

the 1995 ozone season. As a result, the Birmingham area no longer meets the statutory criteria for redesignation to attainment of the ozone NAAQS found in section 107(d)(3)(E)(i) of the CAA. The maintenance plan SIP revision is also not approvable because its demonstration is based on a level of ozone precursor emissions in the ambient air thought to represent an inventory of emissions that would provide for attainment and maintenance. That underlying basis of the maintenance plan's demonstration is no longer valid due to the violation of the NAAQS that occurred during the 1995 ozone season.

Even though the Regional Administrator signed the direct final rule prior to the violation, the document was not published. Since the Agency's decision was neither published nor subject to notice or comment, EPA neither proposed nor took final action with respect to the redesignation.

The Administrator is prohibited under section 107(d)(3)(E)(i) from redesignating an area to attainment when it has not attained the NAAQS. Furthermore, section 107(d)(1)(A) defines a nonattainment area as "any area that does not meet" the NAAQS. Consequently, if a violation occurs prior to EPA's final action on redesignation, the area is no longer in attainment and does not meet the definition of an attainment area under section 107. The EPA has consistently followed these principles in disapproving redesignations for areas that violate the NAAQS while their requests are pending. In the September 4, 1992, policy memorandum of John Calcagni, EPA stated: "Regions should advise States of the practical planning consequences if EPA disapproves the redesignation request or if the request is invalidated because of violations recorded during EPA's review." See for example, 59 FR 22757 dated May 3, 1994, disapproving the redesignation of Richmond, Virginia due to violations occurring after the proposed approval; 61 FR 50718 dated September 27, 1996, disapproving the redesignation request for the Kentucky portion of the Cincinnati-Hamilton nonattainment area; and 61 FR 19193 dated May 1, 1996, disapproving of the redesignation request for Pittsburgh, Pennsylvania.

#### Proposed Action

EPA is proposing to disapprove the State of Alabama's March 16, 1995, redesignation request and maintenance plan SIP revision.

EPA is soliciting public comments on this document and on issues relevant to EPA's proposed action. Comments will

be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the person listed in the ADDRESSES section.

The Agency has reviewed this request for revision of the Federally-approved SIP for conformance with the provisions of the CAA. The Agency has determined that this action does not conform with the statute as amended and should be disapproved. The Agency has examined the issue of whether this action should be reviewed only under the provisions of the law as it existed on the date of submittal to the Agency (i.e., prior to November 15, 1990) and has determined that the Agency must apply the new law to this revision.

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 Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

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

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and, is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), or require prior consultation with State officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or involve special consideration of environmental

justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

#### Redesignation—State-Submitted Requests

EPA's denial of the State's redesignation request under section 107(d)(3)(E) does not affect any existing requirements applicable to small entities nor does it impose new requirements. The area retains its current designation status and will continue to be subject to the same statutory requirements. To the extent that the area must adopt regulations, based on its nonattainment status, EPA will review the effect of those actions on small entities at the time the state submits those regulations. Therefore, I certify (for Table 2 and 3 redesignations, use: "The Administrator certifies \* \* \*") that denial of the redesignation request will not affect a substantial number of small entities.

#### List of Subjects

##### 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

##### 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

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

Dated: April 15, 1997.

**A. Stanley Meiburg,**

*Acting Regional Administrator.*

[FR Doc. 97-11076 Filed 4-29-97; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 55

[FRL-5819-6]

#### Outer Continental Shelf Consistency Update for Florida

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

**ACTION:** Notice of proposed rulemaking, consistency update.

**SUMMARY:** EPA is proposing to update a portion of the Outer Continental Shelf

("OCS") Air Regulations. Requirements applying to OCS sources located within 25 miles of states' seaward boundaries must be updated periodically to remain consistent with the requirements of the corresponding onshore area ("COA"), as mandated by section 328(a)(1) of the Clean Air Act ("the Act"), the Clean Air Act Amendments of 1990, the applicable requirements for certain areas for Air Pollution from OCS Activities. The portion of the OCS air regulation that is being updated pertains to the requirements for OCS sources for which the State of Florida will be the designated COA. This action proposes to incorporate the requirements contained in "State of Florida Requirements Applicable to OCS Sources" (February 7, 1997). Proposed changes to the existing requirements are in **SUPPLEMENTARY INFORMATION**.

