

located in Rochester, Minnesota. The Minnesota Pollution Control Agency (MPCA) submitted the proposed SIP revision and redesignation requests on September 7, 1994. In the final rules section of this **Federal Register**, USEPA is approving the SIP revision and requests to redesignation as a direct final rule because the Agency views this as noncontroversial and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule no further activity is contemplated in relation to this proposed rule. If USEPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The USEPA will not institute a second comment period on this notice.

DATES: Comments on this proposed rule must be received on or before June 30, 1995.

ADDRESSES: Written comments should be mailed to: William L. MacDowell, Chief, Regulation Development Section, Air Enforcement Branch (AE-17J), United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State submittal and USEPA's analysis are available for public inspection during normal business hours at the following address: United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard (AR-17J), Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT:

Randy Robinson, Air Enforcement Branch, Regulation Development Section (AE-17J) United States Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 353-6713.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule published in the rules section of the **Federal Register**.

Dated: April 19, 1995.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 95-13180 Filed 5-30-95; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 60

[AD-FRL-5211-5]

RIN 2060-AF00

Standards of Performance for New Stationary Sources Appendix A, Test Method 23

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This rule amends Method 23, entitled "Determination of Polychlorinated Dibenzo-p-Dioxins and Polychlorinated Dibenzofurans from Stationary Sources," to correct existing errors in the method, to eliminate the methylene chloride rinse of the sampling train, and to clarify the quality assurance requirements of the method.

DATES: *Comments.* Comments must be received on or before August 29, 1995.

Public Hearing. If anyone contacts EPA requesting to speak at a public hearing by June 14, 1995 a public hearing will be held on June 28, 1995, beginning at 10 a.m.

Request to Speak at Hearing. Persons wishing to present oral testimony must contact EPA by June 14, 1995.

ADDRESSES: Comments should be submitted (in duplicate if possible) to Public Docket No. A-94-2 at the following address: U. S. Environmental Protection Agency, Air and Radiation Docket and Information Center, Mail Code: 6102, 401 M Street SW., Washington, DC 20460. The Agency requests that a separate copy also be sent to the contact person listed below. The docket is located at the above address in room M-1500 Waterside Mall (ground floor), and may be inspected from 8:30 a.m.-12 p.m. and 1:30 p.m.-3 p.m., Monday through Friday. The proposed regulatory text and other materials related to this rulemaking are available for review in the docket or copies may be mailed on request from the Air Docket by calling 202-260-7548. A reasonable fee may be charged for copying docket materials.

Public Hearing. If anyone contacts EPA requesting a public hearing, it will be held at EPA's Emission Measurement Laboratory, Research Triangle Park, North Carolina. Persons interested in attending the hearing or wishing to present oral testimony should notify Ms. Lala Cheek (MD-19), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5545.

Docket. A Docket, A-94-22, containing materials relevant to this rulemaking, is available for public

inspection and copying between 8:30 a.m.-12 p.m. and 1:30 p.m.-3 p.m., Monday through Friday, in at EPA's Air Docket Section (LE-131), Room M-1500 Waterside Mall (ground floor) 401 M Street SW., Washington, DC. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Gary McAlister, Emission Measurement Branch (MD-19), Emissions, Monitoring, and Analysis Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-1062.

SUPPLEMENTARY INFORMATION: The proposed regulatory text of the proposed rule is not included in this **Federal Register** document, but is available in Docket No. A-94-22 or by written or telephone request from the Air Docket (see **ADDRESSES**). If necessary, a limited number of copies of the Regulatory Text are available from the EPA contact persons designated earlier in this document. This document with the proposed regulatory language is also available on the Technology Transfer Network (TTN), one of EPA's electronic bulletin boards. TTN provides information and technology exchange in various areas of air pollution control. The service is free except for the cost of the phone call. Dial (919) 541-5742 for up to a 14400 bps modem. If more information on TTN is needed, call the HELP line at (919) 541-5384.

I. Summary

Method 23 was promulgated along with the New Source Performance Standard for municipal waste combustors (Subpart Ea). As promulgated, the method contained some errors. This action would correct those errors and would clarify some of the existing quality assurance requirements. In addition, the current procedure requires rinsing of the sampling train with two separate solvents which must be analyzed separately. Based on data the Agency has collected since promulgation of Method 23, we believe that one of these rinse steps and the resulting sample fraction can be eliminated. This could save as much as \$2000 per test run in analytical costs.

