TABLE 52.2081.—EPA-APPROVED RULES AND REGULATIONS

| State citation | Title/subject | Date adopted by State | Date approved by EPA | FR citation | 52.2070 | Comments/Unapproved sections |
|---|---|---|---|---|---|---|
| * | * | * | * | * | * | * |
| No. 30 .... | Control of VOC from Automobile Refinishing Operations. | June 27, 1995 ..... | February 2, 1996 ... | [Insert *FR* citation from published date]. | (c)(44) | Control of VOC From Automobile Refinishing Operations. |
| * | * | * | * | * | * | * |

[FR Doc. 96–2228 Filed 2–1–96; 8:45 am]

**BILLING CODE 6560–50–P**

## 40 CFR Part 70

**[AD–FRL–5405–5]**

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

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

**ACTION:** Direct final rule.

**SUMMARY:** The EPA is promulgating interim approval of the Operating Permits Program submitted by the Commonwealth of Massachusetts for the purpose of complying with Federal requirements for an approvable State program to issue operating permits to all major stationary sources, and to certain other sources. EPA is also approving the Commonwealth's authority to implement hazardous air pollutant requirements.

**DATES:** This action is effective April 2, 1996 unless notice is received by March 4, 1996 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the Federal Register.

**ADDRESSES:** Comments should be addressed to Ida E. Gagnon, Air Permits, APO, U.S. Environmental Protection Agency, Region I, JFK Federal Building, Boston, MA 02203–2211.

Copies of the State's submittal and other supporting information relevant to this action are available for inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 1, One Congress Street, 10th floor, Boston, MA 02203.

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

**SUPPLEMENTARY INFORMATION:**

### I. Background and Purpose

#### *A. Introduction*

As required under title V of the 1990 Clean Air Act Amendments (sections 501–507 of the Clean Air Act (''the Act'')), EPA has promulgated rules which define the minimum elements of an approvable State operating permits program and the corresponding standards and procedures by which the EPA will approve, oversee, and withdraw approval of State operating permits programs (see 57 FR 32250 (July 21, 1992)). These rules are codified at 40 Code of Federal Regulations (CFR) Part 70. Title V requires States to develop, and submit to EPA, programs for issuing these operating permits to all major stationary sources and to certain other sources.

The Act requires that States develop and submit these programs to EPA by November 15, 1993, and that EPA act to approve or disapprove each program within 1 year after receiving the submittal. The EPA's program review occurs pursuant to section 502 of the Act and the part 70 regulations, which together outline criteria for approval or disapproval. Where a program substantially, but not fully, meets the requirements of Part 70, EPA may grant the program interim approval for a period of up to 2 years. If EPA has not fully approved a program by 2 years after the November 15, 1993 date, or by the end of an interim program, it must establish and implement a Federal program. EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial program and anticipates no adverse comments. However, in a separate document in the Federal Register publication, EPA is proposing interim approval of the Operating Permit Program submitted by the Commonwealth of Massachusetts should adverse or critical comments be filed. This action will be effective April 2, 1996 unless adverse or critical comments are received by March 4, 1996.

If EPA receives such comments, this action will be withdrawn before the effective date by simultaneously publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The 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 no such comments are received, the public is advised that this action will be effective on April 2, 1996.

#### *B. Federal Oversight and Sanctions*

When EPA promulgates this interim approval, it will extend for two years following the effective date, and cannot be renewed. During the interim approval period, the Commonwealth of Massachusetts is protected from sanctions, and EPA is not obligated to promulgate, administer and enforce a Federal permits program for the Commonwealth of Massachusetts. Permits issued under a program with interim approval have full standing with respect to part 70, and the 1-year time period for submittal of permit applications by subject sources specified in section 503(c) of the Act begins upon the effective date of interim approval, as does the 3-year time period for processing the initial permit applications.[1]

Following final interim approval, if the Commonwealth of Massachusetts fails to submit a complete corrective program for full approval by the date 6 months before expiration of the interim approval, EPA will start an 18-month clock for mandatory sanctions. If the Commonwealth of Massachusetts then fails to submit a corrective program that EPA finds complete before the expiration of that 18-month period, EPA will be required to apply one of the sanctions in section 179(b) of the Act, which will remain in effect until EPA determines that the Commonwealth of

[1] Note that states may require applications to be submitted earlier than required under section 503(c). See 310 CMR Appendix C(4)(a).

