

that the part 70 major source definition must encompass the established NSR collocation provisions. In particular, the petitioners asserted that the Agency's interpretation of its part 70 collocation provisions would have the effect of subjecting unlisted sources of fugitive emissions to part 70 without undertaking a section 302(j) rulemaking. While not conceding the merits of the petitioners' arguments, EPA sought and received from the United States Court of Appeals for the District of Columbia Circuit a voluntary remand in early 1995 to allow the Agency to reconsider its interpretation.<sup>1</sup> The Agency concluded that one aspect of that reconsideration should include review of whether application of the NSR approach to unlisted sources of fugitive emissions is appropriate for title V purposes.

Prior to the voluntary remand, EPA had clarified its decision to apply the NSR approach to major source determinations for purposes of title V in its August 1994 notice of proposed rulemaking revising the part 70 regulations. Specifically, EPA proposed to amend the definition of major source to make clear that the support facility test applied in NSR also applied in determining the scope of a source for title V. Several industry commenters expressed opposition to including the support facility concept in part 70 source determinations, while several State and local governments generally supported the clarification of the major source definition.

In responding to comments regarding the support facility test, it became apparent to EPA that the issue of whether the NSR approach should be applied to unlisted sources of fugitive emissions is closely connected with the more fundamental question of whether it is appropriate to apply the NSR approach (including the support facility concept) in part 70 source determinations generally. The Agency accordingly has reviewed the questions raised in the petitioners' challenge of the original part 70 regulations of whether the support facility test should be applied to unlisted sources of fugitive emissions or whether such sources constitute a special case requiring a 302(j) rulemaking. The EPA

<sup>1</sup> At the time of the remand, EPA anticipated that the relevant issues would be addressed in a new rulemaking. However, in comments submitted with respect to the supplemental proposal to amend the part 70 regulations (60 FR 45530, August 31, 1995), the National Mining Association requested that EPA clarify in the preamble to the final regulations the terms of the voluntary remand. The EPA now has determined that the current part 70 rulemaking is an appropriate vehicle for addressing all collocation issues that were the subject of the litigation.

has also reviewed the broader question of whether EPA's approach to the collocation issues as applied to unlisted sources of fugitive emissions should be consistent with the Agency's approach in NSR. As explained in the draft part 70 preamble referenced herein, the Agency has determined at this time that in making major source determinations under title V, it is appropriate to apply the NSR approach and that there is no basis for excluding unlisted sources of fugitive emissions from this general approach.

Dated: May 22, 1997.

**Mary D. Nichols,**

*Assistant Administrator for Air and Radiation.*

[FR Doc. 97-14443 Filed 6-2-97; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[SIPTRAX No. PA-4058b; FRL-5832-4]

#### Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of VOC and NO<sub>x</sub> RACT Determinations for Individual Sources

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania for the purpose of establishing volatile organic compound (VOC) and nitrogen oxides (NO<sub>x</sub>) reasonably available control technology (RACT) for five major sources located in Pennsylvania. In the Final Rules section of this **Federal Register**, EPA is approving the Commonwealth's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule and the accompanying technical support document. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. 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 adverse comments are received that do not pertain to all documents subject to this rulemaking action, those documents not affected by the adverse comments will be finalized in the manner described here. Only those documents that receive adverse comments will be withdrawn in the manner described here.

**DATES:** Comments must be received in writing by July 3, 1997.

**ADDRESSES:** Written comments on this action should be addressed to David Campbell, Air, Radiation, and Toxics Division, Mailcode 3AT22, 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; and the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

**FOR FURTHER INFORMATION CONTACT:** David Campbell, (215) 566-2196, at the EPA Region III office or via e-mail at campbell.dave@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:** See the information pertaining to this action, VOC and NO<sub>x</sub> RACT determinations for individual sources located in Pennsylvania, provided in the Direct Final action of the same title which is located in the Rules and Regulations Section of this **Federal Register**.

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

Dated: May 19, 1997.

**Stanley L. Laskowski,**

*Acting Regional Administrator, Region III.*

[FR Doc. 97-14440 Filed 6-2-97; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[IN67-1b; FRL-5827-4]

#### Approval and Promulgation of State Implementation Plan; Indiana

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

**ACTION:** Proposed rule.

**SUMMARY:** In this action, EPA is proposing to approve a State

Implementation Plan (SIP) revision request submitted by Indiana on August 26, 1996, which requires oxides of nitrogen (NO<sub>x</sub>) Reasonably Available Control Technology (RACT) for portland cement kilns, electric utility boilers, and industrial, commercial, or institutional (ICI) boilers in Clark and Floyd Counties. In addition, EPA is proposing to approve on April 30, 1997, negative declaration from Indiana certifying that, to the best of the State's knowledge, there are no remaining major sources of NO<sub>x</sub> in Clark and Floyd Counties which need RACT rules. In the final rules section of this **Federal Register**, the EPA is approving this action as a direct final rule without prior proposal because EPA views this as a noncontroversial action and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on the proposed rule. Any parties interested in commenting on this document should do so at this time.

