

(2) Be familiar with the industries and products that the Commission regulates;

(3) Develop a working knowledge of the regulatory problems that small businesses experience;

(4) Perform the Ombudsman duties in addition to, and consistently with, other Commission responsibilities; and

(5) Not work in the Office of Compliance or Office of Hazard Identification and Reduction.

(b) The duties of the Small Business Ombudsman will include, but not be limited to, the following:

(1) Developing and implementing a program to assist small businesses that is consistent with § 1020.4;

(2) Working to expedite Commission responses to small businesses and providing information, guidance, and technical assistance to small businesses;

(3) Performing a review, at least twice a year, of the Commission's regulatory agenda for actions likely to have a significant impact on small businesses; and

(4) Pursuing the interests of small businesses by maintaining a working relationship with appropriate officials in the Small Business Administration, in national trade associations that represent small businesses, and in the Commission.

§ 1020.4 What is the Small Business Program?

(a) Whenever the Commission is aware of the interests of small businesses, it will consider those interests before taking any action that will likely have a significant effect on small businesses.

(b) Small businesses may request and receive special assistance from the Commission, as appropriate and consistent with Commission resources. Examples of such assistance are:

(1) Small businesses may contact the Small Business Ombudsman to obtain information about Commission statutes, regulations, or programs; to obtain technical assistance; to determine who in the agency has particular expertise that might be helpful to the small business; or to help expedite a small business's request.

(2) Small businesses may request assistance from the Commission by using the small business extension on the Commission's hotline telephone system. The number is 1-800-638-2772, extension 234.

(3) The Small Business Ombudsman will directly provide small businesses with the requested assistance, or will direct the small business to the appropriate Commission staff for help.

(c) Whenever the Commission issues a final regulatory flexibility analysis for

a rule, under the Regulatory Flexibility Act (5 U.S.C. 604), the Commission will publish a compliance guide for small businesses. The guide will explain in easy-to-understand language what action a small business must take to comply with the rule.

(d) The Commission may take other appropriate actions to assist small businesses, but such actions will not treat any other Commission constituent unfairly.

§ 1020.5 What is the Small Business Enforcement Policy?

(a) When appropriate, the Commission will, subject to all applicable statutes and regulations and paragraph (b) of this section:

(1) Waive or reduce civil penalties for violations of a statutory or regulatory requirement by a small business and/or

(2) Consider a small business's ability to pay in determining a penalty assessment against that small business,

(b) The Commission may decline to waive civil penalties or consider a small business's ability to pay, under paragraph (a) of this section, when one or more of the following circumstances applies:

(1) The small business's violations posed serious health or safety threats.

(2) The small business was subject to multiple enforcement actions by the Commission.

(3) The small business's violations involved willful or criminal conduct.

(4) The small business failed to correct violations within a reasonable time.

(5) The small business failed to make a good faith effort to comply with the law.

(6) The small business acted in any other way that would make it unfair or inappropriate for the Commission to provide a benefit under paragraph (a) of this section.

Dated: October 3, 1996.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 96-25807 Filed 10-8-96; 8:45 am]

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DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy has determined that certain vessels of the CSP Class and the SLWT Class are vessels of the Navy which, due to their special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with their special function as naval ships. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: September 13, 1996.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander M. W. Kerns, JAGC, U.S. Navy, Assistant Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400, Telephone number: (703) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy, under authority delegated by the Secretary of the Navy, has certified that certain vessels of the CSP Class and SLWT Class are vessels of the Navy which, due to their special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with their special function as naval ships: Rules 21(a) and 23(a)(i) pertaining to placement of the masthead light; and, Annex I, paragraph 3(b) pertaining to the placement of the sidelights. The Deputy Assistant Judge Advocate General (Admiralty) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on these vessels in a manner differently from that prescribed herein will adversely affect the vessels' ability to perform their military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), and Vessels.

Accordingly, 32 CFR Part 706 is amended as follows:

PART 706—[AMENDED]

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

2. Table Two of § 706.2 is amended by adding the following entries for the CSP Class and SLWT Class:

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

* * * * *

3. Table Four, Paragraph 5 of § 706.2 is added as follows:

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

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Table Four

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5. The masthead light required by Rule 23(a)(i) is not located in the forepart of the vessel on the CSP Class and SLWT Class.

* * * * *

Dated: September 13, 1996.

Approved:

M. W. Kerns,

LCDR, JAGC, U.S. Navy, Deputy Assistant Judge Advocate, General (Admiralty) Acting.
[FR Doc. 96-25860 Filed 10-8-96; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OH101-1a; FRL-5631-3]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The United States Environmental Protection Agency (USEPA) is approving a State Implementation Plan (SIP) revision submitted by the State of Ohio on July 18, 1996, which amends the sulfur dioxide (SO₂) regulations applying to Ohio Edison's Sammis and Toronto Plants in Jefferson County. The revision requested July 18, 1996, involves reverting to an emission limit option presented in the Federal Implementation Plan (FIP) for Jefferson County.