Massachusetts has corrected the deficiency by submitting a complete corrective program. If, six months after application of the first sanction, the Commonwealth of Massachusetts still has not submitted a corrective program that EPA finds complete, a second sanction will be required.

If, following final interim approval, EPA disapproves the Commonwealth of Massachusetts' complete corrective program, EPA will be required to apply one of the section 179(b) sanctions on the date 18 months after the effective date of the disapproval, unless prior to that date the Commonwealth of Massachusetts has submitted a revised program and EPA has determined that it corrected the deficiencies that prompted the disapproval. If, six months after EPA applies the first sanction, the Commonwealth of Massachusetts has not submitted a revised program that EPA has determined corrected the deficiencies that prompted disapproval, a second sanction will be required.

In addition, discretionary sanctions may be applied where warranted any time after the end of an interim approval period if the Commonwealth of Massachusetts has not timely submitted a complete corrective program or EPA has disapproved a submitted corrective program. Moreover, if EPA has not granted full approval to a Commonwealth of Massachusetts program by the expiration of an interim approval and that expiration occurs after November 15, 1995, EPA must promulgate, administer and enforce a Federal permits program for the Commonwealth of Massachusetts upon interim approval expiration.

## II. Action and Implications

### *A. Analysis of State Submission*

#### 1. Support Materials

The Acting Commissioner of the Commonwealth of Massachusetts (Designee of the Governor) submitted an administratively complete title V Operating Permits Program (PROGRAM) on April 28, 1995. EPA deemed the PROGRAM administratively complete in a letter to the Commissioner dated on June 26, 1995. The PROGRAM submittal includes a description of how the Commonwealth intends to implement the PROGRAM and legal opinions from the Attorney General of Massachusetts stating that the laws of the Commonwealth provide adequate authority to carry out the PROGRAM. The submittal additionally contains evidence of proper adoption of the PROGRAM regulations, permit application forms, a data management system and a fee adequacy demonstration.

#### 2. Regulations and Program Implementation

The Commonwealth of Massachusetts has submitted 310 CMR 7.00 Appendix C entitled ''Operating Permit Program'' for implementing the State part 70 program as required by 40 CFR 70.4(b)(2). Sufficient evidence of procedurally correct adoption is included in part b of the submittal.

The Massachusetts operating permits regulations follow part 70 very closely. The following requirements, set out in EPA's part 70 operating permits program review are addressed in Part B of the Commonwealth's submittal.

The Massachusetts PROGRAM, including the operating permit regulations, substantially meets the requirements of 40 CFR 70.2 and 70.3 with respect to applicability; §§ 70.4, 70.5 and 70.6 with respect to permit content and operational flexibility; § 70.5 with respect to complete application forms and criteria which define insignificant activities; §§ 70.7 and 70.8 with respect to public participation, minor permit modifications, and review by affected states and EPA; and § 70.11 with respect to requirements for enforcement authority.

Part 70 of the operating permits regulation requires prompt reporting of deviations from the permit requirements. Section 70.6(a)(3)(iii)(B) requires the permitting authority to define prompt in relation to the degree and type of deviation likely to occur and the applicable requirements. The Commonwealth of Massachusetts has not defined ''prompt'' in its program with respect to reporting of deviations. Although the permit program regulations should define prompt for purposes of administrative efficiency and clarity, an acceptable alternative is to define prompt in each individual permit. The EPA believes that prompt should generally be defined as requiring reporting within two to ten days of the deviation. Two to ten days is sufficient time in most cases to protect public health and safety as well as to provide a forewarning of potential problems. For sources with a low level of excess emissions, a longer time period may be acceptable. However, prompt reporting must be more frequent than the semiannual reporting requirement, given this is a distinct reporting obligation under § 70.6(a)(3)(iii)(A). Where ''prompt'' is defined in the individual permit but not in the program regulations, EPA may veto permits that do not contain sufficiently prompt reporting of deviations.