**DATES:** Comments on this proposed rule must be received on or before July 3, 1997.

**ADDRESSES:** Written comments should be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR18-J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, IL 60604.

Copies of the State submittal are available for inspection at: Regulation Development Section, Air Programs Branch (AR18-J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, IL 60604.

**FOR FURTHER INFORMATION CONTACT:** Mark J. Palermo, Environmental Protection Specialist, Regulation Development Section, Air Programs Branch (AR18-J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, IL 60604, (312) 886-6082.

**SUPPLEMENTARY INFORMATION:**

For additional information see the direct final rule published in the rules section of this **Federal Register**.

Dated: May 7, 1997.

**Valdas V. Adamkus,**  
*Regional Administrator.*

[FR Doc. 97-14438 Filed 6-2-97; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 81**

[TX-29-1-6085b; FRL-5834-3]

**Designation of Areas for Air Quality Planning Purposes; Texas; Revised Geographical Designation of Certain Air Quality Control Regions**

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

**ACTION:** Proposed rule.

**SUMMARY:** This action proposes to approve a July 2, 1993, request by the Governor of Texas to revise the geographical boundaries of seven Air Quality Control Regions in the State of Texas to conform to the Texas Natural Resource Conservation Commission regional boundaries. This action also corrects an error for Texas in 40 CFR part 81. In the Rules and Regulations section of this **Federal Register**, the EPA is approving the State's request as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no adverse comments. The rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If the EPA receives adverse comments, the direct final rule will be withdrawn, and all public comments received during the 30-day comment period set forth below will be addressed in a subsequent final rule based on this proposed rule. Any parties interested in commenting on this action should do so at this time.

**DATES:** Comments on this proposed rule must be received in writing by July 3, 1997.

**ADDRESSES:** Written comments on this action should be addressed to Mr. Thomas H. Diggs, Chief, Air Planning Section (6PD-L), at the EPA Region 6 Office listed below. Copies of documents relevant to this action are available for public inspection during normal business hours at the following locations. Anyone wanting to examine these documents should make an appointment with the appropriate office at least two working days in advance.

Environmental Protection Agency, Region 6, Air Planning Section (6PD-L), Multimedia Planning and Permitting Division, One Fountain Place, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733.

Texas Natural Resource Conservation Commission, Office of Air Quality, 12124 Park 35 Circle, Austin, Texas 78753.

**FOR FURTHER INFORMATION CONTACT:** Bill Deese of EPA Region 6 Air Planning Section at (214) 665-7253 and at the Region 6 address above.

**SUPPLEMENTARY INFORMATION:** For additional information, see the direct final rule which is published in the Rules and Regulations section of this **Federal Register**.

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

Dated: May 22, 1997.

**Myron O. Knudson,**

*Acting Regional Administrator.*

[FR Doc. 97-14451 Filed 6-2-97; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 86**

[FRL-5833-8]

**Control of Air Pollution From Motor Vehicles and New Motor Vehicle Engines; Increase of the Vehicle Mass for 3-Wheeled Motorcycles**

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** Today's action proposes to change the regulatory definition of a motorcycle to include 3-wheeled vehicles weighing up to 1749 pounds effective for 1997 and later model year motorcycles for which emission standards are in place.

The action proposed today is anticipated to create no detrimental health effects, and will therefore retain the health benefits derived from the current motorcycle regulations in effect.

**DATES:** Comments must be received on or before August 4, 1997 or 30 days after the date of the public hearing, if one is held. If a public hearing is requested, EPA will conduct a public hearing on this Notice of Proposed Rulemaking on July 3, 1997 at 10:00 AM at the Courtyard by Marriott, 3205 Boardwalk, Ann Arbor, Michigan. To request a hearing, notify the person listed in the "FOR FURTHER INFORMATION CONTACT" section within 15 days after the publication date of this action. If a request is received by this time, a public hearing will be held. Contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to find out if a hearing will be held. Further information on the public hearing can be found in Supplementary Information, Section V.B., Public Hearing.

**ADDRESSES:** Materials relevant to this Rulemaking are contained in Docket No.