**DATES:** Comments on the proposed update must be received on or before May 30, 1997.

**ADDRESSES:** Comments must be mailed (in duplicate if possible) to EPA Air Docket, Attn: Docket No. A-93-31, Part III, U.S. Environmental Protection Agency, Region 4, Air, Pesticides, and Toxics Management Division, 61 Forsyth Street, SW, Atlanta, GA 30303. (Attn: R. Scott Davis).

Docket: Supporting information used in developing the proposed notice and copies of the documents EPA is proposing to incorporate by reference are contained in Docket No. A-93-31, Part III. This docket is available for public inspection and copying Monday through Friday during regular business hours at the following locations:

EPA Air Docket, Attn: Docket No. A-93-31, Part III, Environmental Protection Agency, 401 M Street, S.W., Washington D.C. 20460, Room M-1500.

EPA Air Docket, Attn: Docket No. A-93-31, Part III, Environmental Protection Agency, Region 4 Library, 61 Forsyth Street, SW, Atlanta, GA 30303.

**FOR FURTHER INFORMATION CONTACT:** R. Scott Davis, Air, Pesticides, and Toxics Management Division, U.S. EPA Region 4, 61 Forsyth Street, SW, Atlanta, GA 30303. Telephone (404) 562-9127.

**SUPPLEMENTARY INFORMATION:** On September 4, 1992, EPA promulgated 40 CFR part 55,<sup>1</sup> which established requirements to control air pollution from OCS sources in order to comply with federal and state ambient air quality standards and the provisions of

part C of title I of the Act. Part 55 applies to all OCS sources offshore of the states, except those located in the Gulf of Mexico west of 87.5 degrees longitude, approximately west of the Florida/Alabama state border. Section 328 of the Act requires that for such sources located within 25 miles of a state's seaward boundary, the requirements shall be the same as would be applicable if the sources were located in the COA. Because the OCS requirements are based on onshore requirements, and onshore requirements may change, section 328(a)(1) requires that EPA update the OCS requirements as necessary to maintain consistency with onshore requirements.

Pursuant to 40 CFR 55.12 of the OCS rule, consistency reviews will occur (1) at least annually; (2) upon receipt of a Notice of Intent (NOI) under 40 CFR 55.4 of the OCS rule; and (3) when a state or local agency submits a rule to EPA to be considered for incorporation by reference in part 55. This Notice of Proposed Rulemaking is being proposed in response to the receipt of a NOI, submitted by Mobil Exploration & Producing U.S., Inc., on January 22, 1997, and represents the third update of part 55 for the State of Florida. The NOI includes general company information, a description of the proposed facility, estimated potential air emissions, emissions points, fuels, air pollution controls, and any proposed operating limitations. Public comments received in writing within 30 days of publication of this document will be considered by EPA before promulgation of the final updated rule.

Section 328(a) of the Act requires that EPA establish requirements to control air pollution from OCS sources located within 25 miles of states' seaward boundaries that are the same as onshore requirements. To comply with this statutory mandate, EPA must incorporate applicable onshore rules into part 55 as they exist onshore. This limits EPA's flexibility in deciding which requirements will be incorporated into part 55 and prevents EPA from making substantive changes to the requirements it incorporates. As a result, EPA may be incorporating rules into part 55 that do not conform to all of EPA's state implementation plan (SIP) guidance or certain requirements of the Act. Consistency updates may result in the inclusion of state or local rules or regulations into part 55, even though the same rules may ultimately be disapproved for inclusion as part of the SIP. Inclusion in the OCS rule does not imply that a rule meets the requirements of the Act for SIP approval, nor does it

imply that the rule will be approved by EPA for inclusion in the SIP.