EPA is granting interim approval for the Massachusetts program rather than full approval. Pursuant to section 502(g) of the Act, Massachusetts would be authorized to implement the interim program for a period of two years following EPA's final interim approval of the program. There are four technical mistakes in the PROGRAM regulation that could confuse the regulated community concerning DEP's intent in implementing the PROGRAM. When Massachusetts makes the following changes EPA will grant the PROGRAM full approval:

1. In Appendix C(8)(b)4., the program regulation extends the permit shield to all administrative amendments, including those that receive no public or EPA review. EPA's rule extends the permit shield only to those administrative amendments that have previously been reviewed in an ''enhanced'' new source review program with requirements substantially equivalent to the significant permit modification process. 40 CFR 70.7(d)(4). The permit shield should not extend to all administrative amendments. This is a technical error in the PROGRAM regulation and DEP has agreed to delete this section of their regulations.

2. In Appendix C(7)(b)3.e., the program regulation provides that a notice of an operational flexibility change made pursuant to an intra-facility emissions trading plan may include notice of ''[a]ny permit term or condition that is no longer applicable as a result of the change.'' Changes made pursuant to an intra-facility emissions trading plan must be provided for in the permit, and such plans provide no authority to render permit conditions inapplicable through a simple notice. 40 CFR 70.4(b)(12)(iii)(A). The DEP agrees with this interpretation. It does not intend during the interim program to allow sources to violate conditions of the permit using a notice under a trading plan. Therefore, DEP has agreed to remove this section of their regulation.

3. In Appendix C(4)(a)5., the program regulation requires ''new construction'' to apply for an operating permit within one year of commencing operation, but it does not clearly cover sources that become major without any new construction, for example by relaxing an emissions cap in a restricted emission status (RES) plan approval. EPA and DEP agree that such sources are subject to the program, and that it is the intent of DEP's regulations to require such facilities to apply within a year of becoming major sources during the

interim program. DEP has agreed to revise this provision to clarify the intent of this requirement.

4. In Appendix C(8)(a)2.b., the program regulation prohibits any *relaxation* of monitoring, reporting, or recordkeeping from qualifying as a minor permit modification. Additionally, in Appendix C(8)(a)3.c., the program regulation requires any *significant change* to such permit terms to be processed as a significant permit modification. EPA's rule prohibits all significant changes to monitoring, reporting, or recordkeeping, whether or not they are characterized as a relaxation, from being processed as a minor permit modification, because it is often impossible to tell in advance whether a proposed significant monitoring change is in fact a relaxation. 40 CFR 70.7(e)(2)(i)(2). DEP interprets the requirement in its significant permit modification procedures to be paramount and to require any significant change to monitoring, etc., to be handled as a significant permit modification, consistent with EPA's permit modification procedures. DEP has agreed to revise the operating permit regulations to clarify this matter.

The complete program submittal and the Technical Support Document (TSD) dated November 6, 1995 entitled ''Technical Support Document—Massachusetts Operating Permits Program'' are available in the docket for review. The TSD includes a detailed analysis, including a program checklist, of how the Commonwealth's program and regulations compare with EPA's requirements and regulations. The TSD also includes several important representations from DEP concerning its interpretation of the intent of their program regulations, on which EPA is relying in finding the Commonwealth's program substantially equivalent to federal requirements.

3. Permit Fee Demonstration

Section 502(b)(3) of the Act requires that each permitting authority collect fees sufficient to cover all reasonable direct and indirect costs required to develop and administer its title V operating permit program. Each title V program submittal must contain either a detailed demonstration of fee adequacy or a demonstration that the fees collected exceed $25 per ton of actual emissions per year, adjusted from the August, 1989 consumer price index. The $25 per ton was presumed by Congress to cover all reasonable direct and indirect costs to an operating permit program. This minimum amount is referred to as the ''presumptive minimum.''

Massachusetts has opted to make a presumptive minimum fee demonstration. In the fee regulation, the Commonwealth proposes a fee-for-service methodology for calculating the operating permit program fees for the first four years of the program. This fee is equivalent to at least the part 70 presumptive minimum fee of $25 per ton of regulated air pollutants, adjusted per the consumer price index (CPI). This rate is based on emissions of regulated pollutants excluding carbon monoxide (CO) capped at 4000 tons per year per pollutant. Using Massachusetts' fee-for-service approach, the Commonwealth will collect from $33.84 to $34.50 per ton annually via application and compliance assurance fees. Massachusetts' average rate is above the presumptive minimum adjusted by the CPI.

