federal actions (transportation and general) to a SIP (42 U.S.C. 7506(c)). The USEPA published the final transportation conformity rules in the Federal Register on November 24, 1993, and codified them at 40 CFR part 51, subpart T—Conformity to State or Federal Implementation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act. The conformity rules require the States and local agencies to adopt and submit a transportation conformity SIP revision to the USEPA not later than November 24, 1994 (40 CFR 51.396). This document does not address the conformity requirements of general Federal actions as required pursuant to 40 CFR part 51, subpart W. USEPA intends to take action on these requirements in a separate document.

The federal transportation conformity rule was subsequently amended on August 8, 1995, and again on November 14, 1995. The November 14, 1995, amendments allow 12 months from November 14, 1995, or until November 14, 1996 for States to submit a transportation conformity SIP revision consistent with these amendments. The submittal approved in this document is not consistent with these November 14, 1995, federal conformity amendments. However, Ohio has committed to submit another transportation conformity SIP revision consistent with these recent amendments by November 14, 1996. The OEPA has formalized their commitment in a letter dated April 1, 1996, incorporated herein by reference.

**II. Evaluation of State Submittal**

Pursuant to the requirements under section 176(c)(4)(C) of the Clean Air Act, the Ohio Environmental Protection Agency (OEPA) submitted a SIP revision to the USEPA on August 17, 1995. This submittal was found to be complete on October 5, 1995. In its submittal, the State adopted State rules to meet the requirements of 40 CFR part 51, subpart T, as published on November 24, 1993. Transportation conformity is required for all nonattainment or maintenance areas for any transportation related criteria pollutants (40 CFR 51.394 (b)).

The State of Ohio currently has 28 counties which are ozone nonattainment or ozone maintenance areas. The areas are identified as follows: Toledo area (Lucas and Wood Counties), Cleveland/Akron area (Lorain, Cuyahoga, Medina, Summit, Portage, Geauga, Lake, and Ashtabula Counties), Youngstown area (Trumbull and Mahoning Counties), Canton (Stark County), Columbus (Franklin, Delaware and Licking Counties), Cincinnati (Hamilton, Butler, Clermont, and Warren Counties), Dayton (Preble, Montgomery, and Greene Counties), Springfield (Miami and Clark Counties), and Clinton County, and Columbiana County, and Jefferson County. In addition to the ozone nonattainment and maintenance areas, Cuyahoga County is also maintenance for carbon monoxide.

Section 51.396 of the final transportation conformity rule requires that the majority of the Federal rules be incorporated in verbatim form, with only a few exceptions. In addition, the rule states that the State rules can not be more stringent than the Federal rules unless the conformity provisions "apply equally to non-Federal as well as Federal entities" (40 CFR 51.396(a)).

The OEPA held a public hearing on the transportation conformity submittal

on May 25, 1995. One comment was received by the OEPA and was addressed in the submittal.

**Consultation**

The Federal rules require the SIPs to include processes and procedures for interagency consultation among the Federal, State, and local agencies and resolution of conflicts in accordance with the criteria set forth in 40 CFR 51.402. Specifically, to implement the requirements of § 51.402, the SIP revisions must include processes and procedures to be undertaken by Metropolitan Planning Organizations (MPOs), State Department of Transportation (DOT), and the United States Department of Transportation (USDOT) with State and local air quality agencies and USEPA before making conformity determinations, and by State and local air quality agencies and USEPA with MPOs, State Department of transportation, and USDOT in developing applicable SIPs.

The consultation portion of the SIP is among the exceptions which are not required to be incorporated in verbatim form. The consultation section requires State and local (where applicable) air quality agencies to develop their own consultation rules.

In order to satisfy these consultation requirements, the OEPA developed consultation procedures by using the requirements of 40 CFR 51.402 and 23 CFR 450 (the metropolitan planning regulations), and by integrating the local procedures and processes into the final consultation rule. The consultation procedures outline the roles and responsibilities of each of the responsible agencies for the process for determining conformity. The consultation procedures further document the process of conflict resolution in the transportation conformity process, implementing the public participation process, and the documentation to be submitted in a conformity determination. The conformity SIP revision submitted has adequately addressed all provisions of 40 CFR 51.402 and has met the USEPA SIP requirements.

**Verbatim Sections and Amendments to the Federal Rule**

Section 51.396 of transportation conformity rule states that to be approved by the USEPA, the SIP revision submitted to USEPA must "address all requirements of this subpart in a manner which gives them full legal effect". In particular, the revision shall incorporate the provisions of the following sections in verbatim form, except insofar as needed to give

effect to a stated intent in the revision to establish criteria and procedure more stringent than the requirements stated in these sections: 51.392, 51.394, 51.398, 51.400, 51.404, 51.410, 51.412, 51.414, 51.416, 51.418, 51.420, 51.422, 51.424, 51.426, 51.428, 51.430, 51.432, 51.434, 51.436, 51.438, 51.440, 51.442, 51.444, 51.446, 51.448, 51.450, 51.460, and 51.462." The State of Ohio submittal incorporated all of the above sections in verbatim form following the November 24, 1993, version of the Federal rules, with only clarifying changes.