#### **EPA Evaluation and Proposed Action**

In updating 40 CFR part 55, EPA reviewed the state rules for inclusion in part 55 to ensure that they comply with the attainment or maintenance of federal or state ambient air quality standards or part C of title I of the Act, that they are not designed expressly to prevent exploration and development of the OCS and that they are applicable to OCS sources (40 CFR 55.1). EPA has also evaluated the rules to ensure they are not arbitrary or capricious (40 CFR section 55.12 (e)). In addition, EPA has excluded administrative or procedural rules.<sup>2</sup>

In today's document EPA proposes to incorporate the rules applicable to sources for which the State of Florida will be the COA. These rules include revisions to existing rules that already apply to OCS sources, the recodification and renumbering of existing Florida air regulations, and the adoption of amendments to other existing air regulations:

Florida Administrative Code-  
Department of Environmental  
Protection. The following sections of  
Chapter 62:

- 204.100 Purpose and Scope (Adopted 3/13/96)
- 204.200 Definitions (Adopted 3/13/96)
- 204.220 Ambient Air Quality Protection (Adopted 3/13/96)
- 204.240 Ambient Air Quality Standards (Adopted 3/13/96)
- 204.260 Prevention of Significant Deterioration Increments (Adopted 3/13/96)
- 204.800 Federal Regulations Adopted by Reference (Adopted 10/17/96)
- 210.100 Purpose and Scope (Adopted 11/23/94)
- 210.200 Definitions (Adopted 10/15/96)
- 210.220 Small Business Assistance Program (Adopted 10/15/96)
- 210.300 Permits Required (Adopted 10/7/96)
- 210.360 Administrative Permit Corrections (Adopted 11/23/94)
- 210.370 Reports (Adopted 3/21/96)
- 210.550 Stack Height Policy (Adopted 11/23/94)
- 210.600 Enhanced Monitoring (Adopted 11/23/94)
- 210.650 Circumvention (Adopted 9/25/92)

<sup>1</sup> The reader may refer to the Notice of Proposed Rulemaking, December 5, 1991 (56 FR 63774), and the preamble to the final rule promulgated September 4, 1992 (57 FR 40792) for further background and information on the OCS regulations.

<sup>2</sup> Upon delegation the onshore area will use its administrative and procedural rules as onshore. In those instances where EPA does not delegate authority to implement and enforce part 55, EPA will use its own administrative and procedural requirements to implement the substantive requirements. 40 CFR 55.14 (c)(4).