Therefore, Massachusetts has demonstrated that the state is collecting sufficient permit fees to meet EPA's presumptive minimum criteria. For more information, see part G of Massachusetts' title V program.

4. Provisions Implementing the Requirements of Other Titles of the Act

a. Authority and/or Commitments for Section 112 Implementation. Massachusetts has demonstrated in its title V program submittal adequate legal authority to implement and enforce all section 112 requirements for hazardous air pollutants through the title V permit. This legal authority is contained in Massachusetts' enabling legislation and in regulatory provisions defining ''applicable requirements'' and stating that the permit must incorporate all applicable requirements. EPA has determined that this legal authority is sufficient to allow Massachusetts to issue permits that assure compliance with all section 112 requirements.

Therefore, EPA will consider that the State of Massachusetts' legal authority is sufficient to allow the State to issue permits that assure compliance with all section 112 requirements, and to carry out all section 112 activities. For further rationale on this interpretation, please refer to the Technical Support Document referenced above and the April 13, 1993 guidance memorandum titled ''Title V Program Approval Criteria for Section 112 Activities,'' signed by John Seitz.

b. Implementation of 112(g) Upon Program Approval. On February 14, 1995 EPA published an interpretive notice (see 60 FR 8333) that postpones the effective date of section 112(g) until after EPA has promulgated a rule addressing that provision. The section 112(g) interpretive notice explains that EPA is still considering whether the effective date of section 112(g) should be delayed beyond the date of promulgation of the Federal rule so as to allow states time to adopt rules implementing the Federal rule, and that EPA will provide for any such additional delay in the final section 112(g) rulemaking. Unless and until EPA provides for such an additional postponement of section 112(g) Massachusetts must be able to implement section 112(g) during the period between promulgation of the Federal section 112(g) rule and adoption of implementing State regulations. EPA believes that Massachusetts can utilize its preconstruction permitting program to serve as a procedural vehicle for implementing section 112(g) rule and making these requirements Federally enforceable between promulgation of the Federal section 112(g) rule and adoption of implementing State regulations. For this reason, EPA is approving Massachusetts' preconstruction permitting program found in 310 CMR 7.02 ''Plan Approval and Emission Limitations'' under the authority of title V and part 70 solely for the purpose of implementing section 112(g) during the transition period between title V approval and adoption of a State rule implementing EPA's section 112(g) regulations.

Since the approval would be for the single purpose of providing a mechanism to implement section 112(g) during the transition period, the approval would be without effect if EPA decides in the final section 112(g) rule that sources are not subject to the requirements of the rule until State regulations are adopted. Also, since the approval would be for the limited purpose of allowing the State sufficient time to adopt regulations, EPA is limiting the duration of the approval to 18 months following promulgation by EPA of its section 112(g) rule.

c. Program for Straight Delegation of Sections 111 and 112 Standards. Requirements for operating permit program approval, specified in 40 CFR 70.4(b), encompass section 112(l)(5) requirements for approval of a program for delegation of section 112 General Provision Subpart A and standards as promulgated by EPA as they apply to part 70 sources. Section 112(l)(5) requires that the State's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under part 70. Therefore, the EPA is also granting approval under section 112(l)(5) and 40 CFR 63.91 of

the State's program for receiving delegation of section 112 standards that are unchanged from the Federal standards as promulgated, and section 112 infrastructure programs such as those programs authorized under sections 112(i)(5), 112(g), 112(j) and 112(r) to the extent they apply to sources subject to 310 CMR 7.00 Appendix C. EPA is reconfirming the 40 CFR part 60 and 61 standards currently delegated to Massachusetts as indicated in Table I.[2] EPA is also reconfirming delegation of 40 CFR part 60 standards to the extent they apply to sources subject to 310 CMR 7.00 Appendix C as indicated in Table II. In addition, EPA is proposing to delegate all future 40 CFR parts 60, 61 and 63 standards to the extent they apply to sources subject to 310 CMR 7.00 Appendix C.[3] EPA is delegating the 40 CFR part 63 standards as indicated in Table III to the extent they apply to sources subject to 310 CMR 7.00 Appendix C.

