

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.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 2, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This rulemaking redesignating the Baltimore CO nonattainment area to attainment, approving the maintenance plan submitted by the Maryland Department of the Environment on September 20, 1995, and approving the CO emissions inventory submitted on March 24, 1994 may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

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

40 CFR Part 81

Air pollution control.

Dated: September 29, 1995.

W. Michael McCabe,
Regional Administrator, Region III.

Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

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

Subpart V—Maryland

2. Section 52.1070 is amended by adding paragraph (c)(117) to read as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

(117) The carbon monoxide redesignation request and maintenance plan for the Baltimore Carbon Monoxide nonattainment area, submitted by the Maryland Department of the Environment on September 20, 1995, as part of the Maryland SIP. The emission inventory projections are included in the maintenance plan.

(i) Incorporation by reference.

(A) Letter of September 20, 1995 from the Maryland Department of the Environment requesting the redesignation and submitting the maintenance plan.

(B) The ten year carbon monoxide maintenance plan for the Baltimore

MARYLAND—CARBON MONOXIDE

Carbon Monoxide nonattainment area adopted on August 31, 1995.

(ii) Additional material.

(A) Remainder of September 20, 1995 State submittal.

3. Section 52.1075 is added to read as follows:

§ 52.1075 1990 base year emission inventory for carbon monoxide.

EPA approves as a revision to the Maryland State Implementation Plan the 1990 base year emission inventory for the Baltimore Metropolitan Statistical Area, submitted by the Secretary, Maryland Department of the Environment, on September 20, 1995. This submittal consists of the 1990 base year stationary, area, off-road mobile and on-road mobile emission inventories in the Baltimore Metropolitan Statistical Area for the pollutant, carbon monoxide (CO).

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

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

Subpart C—Section 107 Attainment Status Designations

2. In § 81.321, the table for “Maryland-Carbon Monoxide” is amended by revising the entry for “Baltimore Area Baltimore City (part) Regional Planning District No. 118” to read as follows:

§ 81.321 Maryland.

* * * * *

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
Baltimore Area Baltimore city (part) Regional Planning District No. 118 (generally corresponding to the Central Business District).	[insert date 45 days after publication date].	Attainment
*	*	*	*	*

¹ This date is November 15, 1990, unless otherwise noted.

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[FR Doc. 95-26959 Filed 10-30-95; 8:45 am]
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40 CFR Part 55

[FRL-5227-3]

Outer Continental Shelf Consistency Update for Florida

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule, consistency update.

SUMMARY: EPA is finalizing the update to 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 final action incorporates the requirements contained in “State of Florida Requirements Applicable to OCS Sources” (January 11, 1995).

EFFECTIVE DATE: This action is effective November 30, 1995.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal

business hours Monday through Friday at the following locations:

EPA Air Docket, Attn: Docket No. A-93-31, Environmental Protection Agency, 401 M Street, SW., Washington DC 20460, Room M-1500.

EPA Air Docket, Attn: Docket No. A-93-31, Environmental Protection Agency, Region 4 Library, 345 Courtland Street, NE, Atlanta, GA 30365.

FOR FURTHER INFORMATION CONTACT: R. Scott Davis, Air, Pesticides, and Toxics Management Division, U.S. EPA Region 4, 345 Courtland Street, NE, Atlanta, GA 30365. Telephone (404) 347-3555 ext. 4144.

SUPPLEMENTARY INFORMATION:

Background

On April 13, 1995, in 60 FR 18787, EPA proposed to approve the following requirements into the OCS Air Regulations: "State of Florida Requirements Applicable to OCS Sources" (January 11, 1995). These requirements are being promulgated in response to the submittal of a Notice Of Intent, submitted by Chevron U.S.A., Inc., Conoco Inc., and Murphy Exploration & Production Company on February 10, 1995, and represents the second update of part 55 for the State of Florida. EPA has evaluated the above requirements to ensure that they are rationally related to 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 55.12 (e)). In addition, EPA has excluded administrative or procedural rules.

Response to Public Comments

A 30-day public comment period was provided in 60 FR 18787. EPA received one comment from the public. The comment and response is summarized below.

1. Vessel Emissions Considered Direct Emissions From the OCS Source

1-1. Comment: The requirement of Section 328 of the Act that emissions from any vessel servicing or associated with an OCS source, including emissions while at the OCS source or en route to or from the OCS source within 25 miles of the OCS source, shall be considered direct emissions from the OCS source requires that certain

indirect sources be treated as direct sources.