- 210.700 Excess Emissions (Adopted 11/23/94)
- 210.900 Forms and Instructions (Adopted 3/21/96)
- 210.920 Notification Form for Air General Permits (Adopted 8/15/96)
- 212.100 Purpose and Scope (Adopted 3/13/96)
- 212.300 General Preconstruction Review Requirements (Adopted 1/1/96)
- 212.400 Prevention of Significant Deterioration (PSD) (Adopted 3/13/96)
- 212.500 Preconstruction Review for Nonattainment Areas (Adopted 3/13/96)
- 212.600 Category-Specific Preconstruction: Sulfur Storage and Handling Facilities (Adopted 3/13/96)
- 213.100 Purpose and Scope (Adopted 3/13/96)
- 213.205 Annual Operation Licensing Fee (Adopted 6/25/96)
- 213.300 Title V Air General Permits (Adopted 10/7/96)
- 213.400 Permits and Permit Revisions Required (Adopted 3/13/96)
- 213.410 Changes Without Permit Revision (Adopted 11/23/94)
- 213.412 Immediate Implementation Pending Revision Process (Adopted 3/13/96)
- 213.415 Trading of Emissions Within a Source (Adopted 3/13/96)
- 213.420 Permit Applications (Adopted 10/7/96)
- 213.430 Permit Issuance, Renewal, and Revision (Adopted 3/20/96)
- 213.440 Permit Content (Adopted 3/20/96)
- 213.460 Permit Shield (Adopted 11/23/94)
- 213.900 Forms and Instructions (Adopted 6/25/96)
- 256.100 Declaration and Intent (Adopted 11/30/94)
- 256.200 Definitions (Adopted 11/30/94)
- 256.300 Prohibitions (Adopted 11/30/94)
- 256.600 Industrial, Commercial, Municipal and Research Open Burning (Adopted 8/26/87)
- 256.700 Open Burning Allowed (Adopted 11/30/94)
- 273.200 Definitions (Adopted 9/25/92)
- 273.300 Air Pollution Episodes (Adopted 9/25/92)
- 273.400 Air Alert (Adopted 9/25/92)
- 273.500 Air Warning (Adopted 9/25/92)
- 273.600 Air Emergency (Adopted 9/25/92)
- 296.100 Purpose and Scope (Adopted 3/13/96)
- 296.320 General Pollutant Emission Limiting Standards, except (2) (Adopted 3/13/96)
- 296.500 Reasonably Available Control Technology (RACT)—Volatile Organic Compounds (VOC) and Nitrogen Oxides (NO<sub>x</sub>) Emitting Facilities (Adopted 1/1/96)
- 296.570 Reasonably Available Control Technology (RACT)—Requirements for Major VOC- and NO<sub>x</sub>-Emitting Facilities (Adopted 1/1/96)
- 296.600 Reasonably Available Control Technology (RACT)—Lead (Adopted 3/13/96)
- 296.601 Lead Processing Operations in General (Adopted 1/1/96)
- 296.700 Reasonably Available Control Technology (RACT)—Particulate Matter, except (2)(f) (Adopted 1/1/96)
- 297.100 Purpose and Scope (Adopted 3/13/96)
- 297.310 General Test Requirements (Adopted 3/13/96)
- 297.401 EPA Test Procedures (Adopted 10/7/96)
- 297.440 Supplementary Test Procedures (Adopted 1/1/96)
- 297.450 EPA VOC Capture Efficiency Test Procedures (Adopted 1/1/96)
- 297.520 EPA Continuous Monitor Performance Specifications (Adopted 3/13/96)
- 297.620 Exceptions and Approval of Alternate Procedures and Requirements (Adopted 11/23/94)
- The following rules are proposed to be deleted from the State of Florida requirements applicable to OCS sources. These rules have either been incorporated into the recodified and renumbered Florida air regulations or repealed:
- 4.001 Scope of Part I
- 4.020 Definitions
- 4.021 Transferability of Definitions
- 4.030 General Prohibitions
- 4.040 Exemptions
- 4.050 Procedure to Obtain Permit; Application
- 4.070 Standards for Issuing or Denying Permits; Issuance; Denial
- 4.080 Modification of Permit Conditions
- 4.090 Renewals
- 4.100 Suspension and Revocation
- 4.110 Financial Responsibility
- 4.120 Transfer of Permits
- 4.130 Plant Operation—Problems
- 4.160 Permit Conditions
- 4.200 Scope of Part II
- 4.210 Construction Permits
- 4.220 Operation Permits for New Sources
- 4.510 Scope of Part III
- 4.520 Definitions
- 4.530 Procedures
- 4.540 General Conditions for all General Permits
- 210.400 Emission Estimates
- 210.500 Air Quality Models
- 210.980 Severability
- 212.200 Definitions
- 212.410 Best Available Control Technology (BACT)
- 212.510 Lowest Achievable Emission Rate (LAER)
- 212.700 Emissions Unit
- 256.450 Burning for Cold or Frost Protection
- 272.100 Purpose and Scope
- 272.200 Definitions
- 272.300 Ambient Air Quality Standards
- 272.500 Maximum Allowable Increases (Prevention of Significant Deterioration)
- 272.750 Department of Environmental Protection Ambient Test Methods
- 296.200 Definitions
- 296.310 General Particulate Emission Limiting Standards
- 296.330 Best Available Control Technology (BACT)
- 296.400 Specific Emission Limiting and Performance Standards
- 296.800 Standards of Performance for New Stationary Sources (NSPS)
- 296.810 National Emission Standards for Hazardous Air Pollutants (NESHAP)—Part 61
- 296.820 National Emission Standards for Hazardous Air Pollutants (NESHAP)—Part 63
- 297.200 Definitions
- 297.330 Applicable Test Procedures
- 297.340 Frequency of Compliance Tests
- 297.345 Stack Sampling Facilities Provided by the Owner of an Air Pollution Point Source
- 297.350 Determination of Process Variables
- 297.400 EPA Methods Adopted by Reference
- 297.411 DEP Method 1
- 297.412 DEP Method 2
- 297.413 DEP Method 3
- 297.414 DEP Method 4
- 297.415 DEP Method 5
- 297.416 DEP Method 5A
- 297.417 DEP Method 6
- 297.418 DEP Method 7
- 297.419 DEP Method 8
- 297.420 DEP Method 9
- 297.421 DEP Method 10
- 297.422 DEP Method 11
- 297.423 DEP Method 12—  
Determination of Inorganic Lead Emissions from Stationary Sources
- 297.424 DEP Method 13
- 297.570 Test Report
- Administrative Requirements*
- A. Executive Order 12291 (Regulatory Impact Analysis)*
- The Office of Management and Budget has exempted this rule from the

