

added process unit or emission point(s) shall be in compliance upon initial start-up of the added process unit or emission point(s) or by April 22, 1997, whichever is later.

(B) If a surge control vessel or bottoms receiver becomes subject to § 63.170 of subpart H, if a compressor becomes subject to § 63.164 of subpart H, or if a deliberate operational process change causes equipment to become subject to subpart H of this part, the owner or operator shall be in compliance upon initial start-up or by April 22, 1997, whichever is later, unless the owner or operator demonstrates to the Administrator that achieving compliance will take longer than making the change. The owner or operator shall submit to the Administrator for approval a compliance schedule, along with a justification for the schedule. The Administrator shall approve the compliance schedule or request changes within 120 calendar days of receipt of the compliance schedule and justification.

(iii) The owner or operator of a process unit or emission point that is added to a plant site and is subject to the requirements for existing sources shall comply with the reporting and recordkeeping requirements of subparts H and I of this part that are applicable to existing sources, including, but not limited to, the reports listed in paragraphs (g)(4)(iii)(A) and (g)(4)(iii)(B) of this section.

(A) Reports required by § 63.182 of subpart H of this part; and

(B) Reports and notifications required by sections of subpart A of this part that are applicable to subparts H and I of this part, as identified in § 63.192(a) of this subpart.

\* \* \* \* \*

(j) If a change that does not meet the criteria in paragraph (g)(4) of this section is made to a process unit subject to subparts H and I of this part, and the change causes equipment to become subject to the provisions of subpart H of this part, then the owner or operator shall comply with the requirements of subpart H of this part for the equipment as expeditiously as practical, but in no event later than three years after the equipment becomes subject.

(1) The owner or operator shall submit to the Administrator for approval a compliance schedule, along with a justification for the schedule.

(2) The Administrator shall approve the compliance schedule or request changes within 120 calendar days of receipt of the compliance schedule and justification.

15. Section 63.191(b) is amended by adding in alphabetical order definitions for "bench-scale batch process," "process unit," and "source" to paragraph (b) and revising the definition of "pharmaceutical production process" to read as follows:

#### § 63.191 Definitions.

(b) \* \* \*

*Bench-scale batch process* means a batch process (other than a research and development facility) that is operated on a small scale, such as one capable of being located on a laboratory bench top. This bench-scale equipment will typically include reagent feed vessels, a small reactor and associated product separator, recovery and holding equipment. These processes are only capable of producing small quantities of product.

\* \* \* \* \*

*Pharmaceutical production process* means a process that synthesizes one or more pharmaceutical intermediate or final products using carbon tetrachloride or methylene chloride as a reactant or process solvent. Pharmaceutical production process does not mean process operations involving formulation activities, such as tablet coating or spray coating of drug particles, or solvent recovery or waste management operations.

\* \* \* \* \*

*Process Unit* means the group of equipment items used to process raw materials and to manufacture a product. For the purposes of this subpart, process unit includes all unit operations and associated equipment (e.g., reactors and associated product separators and recovery devices), associated unit operations (e.g., extraction columns), any feed and product storage vessels, and any transfer racks for distribution of final product.

\* \* \* \* \*

*Source* means the collection of equipment listed in § 63.190(d) to which this subpart applies as determined by the criteria in § 63.190. For purposes of subparts H and I of this part, the term *affected source* as used in subpart A of this part has the same meaning as the term *source* defined here.

\* \* \* \* \*

16. Section 63.192 is amended by redesignating paragraph (a) as (a)(1) and by adding paragraph (a)(2) to read as follows:

#### § 63.192 Standard.

(a)(1) \* \* \*

(2) The owner or operator of a pharmaceutical production process subject to this subpart may define a

process unit as a set of operations, within a source, producing a product, as all operations collocated within a building or structure or as all affected operations at the source.

\* \* \* \* \*

[FR Doc. 96-15616 Filed 6-19-96; 8:45 am]

BILLING CODE 6560-50-P

## 40 CFR Part 70

[AD-FRL-5522-9]

### Clean Air Act Final Interim Approval of Operating Permits Program; Delegation of Section 112 Standards; State of Massachusetts; Correction

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

**ACTION:** Final interim approval; Correction.

**SUMMARY:** On May 15, 1996 (61 FR 24460), EPA promulgated interim approval of the 40 CFR Part 70 Operating Permits Program for the Commonwealth of Massachusetts. The document correctly identified the effective date as May 15, 1996. However, the language to amend 40 CFR Part 70 listed an incorrect effective date and an incorrect expiration date for the interim approval of this program.

**EFFECTIVE DATE:** May 15, 1996.

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

**SUPPLEMENTARY INFORMATION:** In the document published on May 15, 1996 at 61 FR 24461, column 3, the effective date and expiration date were incorrect. This final rule corrects the language to amend 40 CFR Part 70 in a manner which is consistent with the May 15, 1996 rule. The correct effective date of this interim approval is May 15, 1996, and the correct expiration date of this interim approval is May 15, 1998.