It should be noted, however, that on February 8, 1995, USEPA promulgated an interim final rule that amended certain provisions of 40 CFR 51.448 in the Federal transportation conformity rules. The rule was made permanent with an August 7, 1995, final rule (60 FR 40098) after the USEPA took public comment on the interim final rule. On November 14, 1995, the USEPA finalized a second set of amendments to the conformity rule. It has not been USEPA's policy to approve sections into the SIP where major inconsistencies exist between the submittal and the final transportation conformity rule in terms of the portions that are required to be verbatim. In some cases where the difference is minor and has no weakening effect, the USEPA can approve the State rule. However, in cases where the State rule is more stringent, § 51.396 requires that the "State's conformity provisions apply equally to non-Federal as well as Federal entities." The second set of amendments allows States until November 14, 1996, to revise the State conformity SIP to comply with the Federal changes.

The USEPA believes that the OEPA has complied with the SIP requirements and has adopted the Federal rules which were in effect at the time that the transportation conformity SIP was due to the USEPA. The OEPA in no way intentionally adopted rules that were not in verbatim form or more stringent than the Federal rule. Therefore, it would be unreasonable to discredit the agency's good faith effort in submitting the transportation conformity SIP and disapprove the State's SIP. The OEPA will be required to submit a SIP revision in the near future to incorporate the amended portions of the Federal transportation conformity rules and has committed to do so in its April 1, 1996, letter.

The first set of amendments (60 FR 40098-60 FR 40101) significantly revises § 51.448, to align the timing of the transportation improvement program (TIP) lapsing provisions in cases of state air quality planning

failures with the imposition of Clean Air Act highway sanctions. In the case of a conformity lapse, transportation projects could not be approved or funded by the USDOT unless they were listed as exempt. A conformity lapse is similar to a highway sanction in that it can stop highway projects from being funded. The Ohio rule has not yet incorporated this change and therefore is different and in this case, more stringent than the current Federal transportation conformity rule.

The second set of amendments in 60 FR 57179, make the following changes to the Federal conformity rule:

- (1) transportation control measures (TCMs) from an approved SIP can proceed during a conformity lapse;
- (2) further amends § 51.448 to align conformity lapses with the date of application of CAA highway sanctions for any failure to submit or submission of an incomplete control strategy SIP;
- (3) extends the duration of the grace period for areas which must determine conformity to a submitted control strategy implementation plan;
- (4) establishes a grace period before which transportation plan and program conformity must be determined in newly designated nonattainment areas; and

(5) corrects (or clarifies) the nitrogen oxides provisions of the transportation conformity rule consistent with the CAA so that a NO<sub>x</sub> budget test is required in areas which have been granted a NO<sub>x</sub> waiver (60 FR 57179).

These changes result in the Federal rule and the Ohio rule being different in sections that are required to be in verbatim form. However, the USEPA believes that conditional approval is appropriate in this situation. Although these changes may appear extensive, the difference from the Ohio rules should have little effect during the time period before the State amends the State conformity rules. Each of the changes are discussed individually below:

(1) *TCMs in the approved SIPs:* Ohio does not currently have TCMs in the approved SIP for the Ohio nonattainment and maintenance areas. Therefore, this change to the Federal rule will have no effect on the Ohio areas. However, any future selected contingency measures which may include TCMs would not be able to proceed in the case of a conformity lapse. If Ohio changes its rules by November 14, 1996, there should be very little effect on the Ohio areas.

(2) *Lapsing Provisions:* The extensive changes to the Federal rule in 40 CFR 51.448 make the Ohio rule more stringent than the Federal rule, as amended. Section 51.448 deals with the

time period before a nonattainment area has an approved maintenance plan (the transition from the "interim period" to the "control strategy period"). Most of the Ohio areas have approved maintenance plans and are now in the control strategy period, and thus, are not affected by this section. The only area which is still in the interim period is the Cincinnati ozone nonattainment area. The Cincinnati area currently has a complete 15 percent rate of progress plan. Thus, this section would apply to the Cincinnati area only if the 15 percent plan or other control strategy plan were disapproved. Section 51.448(g)(2) applies to moderate ozone nonattainment areas using photochemical dispersion modeling to demonstrate reductions "even if the area has submitted the 15 percent emission reduction demonstration". However, the USEPA has not started any sanctions clocks due to a State's failure to submit as stated in § 51.448(b)(1) and therefore, the Cincinnati area is not a candidate for a conformity lapse under this section, nor under OAC 3745-101-13, at least not within the next 12 months.

