deficiency by submitting a complete corrective program.

3. Other Actions

As discussed previously in section II.A.4.b., EPA proposes to approve Knox County's preconstruction review program found in K.C.A.P.C. section 25.1, under the authority of title V and part 70 solely for the purpose of implementing section 112(g) to the extent necessary during the transition period between 112(g) promulgation and adoption of a local rule implementing EPA's section 112(g) regulations.

In addition, as discussed in section II.A.4.c., EPA proposes to grant approval under section 112(l)(5) and 40 CFR 63.91 to the County's program for receiving delegation of future section 112 standards and programs that are unchanged from Federal rules as promulgated. EPA also proposes to delegate all existing standards under 40 CFR parts 61 and 63 for both part 70 and non-part 70 sources.

III. Administrative Requirements

A. Request for Public Comments

The EPA is requesting comments on all aspects of this proposed interim approval. Copies of the Knox County submittal and other information relied upon for the proposed full/interim approval are contained in docket number TN–KNOX–95–01 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 proposed 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 December 8, 1995.

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 Reform Act of 1995

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 proposed approval action promulgated today does not include a Federal mandate that may result in estimated costs of $100 million or more to State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing 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.

Authority: 42 U.S.C. 7401–7671q.

Dated: October 31, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 95–27697 Filed 11–7–95; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 70

[TN–CHAT–95–01; FRL–5328–1]

Clean Air Act Proposed Approval or, in the Alternative, Proposed Interim Approval of Operating Permits Program; Hamilton County, Tennessee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed approval.

SUMMARY: EPA proposes full approval of the operating permit program submitted by the State of Tennessee on behalf of the Chattanooga-Hamilton County Air Pollution Control Bureau (''CHCAPCB'' or ''the County'') if certain changes are made prior to final EPA action on this program. Alternatively, EPA proposes to grant interim approval if the necessary changes are not made. CHCAPCB's operating permit program was submitted for the purpose of complying with Federal requirements which mandate that states develop, and submit to EPA, programs for issuing operating permits to all major stationary sources, and to certain other sources in the state.

DATES: Comments on this proposed action must be received in writing by December 8, 1995.

ADDRESSES: Written comments on this action should be addressed to Carla E. Pierce, Chief, Air Toxics Unit/Title V Program Development Team, Air Programs Branch, at the EPA Region 4 office listed below. Copies of CHCAPCB's submittal and other supporting information used in developing the proposed full/interim approval are available for inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 4, third floor, 345 Courtland Street NE, Atlanta, GA 30365.

FOR FURTHER INFORMATION CONTACT: Kelly Fortin, Title V Program Development Team, Air Programs Branch, Air Pesticides & Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 345 Courtland Street NE, Atlanta, GA 30365, (404) 347–3555, Ext. 4223.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

A. Introduction

As required under title V of the Clean Air Act (''the Act'') as amended by the 1990 Clean Air Act Amendments, EPA promulgated rules on July 21, 1992 (57 FR 32250) that define the minimum elements of an approvable state operating permit program and the corresponding standards and procedures by which EPA will approve, oversee, and withdraw approval of state and local operating permit programs. These rules are codified at 40 Code of Federal Regulations (CFR) part 70. Title V and part 70 require that states develop, and submit to EPA, programs for issuing operating permits to all major stationary sources and to certain other sources.

The Act requires states to develop and submit these programs to EPA by November 15, 1993, and EPA to approve to disapprove each program within one year after receiving the submittal. If the state's submission is materially changed

during the one-year review period, 40 CFR 70.4(e)(2) allows EPA to extend the review period for no more than one year following receipt of the additional materials.

EPA reviews state operating permit programs pursuant to section 502 of the Act and 40 CFR part 70, 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 two years. If EPA has not fully approved a program by November 15, 1995, or by the end of an interim program, it must establish and implement a Federal operating permit program.

II. Proposed Action and Implications

A. Analysis of State Submission

EPA has concluded that the operating permit program submitted by the State of Tennessee on behalf of the Chattanooga-Hamilton County Air Pollution Control Board substantially meets the requirements of title V and part 70, and proposes to grant interim approval to the program or, in the alternative, to grant full approval to the program if specified changes are made, as will be discussed below. For detailed information on the analysis of the State's submission, please refer to the Technical Support Document (TSD) contained in the docket at the address noted above.

