

Proposed Amendment to the Regulations

For the reasons stated above, it is proposed to amend part 122, Customs Regulations (19 CFR part 122), as set forth below:

PART 122—AIR COMMERCE REGULATIONS

1. The authority citation for Part 122 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 58b, 66, 1433, 1436, 1459, 1590, 1594, 1623, 1624, 1644; 49 U.S.C. App. 1509.

§ 122.24 [Amended]

2. In § 122.24, paragraph (b) is amended by adding, in appropriate alphabetical order, "Midland, TX" in the column headed "Location" and, on the same line, "Midland International Airport." in the column headed "Name".

Samuel H. Banks,

Acting Commissioner of Customs.

Approved: November 8, 1996.

John P. Simpson,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 96-30722 Filed 12-2-96; 8:45 am]

BILLING CODE 4820-02-P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 202

[Docket No. 96-6]

"Best Edition" of Published Copyrighted Works for the Collections of the Library of Congress

AGENCY: Copyright Office, Library of Congress.

ACTION: Proposed rule; Extension of filing period.

SUMMARY: The Copyright Office is extending the filing period for comments on proposed amendments to the regulations governing the deposit of the "best edition" of published motion pictures. This extension will provide interested parties with adequate time to comment.

DATES: Filings should be received by January 14, 1997.

ADDRESSES: By mail: Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20023. By hand: Office of the General Counsel, U.S. Copyright Office, James Madison Memorial Building, Room 407, First and Independence Avenue, S.E.

FOR FURTHER INFORMATION CONTACT: Marilyn J. Kretsinger, Acting General

Counsel, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024. Telephone (202) 707-8380, Telefax (202) 707-8366.

SUPPLEMENTARY INFORMATION: On November 15, 1996 (61 FR 58497), the Copyright Office published a Notice of Proposed Rulemaking to amend the regulations regarding the deposit of the "best edition" of published motion pictures. The purpose of the proposed rule is to remove the "most widely distributed gauge" as a selection criterion of the "best edition" and add new videotape formats to the prioritized list of material preferences based on current industry practices.

Although the Office meant the comment period to last at least six weeks, the Notice inadvertently set a deadline of December 6, 1996, for comments. Interested parties have asked about an extension of the comment period, and the Office has decided to extend the deadline to January 14, 1997.

Dated: November 26, 1996.

Marilyn J. Kretsinger,
Acting General Counsel.

[FR Doc. 96-30590 Filed 12-2-96; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 70

[MO 013-1013; FRL-5658-3]

Approval and Promulgation of Implementation Plans and State Operating Permit Programs; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed full approval.

SUMMARY: The EPA is proposing to approve State Implementation Plan (SIP) revisions submitted by the state of Missouri to update references and modify the Missouri intermediate operating permit program. The EPA is also proposing to grant full approval of an operating permit program submitted by the state of Missouri 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: Comments must be received on or before January 2, 1997.

ADDRESSES: Comments may be mailed to Joshua A. Tapp, U.S. Environmental Protection Agency, Region VII, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Joshua Tapp at (913) 551-7606.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

Title V of the 1990 Clean Air Act Amendments (sections 501-507 of the Clean Air Act ("the Act")), and implementing regulations at 40 Code of Federal Regulations (CFR) Part 70, require that states develop and submit operating permit programs to the EPA by November 15, 1993, and that the EPA act to approve or disapprove each program within one 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. Additionally, section 502(g) of the Act and the Part 70 regulations outline criteria for granting interim approval where a program substantially, but not fully, meets the requirements of the Act and Part 70. The EPA may grant interim approval to such a program for a period of up to two years.

On January 13, 1995, the state of Missouri submitted an operating permits program to the EPA. Supplemental submissions were made by the state on August 14, 1995; September 19, 1995; and October 16, 1995. On April 11, 1996, Region VII determined that Missouri's program contained the minimum elements required for interim approval as specified in 40 CFR 70.4(d). The rationale for the EPA's determination that interim approval is appropriate is contained in the December 15, 1995, Federal Register document (60 FR 64404) which proposed interim approval of the program. In that document, the Region identified the revisions that were required in order for Region VII to be able to grant full approval. The state was required to adopt and submit these revisions to the EPA within 12 months of the effective date of the notice of final interim approval which published on April 11, 1996.