The Federal conformity rule allows the State rule to be more stringent when the State rule applies equally to non-Federal projects. However, the Ohio rules do not extend to non-Federal projects. In the case of a conformity lapse, transportation plans, programs and projects could not be approved by USDOT. In some cases, non-Federal projects which are regionally significant and need a Federal action such as a National Environmental Protection Act (NEPA) decision would also be unapproved because of the need for a Federal action. In other cases, the non-Federal project could possibly proceed in the event of a lapse. In the case of Texas (60 FR 56244) and New Mexico (60 FR 56241), the Federal approval of State rules did not include the section corresponding to the Federal § 51.448. If USEPA were to approve this State provision, Ohio would have a transportation conformity rule more stringent than other areas of the nation. However, OEPA has committed to submit a SIP revision to address this issue by November 14, 1996.

(3) *Extending the grace period for conformity to a submitted control strategy SIP:* Extending the grace period for areas to determine conformity to a control strategy SIP is not expected to significantly affect the Ohio nonattainment and maintenance areas. Through excellent consultation procedures, the Ohio areas have participated in the control strategy mobile source budget development and it is USEPA's evaluation that the areas

are aware of the need to show conformity to the budget where appropriate.

(4) *Conformity for newly designated nonattainment areas:* This change establishes a grace period for newly designated nonattainment areas. There are no newly designated nonattainment areas in the State of Ohio, nor does the USEPA anticipate newly designated nonattainment areas in the near future.

(5) *Conformity to a NO<sub>x</sub> budget in areas with a NO<sub>x</sub> waiver:* The correction (or clarification) of the need to show conformity to the NO<sub>x</sub> mobile source budget in areas which have NO<sub>x</sub> waivers is important to the many areas in Ohio which have been granted NO<sub>x</sub> waivers. The Ohio conformity consultation process has already confirmed that the correct interpretation of the rule is to require a NO<sub>x</sub> budget test in these areas. Therefore, although this clarification is important, the clarification in Ohio has been accomplished through the consultation process.

Therefore, the USEPA believes that the Ohio rules can be conditionally approved based on the State's commitment letter dated April 1, 1996, and the above analysis.

### III. USEPA Action

The USEPA conditionally approves the Ohio transportation conformity SIP revision. This conditional approval is based, in part, on the State's commitment, submitted in a letter on April 1, 1996, to submit revised transportation conformity rules to incorporate the two amendments to the federal transportation conformity regulations. The State of Ohio committed to revise its transportation conformity rules by November 14, 1996. If the State ultimately fails to meet its commitment to meet these requirements within one year of final conditional approval, then USEPA's action for the State's requested SIP revision will automatically convert to a final disapproval. This conditional approval is consistent with USEPA's authority under section 110(k)(4) of the Act.

Because USEPA considers this action noncontroversial and routine, we are approving it without prior proposal. This action will become effective on July 15, 1996. However, if we receive adverse comments by June 17, 1996, EPA will publish a document that withdraws this action.

### IV. Miscellaneous

#### A. *Applicability to Future SIP Decisions*

Nothing in this action should be construed as permitting, allowing or

establishing a precedent for any future request for revision to any SIP. The EPA 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.

#### B. *Executive Order 12866*

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995 memorandum from Mary D. Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget has exempted this regulatory action from E.O. 12866 review.

#### C. *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). 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.

This approval does not create any new requirements. Therefore, I certify that this action 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 the regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Act forbids USEPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (1976).

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 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 the private sector, result from this action.

#### D. *Petitions for Judicial Review*

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 15, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

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

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Transportation conformity, Transportation-air quality planning, Volatile organic compounds.

Dated: April 19, 1996.

Valdas V. Adamkus,  
Regional Administrator.

40 CFR part 52, is amended 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 KK—Ohio**

2. Section 52.1919 is amended by adding and reserving paragraph (a)(2) and by adding paragraph (a)(3) to read as follows:

#### **§ 52.1919 Identification of plan-conditional Approval.**

(a) \* \* \*

(3) Conditional Approval—On August 17, 1995, the Ohio Environmental Protection Agency submitted a revision to the State Implementation Plan. The

submittal pertained to a plan for the implementation of the federal transportation conformity requirements at the State or local level in accordance with 40 CFR part 51, subpart T—Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act. This conditional approval is based, in part, on the State's commitment, submitted in a letter on April 1, 1996, to submit revised transportation conformity rules to incorporate the two amendments to the federal transportation conformity regulations. The State of Ohio committed to revise its transportation conformity rules by November 14, 1996. If the State ultimately fails to meet its commitment to meet these requirements within one year of final conditional approval, then USEPA's action for the State's requested SIP revision will automatically convert to a final disapproval.