requirements of Section 3 of Executive Order 12291. This exemption continues in effect under Executive Order 12866, which superseded Executive Order 12291 on September 30, 1993.

### B. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 requires each federal agency to perform a Regulatory Flexibility Analysis for all rules that are likely to have a "significant impact on a substantial number of small entities." Small entities include small businesses, organizations, and governmental jurisdictions.

As was stated in the final regulation, the OCS rule does not apply to any small entities, and the structure of the rule averts direct impacts and mitigates indirect impacts on small entities. This consistency update merely incorporates onshore requirements into the OCS rule to maintain consistency with onshore regulations as required by section 328 of the Act and does not alter the structure of the rule.

The EPA certifies that this notice of proposed rulemaking will not have a significant impact on a substantial number of small entities.

### C. Paperwork Reduction Act

The Office of Management and Budget (OMB) has approved the information collection requirements contained in the final OCS rulemaking dated September 4, 1992, under the provisions of the Paperwork Reduction Act, 44 U.S.C. 35012 *et seq.*, and has assigned OMB control number 2060-0249. This consistency update does not add any further requirements.

### List of Subjects in 40 CFR Part 55

Administrative practice and procedures, Air pollution control, Environmental protection, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Nitrogen oxides, Outer Continental Shelf, Ozone, Particulate matter, Permits, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: April 14, 1997.

#### A. Stanley Meiburg,

Acting Regional Administrator.

Part 55, Chapter I, title 40 of the Code of Federal Regulations, is proposed to be amended as follows:

### PART 55—[AMENDED]

1. The authority citation for part 55 continues to read as follows:

**Authority:** Section 328 of the Clean Air Act (42 U.S.C. 7401, *et seq.*) as amended by Public Law 101-549.

2. Section 55.14 is amended by revising paragraph (e) (6) (i) (A) to read as follows:

#### § 55.14 Requirements that apply to OCS sources located within 25 miles of states, seaward boundaries, by state.

\* \* \* \* \*

(e) \* \* \*

(6) \* \* \*

(i) \* \* \*

(A) State of Florida Requirements Applicable to OCS Sources, August 20, 1993.

\* \* \* \* \*

3. Appendix A to Part 55 is amended by revising paragraph (a) (1) under the heading Florida to read as follows:

#### Appendix A to 40 CFR Part 55—Listing of State and Local Requirements Incorporated by Reference Into Part 55, by State

\* \* \* \* \*

Florida

(a) \* \* \*

(1) The following requirements are contained in State of Florida Requirements Applicable to OCS Sources, February 7, 1997:

Florida Administrative Code-Department of Environmental Protection. The following sections of Chapter 62:

204.100 Purpose and Scope (Adopted 3/13/96)

204.200 Definitions (Adopted 3/13/96)

204.220 Ambient Air Quality Protection (Adopted 3/13/96)

204.240 Ambient Air Quality Standards (Adopted 3/13/96)

204.260 Prevention of Significant Deterioration Increments (Adopted 3/13/96)

204.800 Federal Regulations Adopted by Reference (Adopted 10/17/96)

210.100 Purpose and Scope (Adopted 11/23/94)

210.200 Definitions (Adopted 10/15/96)

210.220 Small Business Assistance Program (Adopted 10/15/96)

210.300 Permits Required (Adopted 10/7/96)

210.360 Administrative Permit Corrections (Adopted 11/23/94)

210.370 Reports (Adopted 3/21/96)

210.550 Stack Height Policy (Adopted 11/23/94)

210.600 Enhanced Monitoring (Adopted 11/23/94)

210.650 Circumvention (Adopted 9/25/92)

210.700 Excess Emissions (Adopted 11/23/94)

210.900 Forms and Instructions (Adopted 3/21/96)

210.920 Notification Form for Air General Permits (Adopted 8/15/96)

212.100 Purpose and Scope (Adopted 3/13/96)

212.300 General Preconstruction Review Requirements (Adopted 1/1/96)

212.400 Prevention of Significant Deterioration (PSD) (Adopted 3/13/96)

212.500 Preconstruction Review for Nonattainment Areas (Adopted 3/13/96)

212.600 Category-Specific Preconstruction: Sulfur Storage and Handling Facilities (Adopted 3/13/96)

213.100 Purpose and Scope (Adopted 3/13/96)

213.200 Annual Operation Licensing Fee (Adopted 6/25/96)

213.300 Title V Air General Permits (Adopted 10/7/96)

213.400 Permits and Permit Revisions Required (Adopted 3/13/96)

213.410 Changes Without Permit Revision (Adopted 11/23/94)

213.412 Immediate Implementation Pending Revision Process (Adopted 3/13/96)

213.415 Trading of Emissions Within a Source (Adopted 3/13/96)

213.420 Permit Applications (Adopted 10/7/96)

213.430 Permit Issuance, Renewal, and Revision (Adopted 3/20/96)

213.440 Permit Content (Adopted 3/20/96)

213.460 Permit Shield (Adopted 11/23/94)

213.900 Forms and Instructions (Adopted 6/25/96)

256.100 Declaration and Intent (Adopted 11/30/94)

256.200 Definitions (Adopted 11/30/94)

256.300 Prohibitions (Adopted 11/30/94)

256.600 Industrial, Commercial, Municipal and Research Open Burning (Adopted 8/26/87)

256.700 Open Burning Allowed (Adopted 11/30/94)

273.200 Definitions (Adopted 9/25/92)

273.300 Air Pollution Episodes (Adopted 9/25/92)

273.400 Air Alert (Adopted 9/25/92)

273.500 Air Warning (Adopted 9/25/92)

273.600 Air Emergency (Adopted 9/25/92)

296.100 Purpose and Scope (Adopted 3/13/96)

296.320 General Pollutant Emission Limiting Standards, except (2) (Adopted 3/13/96)

296.500 Reasonably Available Control Technology (RACT)—Volatile Organic Compounds (VOC) and Nitrogen Oxides (NO<sub>x</sub>) Emitting Facilities (Adopted 1/1/96)

- 296.570 Reasonably Available Control Technology (RACT)—Requirements for Major VOC- and NO<sub>x</sub>-Emitting Facilities (Adopted 1/1/96)
- 296.600 Reasonably Available Control Technology (RACT)—Lead (Adopted 3/13/96)
- 296.601 Lead Processing Operations in General (Adopted 1/1/96)
- 296.700 Reasonably Available Control Technology (RACT)—Particulate Matter, except (2)(f) (Adopted 1/1/96)
- 297.100 Purpose and Scope (Adopted 3/13/96)
- 297.310 General Test Requirements (Adopted 3/13/96)
- 297.401 EPA Test Procedures (Adopted 10/7/96)
- 297.440 Supplementary Test Procedures (Adopted 1/1/96)
- 297.450 EPA VOC Capture Efficiency Test Procedures (Adopted 1/1/96)
- 297.520 EPA Continuous Monitor Performance Specifications (Adopted 3/13/96)
- 297.620 Exceptions and Approval of Alternate Procedures and Requirements (Adopted 11/23/94)

[FR Doc. 97-11161 Filed 4-29-97; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 170

[OPP-250119; FRL-5599-1]

#### Worker Protection Standard, Glove Requirements; Notification to the Secretary of Agriculture

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

**ACTION:** Notification to the Secretary of Agriculture.

**SUMMARY:** Notice is given that the Administrator of EPA has forwarded to the Secretary of Agriculture a proposed regulation under 40 CFR part 170 (the Worker Protection Standard). This action is issued under the authority of section 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act. The proposed rule would, first, revise the Worker Protection Standard to allow separable absorbent liners to be worn beneath chemical-resistant gloves. Second, it would eliminate the requirement that chemical-resistant gloves be worn by pilots when entering or exiting aircraft used to apply pesticides.