1. Support Materials

Pursuant to section 502(d) of the Act, each state must develop and submit to the Administrator an operating permit program under state or local law or under an interstate compact meeting the requirements of title V of the Act. On November 22, 1993, EPA received the title V operating permit program submitted by the State of Tennessee on behalf of the Chattanooga-Hamilton County Air Pollution Control Board. The State of Tennessee Department of Environment and Conservation requested, under signature of the Tennessee Governor's designee, approval of the CHCAPCB's operating permit program. The State supplemented the program submittal, on behalf of the County, on January 23, 1995, February 24, 1995, and October 13, 1995.

The program submittal includes a legal opinion from independent legal council for the Chattanooga-Hamilton County Air Pollution Control Board demonstrating adequate legal authority for the implementation and enforcement of the local part 70 program. The program submittal contains a description of how the CHCAPCB intends to implement the program consistent with the requirements of the Clean Air Act Amendments of 1990 (42 U.S.C. 7401–7671q) and 40 CFR part 70. The program submittal also includes supporting documentation, such as evidence of the procedurally correct adoption of the permitting rules, permit application forms, and a detailed enforcement agreement with EPA. The submittal was determined to be administratively complete on January 24, 1995.

2. Regulations and Program Implementation

The Chattanooga-Hamilton County Air Pollution Control Board, operating under a certificate of exemption pursuant to Tennessee Code Annotated, Section 68–201–115, has authority to administer the operating permits program in all areas of Hamilton County, Tennessee, with the exception of Indian reservations and tribal lands. The CHCAPCB operating permits program is implemented and enforced through: (1) the Chattanooga Air Pollution Control Ordinance (within the incorporated municipality of the City of Chattanooga, Tennessee); (2) the Hamilton County Air Pollution Control regulation (in the unincorporated areas of Hamilton County, Tennessee); and (3) air pollution control ordinances prepared for and enacted in the incorporated municipalities of East Ridge, Red Bank, Soddy-Daisy, Signal Mountain, Lakesite, Walden, Collegedale, Lookout Mountain, and Ridgeside.

EPA has determined that the above regulations, constituting the Chattanooga-Hamilton County operating permits program, substantially meet the requirements of 40 CFR 70.2 and 70.3 for applicability; 40 CFR 70.4, 70.5, and 70.6 for permit content (including operational flexibility); 40 CFR 70.7 and 70.8 for permit processing requirements (including public participation and permit modifications); and 40 CFR 70.11 for requirements for enforcement authority. The CHCAPCB's operating permit program closely follows the federal part 70 regulations. The TSD contains a detailed analysis of CHCAPCB's program and references the sections of the applicable local regulations that meet the required elements of an approvable program under 40 CFR part 70.

Under part 70, a state must request approval of, and EPA may approve as part of that state or local program, any activities or emission levels that the state wishes to consider insignificant. Part 70, however, does not establish emissions thresholds for insignificant activities. EPA has accepted emissions thresholds of five tons per year for criteria pollutants, and the lesser of 1000 pounds per year or section 112(g) de minimis levels for hazardous air pollutants, as reasonable.

Section 70.4(b)(2) requires states to include in their part 70 programs any criteria used to determine insignificant activities or emission levels for the purposes of determining complete applications. Section 70.5(c) states that an application for a part 70 permit may not omit information needed to determine the applicability of, or to impose, any applicable requirement, or to evaluate appropriate fee amounts.

Section 7(c)(11) of the Hamilton County Regulation (section 4–56.11 of the Chattanooga Code) lists certain units or activities that, due to de minimis emission levels, need not be included in a part 70 permit application. CHCAPCB believes that these activities generally have a potential to emit below 5 tons per year of criteria or regulated hazardous air pollutants without size or production rate limitations. Section 7(c)(12) of the Hamilton County Regulation (section 4–56.12 of the Chattanooga Code) lists activities that are deemed to be insignificant due to size and production rate and that must be listed in a part 70 permit application but need not have emissions related information reported. CHCAPCB believes these activities have a potential to emit of less that 5 tons per year of any criteria or regulated hazardous air pollutant. CHCAPCB's regulations specify that an application may not omit information needed to determine the applicability of, or to impose, any applicable requirement, or to evaluate the fee amount required.

CHCAPCB specified that the listed insignificant activities are expected to have emissions below five tons per year of criteria and regulated hazardous air pollutants. As stated above, EPA has accepted emissions thresholds of the lesser of 1000 pounds per year or section 112(g) de minimis levels for hazardous air pollutants. In addition, while CHCAPCB specified the 5 ton per year threshold as the criteria used to develop the insignificant activities list, no emission thresholds were specified in the regulations. The submittal also did not include any information on the estimated level of emissions from activities, nor a demonstration that these activities are not likely to be subject to an applicable requirement.