Massachusetts has informed EPA that it intends to accept future delegation of section 111 and 112 standards by checking the appropriate boxes on a standardized checklist. The checklist will list applicable regulations and will be sent by the EPA Regional Office to Massachusetts. Massachusetts will accept delegation by checking the appropriate box and returning the checklist to EPA Region I. The details of this delegation mechanism are set forth in the November 28, 1995, Memorandum of Agreement between Massachusetts and EPA. This program applies to both existing and future standards but is limited to sources covered by the part 70 program. The original delegation agreement between EPA and Massachusetts was set forth in a letter from Kenneth Hagg dated June 25, 1982.

d. Commitment to implement title IV of the ACT. Massachusetts has committed to take action, following promulgation by EPA of regulations implementing section 407 and 410 of the Act, or revisions to either part 72, 74, or 76 or the regulations implementing section 407 or 410, to either incorporate by reference or submit, for EPA approval, Massachusetts Department of Environmental Protection (DEP) regulations implementing these provisions.

*B. Final Action*

The EPA is promulgating interim approval to the operating permits program submitted to EPA by the Commonwealth of Massachusetts on April 28, 1995. After promulgation, the Commonwealth must make the changes listed above to receive full approval. This interim approval, which may not be renewed, extends for a period of up to 2 years. During the interim approval period, the Commonwealth is protected from sanctions for failure to have a program, and EPA is not obligated to promulgate a Federal permits program in the Commonwealth. Permits issued under a program with interim approval have full standing with respect to Part 70, and the 1-year time period under the Act for submittal of permit applications by subject sources begins upon interim approval, as does the 3-year time period for processing the initial permit applications.

The scope of the Commonwealth of Massachusetts' part 70 program that EPA is approving in this notice would apply to all part 70 sources (as defined in the approved program) within the Commonwealth of Massachusetts, except any sources of air pollution over which an Indian Tribe has jurisdiction. *See, e.g.*, 59 FR 55813, 55815–18 (Nov. 9, 1994). The term ''Indian Tribe'' is defined under the Act as ''any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village, which is Federally recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.'' See section 302(r) of the CAA; see also 59 FR 43956, 43962 (Aug. 25, 1994); 58 FR 54364 (Oct. 21, 1993).

Requirements for approval, specified in 40 CFR 70.4(b), encompass section 112(l)(5) requirements for approval of a program for delegation of section 112 standards as promulgated by EPA as they apply to Part 70 sources. Section 112(l)(5) requires that the State's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under Part 70. Therefore, the EPA is also granting approval under section 112(l)(5) and 40 CFR 63.91 of the State's program for receiving delegation of section 112 standards that are unchanged from Federal standards as promulgated. This program for delegations only applies to sources covered by the Part 70 program.

III. Administrative Requirements

*A. Opportunity for Public Comments*

In a related notice in the Proposed Rule section the EPA is providing an opportunity for comments on all aspects of this final rule. Copies of the State's submittal and other information relied upon for the interim approval are contained in a docket maintained at the EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this interim approval. The principal purposes of the docket are:

(1) To allow interested parties a means to identify and locate documents so that they can effectively participate in the approval process, and

(2) To serve as the record in case of judicial review. The EPA will consider any comments received by March 4, 1996.

*B. Executive Order 12866*

The Office of Management and Budget has exempted this action from Executive Order 12866 review.

*C. Regulatory Flexibility Act*

The EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR Part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

*D. Unfunded Mandates*

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the action promulgated today does not include a Federal mandate that may result in

[2] Please note that federal rulemaking is not required for delegation of section 111 standards.

[3] The radionuclide National Emission Standards for Hazardous Air Pollutant (NESHAP) is a section 112 regulation and therefore, also an applicable requirement under the State operating permits program for part 70 sources. There is not yet a Federal definition of ''major'' for radionuclide sources. Therefore, until a major source definition for radionuclide is promulgated, no source would be a major section 112 source solely due to its radionuclide emissions. However, a radionuclide source may, in the interim, be a major source under part 70 for another reason, thus requiring a part 70 permit. The EPA will work with the State in the development of its radionuclide program to ensure that permits are issued in a timely manner.

estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves preexisting requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 70

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

Dated: November 28, 1995.