The EPA regrets any inconvenience the earlier information has caused.

#### List of Subjects in 40 CFR Part 70

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

Dated: May 30, 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 revising the entry for Massachusetts to read as follows:

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

\* \* \* \* \*

Massachusetts

(a) Department of Environmental Protection: submitted on April 28, 1995; interim approval effective on May 15, 1996; interim approval expires May 15, 1998.

(b) (Reserved).

\* \* \* \* \*

[FR Doc. 96-15621 Filed 6-19-96; 8:45 am]

BILLING CODE 6560-50-P

**40 CFR Part 70**

[FRL-5521-4]

RIN 2060-AF70

**Operating Permits Program Interim Approval Criteria**

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

**ACTION:** Final rule.

**SUMMARY:** The EPA is promulgating revisions to the interim approval criteria within the regulations in part 70, chapter I, title 40, of the Code of Federal Regulations (CFR). Part 70 contains regulations requiring States to develop, and submit to EPA for approval, programs for issuing operating permits to major, and certain other, stationary sources of air pollution as required by title V of the Clean Air Act (Act). Two changes to the interim approval criteria were proposed on August 29, 1994 to address difficulties in program development that have occurred since promulgation of part 70. Today's action finalizes one of those changes; the other will be finalized in a subsequent action.

As a result of today's revision to part 70, certain State operating permit programs will become eligible for interim program approval. Without today's changes, these programs would not have been eligible for interim program approval under the part 70 regulations. Specifically, interim approval may now be granted for programs which do not provide for the incorporation of terms contained in permits issued under EPA-approved minor source preconstruction permit programs into corresponding part 70 permits.

To be eligible for this interim approval, such programs would have to show compelling reasons for the interim approval and meet certain other requirements regarding the content of part 70 permits that exclude these applicable preconstruction permit terms during the 2-year interim period. After 2 years, interim approval expires and the State must have revised its program to address the exclusion of these terms, and any other deficiencies, in order to receive full approval.

**EFFECTIVE DATE:** July 22, 1996.

**FOR FURTHER INFORMATION CONTACT:** Michael Ling (telephone number 919-541-4729), U. S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Information Transfer and Program Integration Division, Mail Drop 12, Research Triangle Park, North Carolina 27711.

**SUPPLEMENTARY INFORMATION:****Regulated Entities**

Entities potentially regulated by this action are those State, local, or tribal governments who seek approval of their part 70 operating permit programs, but whose programs do not include minor preconstruction permit terms in their part 70 permits. Regulated categories include:

Category	Examples of regulated entities
State/Local/Tribal Government.	Governments who have developed operating permit programs that exclude minor NSR terms from title V permits and who seek EPA approval of such programs under the part 70 regulations.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be affected by this action. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

**Docket**

Supporting information used in developing the part 70 rules, including today's promulgated change, is contained in docket number A-93-50. This docket is available for public inspection and copying between 8:30 a.m. and 3:30 p.m. Monday through Friday, at EPA's Air Docket, Room M-

1500, Waterside Mall, 401 M Street SW, Washington, D.C. 20460. A reasonable fee may be charged for copying.

**I. Background and Purpose****A. Introduction**

Title V of the Clean Air Act Amendments of 1990 (1990 Amendments), Public Law 101-549, requires EPA to promulgate regulations establishing the requirements for development and submittal of State operating permit programs and the minimum elements these programs must contain to be approvable. On July 21, 1992, EPA published regulations meeting these requirements in the Federal Register (57 FR 32250).

Title V and the part 70 regulations require States and local agencies to submit operating permit programs to EPA within 3 years of enactment of the 1990 Amendments, and require EPA to take action within 1 year of program submittal to approve or disapprove these programs. Section 502(g) of the Act allows EPA to grant interim approval to a program if it "substantially meets" the requirements of title V but is not fully approvable. Interim approval may be granted for a period of up to 2 years and may not be renewed. The interim approval provision allows permitting authorities time to correct the program deficiencies preventing full approval. The minimum elements that a program must contain to be eligible for interim approval are contained in § 70.4(d).

The EPA proposed two changes to the interim approval criteria on August 29, 1994 (59 FR 44571). The first change would allow interim approval for part 70 programs which allow permits to be revised through the minor permit modification procedure to reflect those changes at a facility which is subject to EPA-approved minor source preconstruction permit requirements, commonly referred to as "minor new source review" (minor NSR) changes. Because this proposal is linked to proposed changes to the permit revision system, which EPA is not yet ready to finalize, and because current EPA policy already allows for approval of programs which allow changes established through minor NSR to be addressed using minor permit modification procedures, EPA is not taking final action on this proposed change in today's rulemaking.

The second proposed change to the interim approval criteria addresses programs that do not incorporate terms and conditions into a source's part 70 permit which are established through an EPA-approved minor NSR program.