EPA has reviewed CHCAPCB's significant activities lists and is concerned that several of the activities

may conflict with applicable requirements and may not have emissions levels that are sufficiently below the applicability thresholds to assure that no unit potentially subject to an applicable requirement is left off a title V application, especially with respect to emissions of hazardous air pollutants. EPA has identified these activities of concern in the technical support document available in the docket for this rulemaking.

As a condition of full approval, CHCAPCB must remove, clarify, or limit the activities in question and/or document that they are not potentially subject to an applicable requirement. In revising the insignificant activities lists, CHCAPCB must consider emissions of all regulated air pollutants, not just criteria and hazardous air pollutants. In addition, CHCAPCB must establish emission threshold criteria that will not conflict with section 112(g) de minimis levels for hazardous air pollutants. As stated above, EPA has accepted emissions thresholds of the lesser of 1000 pounds per year or section 112(g) de minimis levels, as reasonable.

Part 70 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 applicable requirements and type of deviation likely to occur. 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. 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 section 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. CHCAPCB has not defined ''prompt'' in its program, but rather intends to require the prompt reporting of deviations in the individual permits.

The Chattanooga-Hamilton County Air Pollution Control Board has the authority to issue variances from requirements imposed by local law. Section 4–21 of the Chattanooga ordinance, and the corresponding chapters of the Hamilton County and local municipalities' regulations, allow CHCAPCB discretion to grant relief from compliance with local requirements for up to one year. EPA regards this provision as wholly external to the program submitted for approval under part 70, and consequently proposes to take no action on this provision of the local program.

EPA has no authority to approve provisions of local law, such as the variance provision referred to, that are inconsistent with title V. EPA does not recognize the ability of a permitting authority to grant relief from the duty to comply with a Federally enforceable part 70 permit, except where such relief is granted through the procedures allowed by part 70. A part 70 permit may be issued or revised (consistent with part 70 permitting procedures) to incorporate those terms of a variance that are consistent with applicable requirements. A part 70 permit may also incorporate, via part 70 permit issuance or modification procedures, the schedule of compliance set forth in a variance. However, EPA reserves the right to pursue enforcement of applicable requirements notwithstanding the existence of a compliance schedule in a permit to operate. This is consistent with 40 CFR 70.5(c)(8)(iii)(C), which states that a schedule of compliance ''shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.''

3. Permit Fee Demonstration

Section 502(b)(3) of the Act requires each permitting authority to collect fees sufficient to cover all reasonable direct and indirect costs necessary for the development and administration of its title V operating permit program. Each title V program submittal must contain either a detailed demonstration of fee adequacy or a demonstration that aggregate fees collected from title V sources meet or exceed $25 per ton of emissions per year (adjusted from 1989 by the Consumer Price Index (CPI)). The $25 per ton is presumed, for program approval, to be sufficient to cover all reasonable program costs and is thus referred to as the ''presumptive minimum.''

The Chattanooga-Hamilton County Air Pollution Control Board has elected to adopt a presumptive minimum fee of $29.32 per ton for each annual accounting period (adjusted by the CPI as required). The fee demonstration showed that the fees collected will adequately cover the anticipated costs of the operating permit program. The program activities that will constitute CHCAPCB's title V operating permit program are consistent with the activities described in 40 CFR 70.9(b)(1). Section 4–60 of the Chattanooga Code provides that an annual accounting of the operating permit program will be performed to ascertain whether the annual fees collected are sufficient to support the direct and indirect costs of the title V program.

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

a. Authority for Section 112 Implementation. In its program submittal, Chattanooga-Hamilton County demonstrates adequate legal authority to implement and enforce all section 112 requirements through the title V permit. This legal authority is contained in regulatory provisions defining ''applicable requirements'' and requiring each permit to incorporate conditions that assure compliance with all applicable requirements. In addition, this definition includes language that clarifies that in the period after federal adoption, and before local adoption, the part 70 permit will specify that the source is subject to the cited federal standard. EPA is interpreting the above legal authority to mean that Chattanooga-Hamilton County is able to carry out all section 112 activities with respect to part 70. For further discussion, please refer to TSD accompanying this action and the April 13, 1993 guidance memorandum entitled, ''Title V Program Approval Criteria for Section 112 Activities,'' signed by John Seitz.

b. Implementation of Section 112(g) Upon Program Approval. EPA issued an interpretive notice on February 14, 1995 (60 FR 8333), which outlines EPA's revised interpretation of section 112(g) applicability. The notice postpones the effective date of section 112(g) until after EPA has promulgated a rule addressing that provision. The notice sets forth in detail the rationale for the revised interpretation.