The EPA is also proposing to approve revisions submitted pursuant to section 110 of the Act to update references in rule 10 CSR 10-6.020, and to modify permit provisions in rule 10 CSR 10-6.065 with regard to the Missouri intermediate operating permit program. Specifically, the revisions to rule 10 CSR 10-6.020 update a reference to the Standard Industrial Classification Manual and revise Table 2 entitled, "List of Named Installations" so that it is consistent with applicable EPA regulations.

With regard to rule 10 CSR 10-6.065, Missouri submitted revisions that delete the following language from subsection (3)(E): "However, for insignificant activities which are exempt because of size or production rate, a list of these activities must be included in the application." The requirement for listing insignificant activities relates to the Title V program, and Missouri has retained this provision for its Title V applications. Such a provision is not relevant to the SIP-based Federally approved operating permit programs as defined by the EPA in a June 28, 1989, Federal Register document (54 FR 27274). The SIP-based program is a mechanism for restricting total emissions at a source, and all emissions (including those from insignificant activities) must be considered under Missouri's rules in calculating potential emissions at a source. However, such activities are not required to be explicitly listed in the intermediate permit application. Therefore, the EPA is proposing approval of this modification.

The state of Missouri also revised subsection (g) of the basic operating permit program which is contained in section 4 of rule 10 CSR 10-6.065. This program is not a Federally approved program. The EPA is, therefore, not taking action on Missouri's revision to subsection 4(g) of rule 10 CSR 10-6.065.

II. Final 40 CFR Part 70 Action and Implications

A. Missouri's Submission and EPA-Requested Modifications

The December 15, 1995, Federal Register document proposing interim approval of the Missouri program discussed two rules which are a part of the operating permit program that require revisions in order for the program to qualify for full Part 70 approval. These rules are 10 CSR 10-6.020, "Definitions and Common Reference Tables," and 10 CSR 10-6.065, "Operating Permits."

In order qualify for full approval, Missouri made the required program revisions in its August 6, 1996, submittal. Specifically, MDNR made the following revisions to rule 10 CSR 10-6.020, "Definitions and Common Reference Tables." Paragraph (2)(I)7 was updated to reference the current Standard Industrial Classification Manual. And, subsection (3)(B), Table 2—List of Named Installations, was revised to make it consistent with the list in the definition of major source in 40 CFR 70.2.

MDNR made the following revisions to rule 10 CSR 10-6.065, "Operating

Permits." Paragraph (1)(D)2 was revised to clarify the meaning of "fugitive air pollutant" as it relates to Part 70 installations. Subsection (3)(D) was revised to clarify Part 70 applicability with respect to emissions from exempt installations and emission units. Subpart (6)(C)1.C.(II)(b) was revised to clarify the retention of records requirements in permits, consistent with 40 CFR 70.6(a)(3). Part (6)(C)1.G.(I) was revised to clarify the general requirements for permit compliance and noncompliance, consistent with 70.6(a)(6). Subparagraph (6)(C)4.A. was revised to correct a citation error, and to clarify that the requirement for the EPA and affected state review applies to general permits, consistent with 70.6(d)(1). Part (6)(C)7.B.(IV) was revised to make the emergency provision notice consistent with 70.6(g)(3). Paragraph (6)(C)8 was revised to clarify the meaning of the term "emissions allowable under the permit." Part (6)(E)5.B.(I), minor permit modification criteria, was revised to be consistent with 70.7(e)(2)(i)(A)(3). Part (6)(E)5.B.(I) was also revised by the addition of subpart (b) which incorporates economic incentive provisions consistent with 70.7(e)(2)(i)(B). Subpart (6)(E)5.C.(I)(b) was revised to correct the threshold for group processing of minor permit modifications so that it is consistent with 70.7(e)(2)(i)(B). Subpart (6)(E)5.D.(II)(a), significant permit modification procedures, was revised so that it is consistent with 70.4(b)(2) and 70.5(c). And finally, minor citation corrections were made to part (6)(B)3.I.(IV), subpart (6)(E)5.B.(II)(a), part (6)(E)5.C.(V), and subparagraph (6)(E)6.C.

Missouri has the authority to issue a variance from state requirements under section 643.110 of the state statutes. This provision was not included by the state in its operating permit program submittal, and the EPA regards this provision as wholly external to the program submitted for approval under Part 70, and consequently is not taking action on this provision of state law. The EPA has no authority to approve provisions of state law, such as the variance provision referred to, which are inconsistent with the Act. The EPA does not recognize the ability of a permitting authority to grant relief from the duty to obtain or comply with a Federally enforceable Part 70 permit, except where such relief is granted through the procedures allowed by Part 70. A Part 70 permit may be issued or revised (consistent with Part 70 permitting procedures) to incorporate

those terms of a variance that are consistent with applicable requirements. A Part 70 permit may also incorporate, via Part 70 permit issuance or modification procedures, the schedule of compliance set forth in a variance. However, the EPA reserves the right to pursue enforcement of applicable requirements, notwithstanding the existence of a compliance schedule in a permit to operate. This is consistent with 70.5(c)(8)(iii)(C), which states that a schedule of compliance "shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based."