Response: In a decision concerning marine vessels in transit among OCS sources, the Court of Appeals for the District of Columbia Circuit (D.C. Circuit) issued an opinion which responds to Comment 1.1. In *Santa Barbara County Air Pollution Control District v. EPA*, (D.C. Circuit No. 92-1569), the court addresses whether EPA had appropriately addressed marine vessels in the OCS Air Regulations final rule (57 FR 40792, September 4, 1992). In 40 CFR 55.2 of the final rule, the definition of potential emissions states that:

Pursuant to section 328 of the Act, emissions from vessels servicing or associated with an OCS source shall be considered direct emissions from such a source while at the source, and while enroute to or from the source when within 25 miles of the source, and shall be included in the 'potential to emit' for an OCS source.

In the opinion of the Court, the definition in 40 CFR 55.2 was found to be a permissible reading of the statute and the Court agreed with the Agency's interpretation of the statute. It is important to note that the Court upheld EPA's interpretation that vessels were not to be treated in and of themselves as OCS sources, subject to control technology requirements.

EPA Action

In today's notice EPA takes final action to incorporate the proposed changes into 40 CFR part 55. No changes were made to the proposal set forth in the April 13, 1995, notice of proposed rulemaking. EPA is approving the submittal as modified in the proposal under section 328(a)(1) of the Act, 42 U.S.C. 7627. 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.

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, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Outer Continental Shelf, Ozone, Particulate matter, Permits, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: June 16, 1995.

John H. Hankinson, Jr.,
Regional Administrator.

Title 40 of the Code of Federal Regulations, part 55, is 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, January 11,
 1995.

* * * * *

3. Appendix A to CFR 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, January 11, 1995:

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

4.001 Scope of Part I (Adopted 8/31/
 88)

4.020 Definitions (Adopted 7/11/93)

4.021 Transferability of Definitions
 (Adopted 8/31/88)

4.030 General Prohibitions (Adopted
 8/31/88)

4.040 Exemptions (Adopted 8/31/88)

4.050 Procedure to Obtain Permit;
 Application, except (4)(b) through
 (4)(l) and 4(r) (Adopted 11/23/94)

4.070 Standards for Issuing or Denying
 Permits; Issuance; Denial (Adopted 3/
 28/91)

4.080 Modification of Permit
 Conditions (Adopted 3/19/90)

4.090 Renewals (Adopted 7/11/93)

4.100 Suspension and Revocation
 (Adopted 8/31/88)

4.110 Financial Responsibility
 (Adopted 8/31/88)

4.120 Transfer of Permits (Adopted 3/
 19/90)

4.130 Plant Operation—Problems
 (Adopted 8/31/88)

4.160 Permit Conditions, except (16)
 and (17) (Adopted 7/11/93)

4.200 Scope of Part II (Adopted 8/31/
 88)

4.210 Construction Permits (Adopted
 8/31/88)

4.220 Operation Permits for New
 Sources (Adopted 8/31/88)

4.510 Scope of Part III (Adopted 8/31/
 88)

4.520 Definitions (Adopted 7/11/93)

4.530 Procedures (Adopted 3/19/90)

4.540 General Conditions for all
 General Permits (Adopted 8/31/88)

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

210.200 Definitions (Adopted 11/23/
 94)

210.300 Permits Required (Adopted
 11/23/94)

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

210.370 Reports (Adopted 11/23/94)

210.400 Emission Estimates (Adopted
 11/23/94)

210.500 Air Quality Models (Adopted
 11/23/94)

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 (Adopted 11/23/94)

210.980 Severability (Adopted 9/25/
 92)

212.100 Purpose and Scope (Adopted
 2/2/93)

212.200 Definitions (Adopted 2/2/93)

212.300 Sources Not Subject to
 Prevention of Significant
 Deterioration or Nonattainment
 Requirements (Adopted 9/25/92)

212.400 Prevention of Significant
 Deterioration (Adopted 2/2/93)

212.410 Best Available Control
 Technology (BACT) (Adopted 9/25/
 92)

212.500 New Source Review for
 Nonattainment Areas (Adopted 2/2/
 93)

212.510 Lowest Achievable Emission
 Rate (LAER) (Adopted 9/25/92)

212.600 Source Specific New Source
 Review Requirements (Adopted 9/25/
 92)

212.700 Source Reclassification
 (Adopted 9/25/92)

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

256.200 Definitions (Adopted 11/30/
 94)

256.300 Prohibitions (Adopted 11/30/
 94)

256.450 Open Burning Allowed
 (Adopted 6/27/91)

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

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

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

272.200 Definitions (Adopted 11/23/
 94)

272.300 Ambient Air Quality
 Standards (Adopted 11/23/94)

272.500 Maximum Allowable
 Increases (Prevention of Significant
 Deterioration) (Adopted 11/23/94)

272.750 DER Ambient Test Methods
 (Adopted 9/25/92)

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
 11/23/94)