John P. DeVillars,

*Regional Administrator, Region I.*

TABLE I.—RECONFIRMATION OF PART 60 AND 61 DELEGATIONS

| | |
|---|---|
| **PART 60 SUBPART CATEGORIES** | |
| D | FOSSIL-FUEL FIRED STEAM GENERATORS. |
| Da | ELECTRIC UTILITY STEAM GENERATORS. |
| E | INCINERATORS. |
| F | PORTLAND CEMENT PLANTS. |
| G | NITRIC ACID PLANTS. |
| H | SULFURIC ACID PLANTS. |
| I | ASPHALT CONCRETE PLANTS. |
| J | PETROLEUM REFINERIES. |
| K | PETROLEUM LIQUID STORAGE VESSELS. |
| Ka | PETROLEUM LIQUID STORAGE VESSELS. |
| L | SECONDARY LEAD SMELTERS. |
| M | SECONDARY BRASS AND BRONZE PRODUCTION PLANTS. |
| N | BASIC OXYGEN PROCESS FURNACES PRIMARY EMISSIONS. |
| O | SEWAGE TREATMENT PLANTS. |
| P | PRIMARY COPPER SMELTERS. |
| Q | PRIMARY ZINC SMELTERS. |
| R | PRIMARY LEAD SMELTERS. |
| S | PRIMARY ALUMINUM REDUCTION. |
| T | PHOSPHATE FERTILIZER WET PROCESS. |
| U | PHOSPHATE FERTILIZER-SUPERPHOSPHORIC ACID. |
| V | PHOSPHATE FERTILIZER-DIAMMONIUM PHOSPHATE. |
| W | PHOSPHATE FERTILIZER TRIPLE SUPERPHOSPHATE. |
| X | PHOSPHATE FERTILIZER-GRANULAR TRIPLE SUPERPHOSPHATE STORAGE. |
| Y | COAL PREPARATION PLANTS. |
| Z | FERROALLOY PRODUCTION FACILITIES. |
| AA | STEEL PLANTS-ELECTRIC ARC FURNACES. |
| BB | KRAFT PULP MILLS. |
| CC | GLASS MANUFACTURING PLANTS. |
| DD | GRAIN ELEVATORS. |
| EE | SURFACE COATING OF METAL FURNITURE. |
| GG | STATIONARY GAS TURBINES. |
| HH | LIME MANUFACTURING PLANTS. |
| KK | LEAD-ACID BATTERY MANUFACTURING. |
| MM | AUTO & LIGHT TRUCK SURFACE COATING OPERATIONS. |
| NN | PHOSPHATE ROCK PLANTS. |
| PP | AMMONIUM SULFATE MANUFACTURING. |
| QQ | GRAPHIC ARTS-ROTOGRAVURE PRINTING. |
| RR | TAPE AND LABEL SURFACE COATINGS. |
| SS | SURFACE COATING: LARGE APPLIANCES. |
| TT | METAL COIL SURFACE COATING. |
| UU | ASPHALT PROCESSING ROOFING. |
| WW | BEVERAGE CAN SURFACE COATING. |
| XX | BULK GASOLINE TERMINALS. |
| FFF | FLEXIBLE VINYL AND URETHAN COATING AND PRINTING. |
| HHH | SYNTHETIC FIBER PRODUCTION. |
| JJJ | PETROLEUM DRY CLEANERS. |
| **PART 61 SUBPART CATEGORIES** | |
| C | BERYLLIUM. |
| D | BERYLLIUM-ROCKET MOTOR. |
| E | MERCURY. |
| F | VINYL CHLORIDE. |
| M | ASBESTOS. |
| N | ARSENIC-GLASS MANUFACTURING. |

TABLE II.—RECONFIRMATION OF PART 60 DELEGATIONS AS THEY APPLY TO MASSACHUSETTS TITLE V OPERATING PERMITS PROGRAM

| | |
|---|---|
| **PART 60 SUBPART CATEGORIES** | |
| Db | INDUSTRIAL- COMMERCIAL- INSTITUTIONAL STEAM GENERATING UNIT. |
| Dc | SMALL INDUSTRIAL-COMMERCIAL-INSTITUTIONAL STEAM GENERATING UNITS. |
| Ea | MUNICIPAL WASTE COMBUSTORS. |