(i) *Incorporation by reference.* August 1, 1995, Ohio Administrative Code Chapter 3745-101, effective August 21, 1995.

\* \* \* \* \*

[FR Doc. 96-12357 Filed 5-15-96; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Part 52

[PA 078-4019a; FRL-5467-6]

### Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of Source-Specific VOC and NO<sub>x</sub> RACT and Synthetic Minor Permit Conditions, and 1990 Baseyear Emissions for one Source

**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 establishes and requires reasonably available control technology (RACT) on eleven major sources, establishes permit conditions to limit three sources' emissions to below major source levels, and establishes 1990 baseyear VOC and NO<sub>x</sub> emissions for one source. This action affects a total of 14 sources. The intended effect of this action is to approve source-specific plan approvals, operating permits, and compliance permit and emission inventory figures for emission units at one source, which establish the above-mentioned requirements in accordance with the

Clean Air Act. This action is being taken under section 110 of the Clean Air Act.

**DATES:** This action is effective July 1, 1996, unless notice is received on or before June 17, 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 may be mailed to Marcia L. Spink, Associate Director, Air Programs, Mailcode 3AT00, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

**FOR FURTHER INFORMATION CONTACT:** Cynthia H. Stahl, (215) 597-9337, at the EPA Region III office or via e-mail at stahl.cynthia@epamail.epa.gov. While information may be requested via e-mail, comments must be submitted in writing to the above Region III address.

**SUPPLEMENTARY INFORMATION:** On January 6, 1995, July 5, 1995 (as amended on November 22, 1995), August 1, 1995, and September 20, 1995, the Commonwealth of Pennsylvania submitted formal revisions to its State Implementation Plan (SIP). The SIP revisions that are the subject of this rulemaking consist of plan approvals, operating permits and a compliance permit for ten individual sources of volatile organic compounds (VOCs) and/or nitrogen oxides (NO<sub>x</sub>) located in Pennsylvania. This rulemaking addresses the compliance permit and those plan approvals and operating permits pertaining to the following sources: (1) U.G.I. Utilities, Inc. (Luzerne Co.)—utility, (2) Solar Turbines (York Co.)—cogeneration facility, (3) Columbia Gas Transmission—Renovo Compressor Station (Clinton Co.)—natural gas compressor station, (4) National Fuel Gas Supply Corporation—East Fork Compressor Station (Potter Co.)—natural gas compressor station, (5) York Resource Energy Systems, Inc. (York Co.)—municipal waste combustion facility, (6) W.R. Grace & Co.—Formpac

Division (Berks Co.)—expandable polystyrene blowing facility, (7) CNG Transmission—Cherry Tree Station (Indiana Co.)—natural gas transmission station, (8) EPC Power Corporation of Bethlehem—Crozer Chester Cogeneration plant (Delaware Co.)—cogeneration plant, (9) C-P Converters, Inc. (York Co.)—flexographic printing operation, (10) Fisher Scientific Co. International—Instrument Manufacturing Division (Indiana Co.). In addition, the permits containing provisions limiting source emissions to synthetic minor source levels (below RACT threshold level of 100 tons per year of potential NO<sub>x</sub> emissions) are being approved for five sources: a) Adelphi Kitchens, Inc.—Robesonia factory (Berks Co.)—wood furniture coating operation, b) Birchcraft Kitchens, Inc. (Berks Co.)—wood furniture coating operation, and c) Glasgow, Inc.—Bridgeport asphalt plant (Montgomery Co.)—asphalt plant. In addition, on July 5, 1995 (as amended on November 22, 1995) and March 18, 1996, Pennsylvania submitted a RACT determination and 1990 baseyear emission inventory figures for General Glass—Jeannette Plant (Westmoreland Co.) for EPA approval into the Pennsylvania SIP. Therefore, this rulemaking will also address the approval of the RACT determination for the emission units at General Glass—Jeannette plant and the establishment of 1990 baseyear emissions for these emission units. The other plan approvals and operating permits submitted together with these being approved today will be addressed in another rulemaking notice.

Pursuant to sections 182(b)(2) and 182(f) of the Clean Air Act (CAA), Pennsylvania is required to implement RACT for all major VOC and NO<sub>x</sub> sources by no later than May 31, 1995. The major source size is determined by its location, the classification of that area and whether it is located in the ozone transport region (OTR), which is established by the CAA. The Pennsylvania portion of the Philadelphia ozone nonattainment area consists of Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties and is classified as severe. The remaining counties in Pennsylvania are classified as either moderate or marginal nonattainment areas or are designated attainment for ozone. However, under section 184 of the CAA, at a minimum, moderate ozone nonattainment area requirements (including RACT as specified in sections 182(b)(2) and 182(f)) apply throughout the OTR.