The section 112(g) interpretative notice explains that EPA is 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), Chattanooga-Hamilton County must have a Federally enforceable mechanism for implementing section 112(g) during the period between promulgation of the

Federal section 112(g) rule and adoption of implementing local regulations.

EPA is aware that Chattanooga-Hamilton County lacks a program designed specifically to implement section 112(g). However, Chattanooga-Hamilton County does have a preconstruction review program that can serve as an adequate implementation vehicle during the transition period because it would allow the County to select control measures that would meet the maximum achievable control technology (MACT), as defined in section 112, and incorporate these measures into a Federally enforceable preconstruction permit.

For this reason, EPA proposes to approve the use of Chattanooga-Hamilton County's preconstruction review programs found in Section 4–8 of the Chattanooga Code, and the corresponding sections of the Hamilton County and local municipalities' regulations, under the authority of title V and part 70, solely for the purpose of implementing section 112(g) to the extent necessary during the transition period between section 112(g) promulgation and adoption of a local rule implementing EPA's section 112(g) regulations. Although section 112(l) generally provides authority for approval of state and local air programs to implement section 112(g), title V and section 112(g) provide for this limited approval because of the direct linkage between the implementation of section 112(g) and title V. The scope of this approval is narrowly limited to section 112(g) and does not confer or imply approval for purpose of any other provision under the Act (e.g., section 110). This approval will 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 local regulations are adopted. The duration of this approval is limited to 18 months following promulgation by EPA of the section 112(g) rule to provide adequate time for Chattanooga, Hamilton County, and the affected municipalities to adopt regulations consistent with the Federal requirements.

c. Program for Delegation of Section 112 Standards as Promulgated. The requirements for part 70 program approval, specified in 40 CFR 70.4(b), encompass section 112(1)(5) requirements for approval of a state program for delegation of section 112 standards promulgated by EPA as they apply to title V sources. Section 112(1)(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, EPA also proposes to grant approval, under section 112(1)(5) and 40 CFR 63.91, of Chattanooga-Hamilton County's program for receiving delegation of section 112 standards that are unchanged from the Federal standards as promulgated and to delegate existing standards and programs under 40 CFR parts 61 and 63 for part 70 sources and non-part 70 sources. This program for delegation applies to both existing and future standards, and to part 70 and non-part 70 sources. CHCAPCB has informed EPA that it intends to accept delegation of section 112 standards through incorporation by reference. The details of the CHCAPCB's delegation mechanism is set forth in a letter to EPA, dated October 19, 1995, and is contained in the docket for this action

d. Commitment to Implement Title IV of the Act. On March 29, 1995, EPA published a Federal Register Notice (60 FR 16127) notifying affected sources that the CHCAPCB's acid rain program had been established and that CHCAPCB's regulations are acceptable for the purposes of administering an acid rain program. Chattanooga-Hamilton County has committed to incorporate by reference, following promulgation by EPA, any new or revised provision of 40 CFR part 72 or provisions implementing sections 407 and 410 of the Act.

B. Proposed Actions

1. Full Approval

The EPA proposes to fully approve the operating permits program submitted to the EPA by the State of Tennessee of behalf of the Chattanooga-Hamilton County Air Pollution Control Board on November 22, 1995, if certain changes are made to the program and submitted to EPA prior to EPA's final action on this proposal. As a condition of full approval, CHCAPCB must remove, clarify, or limit certain insignificant activities and/or document that they are not potentially subject to an applicable requirement. EPA has determined that the program is otherwise adequate to meet the minimum elements of a local operating permits program as specified in 40 CFR part 70.

2. Interim Approval

EPA is proposing to grant interim approval to the operating permits program under 40 CFR 70.4(d) if the changes required for full approval, as described above, are not made prior to final promulgation of this rulemaking. EPA can grant interim approval because CHCAPCB's permit program substantially meets the approval process and requirements of part 70, as discussed in section II(A) of this notice. The problems noted above will not prevent CHCAPCB for issuing permits that are consistent with part 70 on an interim basis.

If EPA grants interim approval to CHCAPCB, the interim approval would extend for two years following the effective date of final interim approval, and could not be renewed. During the interim approval period, Hamilton County would not be subject to sanctions, and EPA would not be obligated to promulgate, administer, and enforce a Federal operating permit program for the County. Permits issued under a program with interim approval are fully effective with respect to part 70 and the three-year time period for processing the initial permit applications will begin upon the effective date of final interim approval.