**FOR FURTHER INFORMATION CONTACT:** By mail: Joshua First, Certification and Occupational Safety Branch (7506C), Field Operation Division, Office of

Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 1114, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, Telephone: (703) 305-7437, e-mail: first.joshua@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** Section 25(a)(2) of FIFRA provides that the Administrator shall provide the Secretary of Agriculture with a copy of any proposed regulation at least 60 days before signing it for publication in the **Federal Register**. If the Secretary comments in writing regarding the proposed regulation within 30 days after receiving it, the Administrator shall issue for publication in the **Federal Register**, with the proposed regulation, the comments of the Secretary, if requested by the Secretary, and the response of the Administrator concerning the Secretary's comments. If the Secretary does not comment in writing within 30 days after receiving the proposed regulation, the Administrator may sign the regulation for publication in the **Federal Register** anytime thereafter. As required by FIFRA section 25(a)(3), a copy of the proposed regulation has been forwarded to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

**Authority:** 7 U.S.C. 136 *et seq.*

#### List of Subjects in 40 CFR Part 170

Environmental protection, Administrative practice and procedure, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 21, 1997.

**Penelope A. Fenner-Crisp,**

*Acting Director, Office of Pesticide Programs.*

[FR Doc. 97-11152 Filed 4-29-97; 8:45 am]

BILLING CODE 6560-50-F

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

#### 46 CFR Part 384

#### Criteria for Granting Waivers of the Requirement for Exclusive U.S.-Flag Vessel Carriage of Certain Cargo Covered by Public Resolution 17, 33rd Congress (PR 17)

**AGENCY:** Maritime Administration, DOT.

**ACTION:** Notice of public meeting.

**SUMMARY:** Notice is hereby given that a public meeting will be held on May 29, 1997. The purpose of the forum is for members of the U.S. Government

involved in the administration of Public Resolution 17 of the 33rd Congress (PR 17) to meet with the public and review comments and suggestions received with respect to the Advance Notice of Proposed Rulemaking published by the Maritime Administration (MARAD) on October 28, 1996 (61 FR 55614). The intent is to simplify and standardize the statutory waiver process of PR 17.

**DATES:** The meeting will be held May 29, 1997, at 9:30 am.

**ADDRESSES:** The meeting will be held in Room 1143 of the Export-Import Bank of the United States, 811 Vermont Avenue, N.W., Washington, D.C. Those wishing to attend the meeting should write to the Maritime Administration, Office of Cargo Preference, MAR-590, Room 8118, 400 Seventh Street, S.W., Washington, D.C. 20590.

**FOR FURTHER INFORMATION CONTACT:** Lester Levay, (202) 366-5512.

**SUPPLEMENTARY INFORMATION:** To accommodate all participants, individuals planning to attend should inform the Maritime Administration in writing at the address listed above. Please indicate the company represented, if any, including the names and titles of individuals attending and whether individuals plan to present verbal comments at the meeting. Initial comments will be limited to five minutes and taken in the order in which the participants sign in the day of the meeting.

Dated: April 25, 1997.

By order of the Maritime Administrator.

**Joel C. Richard,**

*Secretary.*

[FR Doc. 97-11188 Filed 4-29-97; 8:45 am]

BILLING CODE 4910-81-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 97-125, RM-9058]

#### Radio Broadcasting Services; Payson, AZ

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rule making filed by Steven D. Bingham, seeking the allotment of Channel 257A to Payson, Arizona, as that community's third local FM transmission service. Coordinates used for this proposal are 34-13-54 and 111-20-12. Payson, Arizona, is located within 320 kilometers (199 miles) of the