The technical support document (TSD) for the interim approval describes in detail the criteria for Federal approval of a Part 70 program and how the Missouri program meets these criteria. The TSD for the final interim approval also describes in detail the revisions to these rules which are required for full approval of the program. The reader should refer to this document which is located in the public docket for further information.

B. Proposed Full Part 70 Approval

The EPA is proposing to grant full approval to the operating permit program submitted by the state of Missouri on August 6, 1996, with supplemental information submitted on August 14, 1995; September 19, 1995; and October 16, 1995. The state of Missouri has demonstrated that its program meets the required elements for full approval as specified in 40 CFR Part 70.

1. Regulations. This proposed approval of the Missouri operating permits program includes the following regulations, solely as they relate to the Missouri Part 70 operating permit program: 10 CSR 10-6.065, Operating Permits; 10 CSR 10-6.110, Submission of Emission Data, Emission Fees and Process Information; and 10 CSR 10-6.020, Definitions and Common Reference Tables.

2. Jurisdiction. The scope of the Part 70 program on which the EPA is proposing action in this document applies to all Part 70 sources (as defined in the approved program), within the state of Missouri, except sources of air pollution, if any, over which an Indian Tribe has jurisdiction. See 59 FR 55813, 55815-55818 (November 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; 59 FR 43956, 43962 (August 25, 1994); 58 FR 54364 (October 21, 1993).

3. CAA section 112(l). 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 the 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. The EPA granted full approval to the state's program under section 112(l)(5) and 40 CFR 63.91 in an April 11, 1996, Federal Register document (61 FR 16063). This approval gives the state the authority to receive delegation of section 112 standards for both Part 70 and non-Part 70 sources.

4. CAA section 112(g). The EPA issued an interpretive document on February 14, 1995 (60 FR 8333), which outlines the EPA's revised interpretation of 112(g) applicability. The document postpones the effective date of 112(g) until after the EPA has promulgated a rule addressing that provision. The document sets forth in detail the rationale for the revised interpretation.

The section 112(g) interpretive notice explains that the 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 the EPA will provide for any such additional delay in the final section 112(g) rulemaking. Unless and until the EPA provides for such an additional postponement of section 112(g), Missouri must have a Federally enforceable mechanism for implementing section 112(g) during the period between promulgation of the Federal section 112(g) rule and adoption of implementing Federal regulations.

The EPA is aware that Missouri lacks a program designed specifically to implement section 112(g). However, Missouri does have a program for review of new and modified hazardous air pollutant sources that can serve as an adequate implementation vehicle during the transition period, because it would allow Missouri to select control measures that would meet the maximum achievable control technology, as defined in section 112, and incorporate these measures into a federally enforceable preconstruction permit.

The EPA granted approval to Missouri's preconstruction permitting program under the authority of Title V and Part 70 in an April 11, 1996, Federal Register document (61 FR 16063). This approval was granted solely for the purpose of implementing section 112(g) to the extent necessary during the transition period between 112(g) promulgation and adoption of a state rule implementing the EPA's section 112(g) regulations. Although section 112(l) generally provides authority for approval of state air programs to implement section 112(g), Title V and section 112(g) provide for this limited approval because of the direct linkage between the implementation of section 112(g) and Title V. The scope of this approval was narrowly limited to section 112(g) and does not confer or imply approval for purposes of any other provision under the Act (e.g., section 110). That approval will be without effect if the 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. The duration of that approval is limited to 18 months following promulgation by the EPA of the 112(g) rule to provide adequate time for the state to adopt regulations consistent with the federal requirements.

III. Administrative Requirements

A. Docket

Copies of the state submittal and other information relied upon for the proposed full 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, the EPA in the development of this proposed full approval. The docket is available for public inspection at the location listed under the ADDRESSES section of this document.

B. Executive Order 12866

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

C. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., the EPA 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, the EPA 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.

D. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, the 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 private sector, of \$100 million or more. Under section 205, the 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 the EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the approval action proposed 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 preexisting 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

40 CFR Part 70

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

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: November 20, 1996.

Dennis Grams,

Regional Administrator.

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