TABLE II.—RECONFIRMATION OF PART 60 DELEGATIONS AS THEY APPLY TO MASSACHUSETTS TITLE V OPERATING PERMITS PROGRAM—Continued

| | |
|---|---|
| Kb | PETROLEUM LIQUID STORAGE VESSELS 7/23/84. |
| AAa | ELECTRIC ARC FURNACES AND ARGON-OXYGEN DECARBURIZATION. |
| VV | EQUIPMENT LEAKS OF VOC IN SOCMI. |
| DDD | VOC EMISSIONS FROM POLYMER MANUFACTURING INDUSTRY. |
| III | VOC FROM SOCMI AIR OXIDATION UNIT. |
| NNN | VOC FROM SOCMI DISTILLATION. |
| OOO | NONMETALLIC MINERAL PLANTS. |
| PPP | WOOL FIBERGLASS INSULATION. |
| RRR | VOC EMISSIONS FROM SOCMI PROCESS. |
| SSS | MAGNETIC TAPE COATING. |
| TTT | SURFACE COATING OF PLASTIC PARTS FOR BUSINESS MACHINES. |
| UUU | CALCINERS & DRYERS IN THE MINERAL INDUSTRY. |
| VVV | POLYMERIC COATING OF SUPPORTING SUBSTRATES. |

TABLE III.—DELEGATION OF PART 63 STANDARDS AS THEY APPLY TO MASSACHUSETTS TITLE V OPERATING PERMITS PROGRAM

| PART 63 SUBPART CATEGORIES | |
|---|---|
| A | General Provisions. |
| F | National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry. |
| G | National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry Process Vents, Storage Vessels, Transfer Operations, and Wastewater. |
| H | National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks. |
| I | National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks. |
| M | National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities. |
| N | National Emission Standards for Chromium Emissions from Hard and Decorative Electroplating and Chromium Anodizing Tanks. |
| O | Ethylene Oxide Emission Standards for Sterilization Facilities. |
| Q | National Emission Standards for Hazardous Air Pollutants for Industrial Cooling Towers. |
| R | National Emission Standards for Organic Hazardous Air Pollutants for Source Categories: Gasoline Distribution (Stage I). |
| T | National Emission Standards for Halogenated Solvent Cleaning. |
| W | National Emission Standards for Organic Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production. |
| X | National Emission Standards for Organic Hazardous Air Pollutants from Secondary Lead Smelting. |
| EE | National Emission Standards for Magnetic Tape Manufacturing Operations. |

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 adding the entry for Massachusetts in alphabetical order 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 March 4, 1996; interim approval expires March 2, 1998.

(b) (Reserved)

* * * * *

[FR Doc. 96–2248 Filed 2–1–96; 8:45 am]

BILLING CODE 6560–50–P

## 40 CFR Part 80

**[FRL–5412–1]**

**RIN 2060–AD55**

## Prohibition on Gasoline Containing Lead or Lead Additives for Highway Use

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

**ACTION:** Direct final rule.

**SUMMARY:** The Clean Air Act prohibits the introduction of gasoline containing lead or lead additives into commerce for use as a motor vehicle fuel after December 31, 1995. In today's action, EPA revises its regulations regarding gasoline so as to prohibit the introduction of gasoline which is produced with the use of any lead additive, or contains more than 0.05 gram of lead per gallon, into commerce for use as motor vehicle fuel effective January 1, 1996, remove existing regulatory provisions which will no longer be necessary as a result of this ban, and modify other provisions to reflect the institution of this ban. Among the provisions deleted are recordkeeping and reporting requirements for refiners and importers, and the requirement that motor vehicle manufacturers place ''unleaded fuel only'' labels on the dashboard and on or around the fuel filler inlet area of each motor vehicle produced. EPA believes that continuance of the provisions deleted by this rule would pose needless costs on industry in light of the ban.

In the proposed rules Section of today's Federal Register, EPA is proposing to issue a regulatory ban on the introduction of gasoline which is produced with the use of any lead additive, or contains more than 0.05 gram of lead per gallon, into commerce for use as a motor vehicle fuel effective January 1, 1996, and to remove existing regulatory provisions which will no longer be necessary as a result of this ban, and modify other provisions to reflect the institution of this ban. If adverse comment or a request for an opportunity for a public hearing is