296.200 Definitions (Adopted 11/23/
 94)

296.310 General Particulate Emission
 Limiting Standards (Adopted 11/23/
 94)

296.320 General Pollutant Emission
 Limiting Standards, except (2)
 (Adopted 2/2/93)

296.330 Best Available Control
 Technology (BACT) (Adopted 11/23/
 94)

296.400 Specific Emission Limiting
 and Performance Standards (Adopted
 11/23/94)

296.500 Reasonably Available Control
 Technology (RACT)—Volatile Organic
 Compounds (VOC) and Nitrogen
 Oxides (NO_x) Emitting Facilities
 (Adopted 11/23/94)

296.570 Reasonably Available Control
 Technology (RACT)—Requirements
 for Major VOC- and NO_x-Emitting
 Facilities (Adopted 11/23/94)

296.600 Reasonably Available Control
 Technology (RACT)—Lead (Adopted
 8/8/94)

296.601 Lead Processing Operations in
 General (Adopted 8/8/94)

296.700 Reasonably Available Control
 Technology (RACT)—Particulate
 Matter, except (2)(f) (Adopted 11/23/
 94)

296.800 Standards of Performance for
 New Stationary Sources (NSPS)
 (Adopted 11/23/94)

296.810 National Emission Standards
 for Hazardous Air Pollutants
 (NESHAP)—Part 61 (Adopted 11/23/
 94)

296.820 National Emission Standards
 for Hazardous Air Pollutants
 (NESHAP)—Part 63 (Adopted 11/23/
 94)

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

297.200 Definitions (Adopted 11/23/
 94)

297.310 General Test Requirements
 (Adopted 11/23/94)

297.330 Applicable Test Procedures
 (Adopted 11/23/94)

297.340 Frequency of Compliance
 Tests (Adopted 11/23/94)

297.345 Stack Sampling Facilities
 Provided by the Owner of an Air
 Pollution Point Source (Adopted 11/
 23/94)

297.350 Determination of Process
 Variables (Adopted 11/23/94)

297.400 EPA Methods Adopted by
 Reference (Adopted 11/23/94)

- 297.401 EPA Test Procedures (Adopted 11/23/94)
- 297.411 DER Method 1 (Adopted 11/23/94)
- 297.412 DER Method 2 (Adopted 12/2/92)
- 297.413 DER Method 3 (Adopted 12/2/92)
- 297.414 DER Method 4 (Adopted 12/2/92)
- 297.415 DER Method 5 (Adopted 11/23/94)
- 297.416 DER Method 5A (Adopted 12/2/92)
- 297.417 DER Method 6 (Adopted 11/23/94)
- 297.418 DER Method 7 (Adopted 12/2/92)
- 297.419 DER Method 8 (Adopted 12/2/92)
- 297.420 DER Method 9 (Adopted 11/23/94)
- 297.421 DER Method 10 (Adopted 12/2/92)
- 297.422 DER Method 11 (Adopted 12/2/92)
- 297.423 DER Method 12—
Determination of Inorganic Lead Emissions from Stationary Sources (Adopted 11/23/94)
- 297.424 DER Method 13 (Adopted 12/2/92)
- 297.440 Supplementary Test Procedures (Adopted 11/23/94)
- 297.450 EPA VOC Capture Efficiency Test Procedures (Adopted 11/23/94)
- 297.520 EPA Performance Specifications (Adopted 11/23/94)
- 297.570 Test Report (Adopted 11/23/94)
- 297.620 Exceptions and Approval of Alternate Procedures and Requirements (Adopted 11/23/94)

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BILLING CODE 6560-50-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA-7629]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of

the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the Federal Register.

EFFECTIVE DATE: The effective date of each community's suspension is the third date ("Susp.") listed in the third column of the following tables.

ADDRESSES: If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

FOR FURTHER INFORMATION CONTACT: Robert F. Shea Jr., Division Director, Program Implementation Division, Mitigation Directorate, 500 C Street, SW., Room 417, Washington, DC 20472, (202) 646-3619.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 et seq., unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 et seq. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the Federal Register.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM if one has been published, is indicated in the fourth column of the table. No direct Federal financial

assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Deputy Associate Director finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Deputy Associate Director has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless they take remedial action.

Regulatory Classification

This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.