DATES: The "direct final" approval is effective on December 9, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Copies of the revision request are available for inspection at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Ryan Bahr at (312) 353-4366 before visiting the Region 5 Office.)

Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental

Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Ryan Bahr at (312) 353-4366.

SUPPLEMENTARY INFORMATION:

I. Background

The FIP containing SO₂ regulations applying to sources in Ohio was promulgated on August 27, 1976 (41 FR 36323). The relevant portion of the current SIP, Ohio Administrative Code (OAC) Rule 3745-18-47, was approved by the USEPA on January 2, 1981 (46 FR 8481). On September 12, 1979, the Governor of Ohio submitted an SO₂ control plan to USEPA for inclusion in the Ohio SIP. In this control plan, the State based its limits for the Sammis plant on equations specified in the FIP. Thus the limits applying to the Sammis plant were 1.61 pounds per million British thermal units actual heat input (#/mmBtu) for boilers 1 through 4 (stacks 1 and 2), and 4.46 #/mmBtu for boilers 5 through 7 (stacks 3 and 4). These limits were submitted to USEPA as part of OAC Rule 3745-18-47 on February 12, 1980. USEPA approved Rule 3745-18-47 and other relevant provisions of Chapter 3745-18 in the Federal Register on January 27, 1981 (45 FR 12266).

II. Summary of State Submittal

Originally, Ohio Edison chose to use two fuel sources with differing SO₂ content at the Sammis facility by using the equations presented in the FIP to formulate its emission limits. The company now wishes to make the Sammis facility's operation more efficient by using a single fuel source and has petitioned the State for a SIP revision. Ohio's July 18, 1996 submittal to USEPA amends OAC Rule 3745-18-47 by adding an additional paragraph to section (L) relating to the Ohio Edison Sammis facility, and adjusting section (M) for the Toronto facility. The revisions for the Sammis facility provide a limit of 2.91 #/mmBtu actual heat input from each boiler as an alternative to the existing boiler specific regulations. Ohio Edison is keeping both emission limit options for the Sammis facility, and is required to notify the State ninety days prior to the date of conversion. The two emission limit options for the Ohio Edison Sammis plant are the same as those promulgated in the FIP. The provisions in the State's SIP revision request relating to the Toronto plant consist of paragraphs (M)(1) and (M)(2). Paragraph (M)(1) limits the Toronto facility to a maximum SO₂ emission rate of 8.1 #/mmBtu from each boiler. Paragraph

(M)(2) specifies a maximum of 2.0 #/mmBtu which goes into effect with this declaration of Federal approval.

A memorandum from the Director of the USEPA Air Quality Management Division to the Director of the USEPA Region 5 Air and Radiation Division entitled "Response to Request for Guidance on Issues with Ohio Sulfur Dioxide Federal Implementation Plan," dated September 28, 1994, provides guidance on modeling issues associated with the Ohio SO₂ FIP. This memo sets forth three criteria to be met so that FIP limits for the Sammis plant can be reverted to in the SIP without new modeling. These criteria are: (1) That the FIP limits are demonstrated to be adequately protective at the time of promulgation; (2) that there is not evidence now that the FIP and the associated emission limits are inadequate to protect the SO₂ national ambient air quality standards (NAAQS); and (3) that the SIP revision is not a relaxation of existing emission limits.

The modeling presented in the SO₂ Control Strategy Technical Support Document (TSD) from August 1976 showed that no exceedences of the NAAQS would occur under either SO₂ limit option set forth in the FIP for the Sammis facility. Furthermore, there have not been any modeling analysis which show the FIP limits to be inadequate. Finally, since the FIP emission limit options were developed to have equivalent plant impacts, Ohio's July 18, 1996, submittal would neither decrease nor increase the allowable impacts of emissions from the Sammis plant, and would clearly tighten the limits at the Toronto plant. Therefore, pursuant to the guidance presented in the September 28, 1994, memorandum, the revision may be approved without submittal of a new modeling analysis. Additional modeling studies are not required in this instance because this revision merely reverts to the promulgated FIP and does not introduce any less stringent regulations than those approved in the original promulgation on August 27, 1976 (41 FR 36323).

Ohio's July 18, 1996, submittal did not include revisions to or discussion of compliance test methods. The current SIP, which includes Jefferson County limits and selected test methods that were simultaneously approved in 1981, applies the stack test method in OAC Rule 3745-18-04(D)(1) as the reference test method for evaluating compliance with the Jefferson County limits. The State's recent submittal did not request revisions to the applicable test methods. This indicates that the SIP continues to apply the test methodology in OAC Rule 3745-18-04(D)(1) as the applicable