Following the granting of final interim approval, if the Chattanooga-Hamilton County Air Pollution Control Board fails to submit a complete corrective program for full approval by the date six months before expiration of the interim approval, EPA will start an 18-month clock for mandatory sanctions. If the Chattanooga-Hamilton County Air Pollution Control Board then fails to submit a corrective program that EPA finds complete before the expiration of that 18-month period, EPA is required to apply one of the sanctions in section 179(b) of the Act, which will remain in effect until EPA determines that the Chattanooga-Hamilton County Air Pollution Control Board has corrected the deficiency by submitting a complete corrective program.

3. Program for Straight Delegation of Section 112 Standards

As discussed previously in section II.A.4.b., EPA proposes to approve Chattanooga-Hamilton County's preconstruction review program, under the authority of title V and part 70 solely for the purpose of implementing section 112(g) to the extent necessary during the transition period between 112(g) promulgation and adoption of a local rule implementing EPA's section 112(g) regulations.

In addition, as discussed in section II.A.4.c., EPA proposes to grant approval under section 112(1)(5) and 40 CFR 63.91 to CHCAPCB for receiving delegation of section 112 standards that are unchanged from Federal standards as promulgated. EPA also proposes to delegate all existing standards under 40

CFR part 61 and 63 both part 70 and non-part 70 sources.

4. Other Implications

The scope of Chattanooga-Hamilton County's part 70 program that EPA proposes to approve, or interimly approve in the alternative, in this notice would apply to all part 70 sources (as defined in the approved program) within Hamilton County, 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. 24, 1994); 58 FR 54364 (Oct. 21, 1993).

III. Administrative Requirements

A. Request for Public Comments

EPA requests comments on all aspects of this proposed full/interim approval. Copies of CHCAPCB's submittal and other information relied upon for the proposed alternatives of full approval and interim approval are contained in docket number TN–CHAT–95–01, 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 proposed full/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. EPA will consider any comments received by December 8, 1995.

B. Executive Order 12866

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

C. Regulatory Flexibility Act

EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permit 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 Reform Act of 1995

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 proposed action promulgated today does not include a Federal mandate that may result in estimated costs of $100 million or more to State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing 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, and Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7671q.

Dated: October 31, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 95–27698 Filed 11–7–95; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 100

RIN 0905–AE52

National Vaccine Injury Compensation Program: Revisions and Additions to the Vaccine Injury Table—II

AGENCY: Health Resources and Services Administration, PHS, HHS.

ACTION: Notice of proposed rulemaking; findings.

SUMMARY: The Secretary has made findings as to certain illnesses and conditions that can reasonably be determined in some circumstances to be caused or significantly aggravated by certain vaccines. Based on these findings, the Secretary proposes to amend the Vaccine Injury Table (Table) by regulation under section 313 of the National Childhood Vaccine Injury Act of 1986 and section 2114 (c) and (e) of the Public Health Service Act (the Act).

These proposed regulations would have effect only for petitions for compensation under the National Vaccine Injury Compensation Program (VICP) filed after the new regulations become effective.

DATES: Comments must be submitted on or before May 6, 1996. A public hearing on this proposed rule will be held before the end of the public comment period. A separate notice will be published in the Federal Register to provide the details of this hearing.

ADDRESSES: Written comments should be addressed to Fitzhugh Mullan, M.D., Director, Bureau of Health Professions (BHPr), Health Resources and Services Administration (HRSA), Room 8–05, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. All comments received will be available for public inspection and copying at the Office of Research and Planning, BHPr, Room 8–67, Parklawn Building, at the above address weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Geoffrey Evans, M.D., Chief Medical Officer, Division of Vaccine Injury Compensation, BHPr, (301) 443–4198 or David Benor, Senior Attorney, Office of the General Counsel, (301) 443–2006.

SUPPLEMENTARY INFORMATION: On August 14, 1992, the Secretary published in the Federal Register (57 FR 36878) findings as to the illnesses and conditions that can reasonably be determined in some circumstances to be caused or significantly aggravated by certain vaccines. Based on these findings, the Secretary proposed to amend the Vaccine Injury Table (Table) by regulation pursuant to section 312 of the National Childhood Vaccine Injury Act of 1986 and section 2114(c) of the Public Health Service Act (the Act). After consideration of comments on the proposed rule, the Secretary published a final rule in the Federal Register on February 8, 1995 (60 FR 7678). The Secretary indicated in the preamble to that rule that further modifications to