II. The Rulemaking

This rulemaking does not impose emission measurement requirements beyond those specified in the current regulations nor does it change any emission standard. Rather, the rulemaking would simply amend an existing test method associated with emission measurement requirements in

the current regulations that would apply irrespective of this rulemaking.

III. Administrative Requirements

A. Public Hearing

A public hearing will be held, if requested, to discuss the proposed amendment in accordance with section 307(d)(5) of the Clean Air Act. Persons wishing to make oral presentations should contact EPA at the address given in the ADDRESSES section of this preamble. Oral presentations will be limited to 15 minutes each. Any member of the public may file a written statement with EPA before, during, or within 30 days after the hearing. Written statements should be addressed to the Air Docket Section address given in the ADDRESSES section of this preamble.

A verbatim transcript of the hearing and written statements will be available for public inspection and copying during normal working hours at EPA's Air Docket Section in Washington, DC (see ADDRESSES section of this preamble).

B. Docket

The docket is an organized and complete file of all the information considered by EPA in the development of this rulemaking. The docket is a dynamic file, since material is added throughout the rulemaking development. The docketing system is intended to allow members of the public and industries involved to identify and locate documents readily so that they may effectively participate in the rulemaking process. Along with the statement of basis and purpose of the proposed and promulgated test method revisions and EPA responses to significant comments, the contents of the docket, except for interagency review materials, will serve as the record in case of judicial review [Section 307(d)(7)(A)].

C. Executive Order 12866 Review

Under Executive Order (E.O.) 12866, the EPA must determine whether the proposed regulatory action is "significant" and therefore, subject to the Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Order defines "significant" regulatory action as one that is likely to lead to a rule that may:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety in State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, OMB has determined that this proposed rule is not "significant" because the annual effect on the economy will not exceed \$100 million.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980 requires the identification of potentially adverse impacts of Federal regulations upon small business entities. The RFA specifically requires the completion of an analysis in those instances where small business impacts are possible. This rulemaking does not impose emission measurement requirements beyond those specified in the current regulations, nor does it change any emission standard. Because this rulemaking imposes no adverse economic impacts, an analysis has not been conducted.

Pursuant to the provision of 5 U.S.C. 605(b), I hereby certify that the promulgated rule will not have an impact on small entities because no additional costs will be incurred.

E. Paperwork Reduction Act

This rule does not change any information collection requirements subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

F. Statutory Authority

The statutory authority for this proposal is provided by sections 111 and 301(a) of the Clean Air Act, as amended: 42 U.S.C., 7411 and 7601(a).

List of Subjects in 40 CFR Part 60

Environmental protection, Administrative practice and procedure, Air pollution control, Aluminum, Ammonium sulfate plants, Batteries, Beverages, Carbon monoxide, Cement industry, Coal, Copper, Dry cleaners, Electric power plants, Fertilizers, Fluoride, Gasoline, Glass and glass products, Grains, Graphic arts industry, Heaters, Household appliances, Insulation, Intergovernmental relations, Iron, Labeling, Lead, Lime, Metallic and nonmetallic mineral processing plants, Metals, Motor vehicles, Natural gas, Nitric acid plants, Nitrogen dioxide,

Paper and paper products industry, Particulate matter, Paving and roofing materials, Petroleum, Phosphate, Plastics materials and synthetics, Polymers, Reporting and recordkeeping requirements, Sewage disposal, Steel, Sulfur oxides, Sulfuric acid plants, Tires, Urethane, Vinyl, Volatile organic compounds, Waste treatment and disposal, Zinc.

Dated: May 22, 1995.

Carol M. Browner,
Administrator.

[FR Doc. 95-13153 Filed 5-30-95; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 228

[Docket No. 950504128-5128-01; I.D. 031095A]

RIN 0648-AG80

Small Takes of Marine Mammals; Harassment Takings Incidental to Specified Activities

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: The Marine Mammal Protection Act (MMPA) Amendments of 1994 established an expedited process by which citizens of the United States can apply for an authorization to take incidentally, but not intentionally, small numbers of marine mammals by harassment. This proposed rule sets forth the process for applying for and obtaining an authorization; the time limits set by the statute for NMFS review, publication, and public notice and comment on any applications for authorization that would be granted; and the requirements for submission of a plan of cooperation and for scientific peer review of an applicant's monitoring plans (if that activity may affect the availability of a species or stock of marine mammal for taking for subsistence purposes). This rule also proposes changes to the existing regulations to clarify the requirements for obtaining a small take authorization. If implemented, this rule would result in a more streamlined and cost-effective method for obtaining small take by incidental harassment authorizations, without lessening the MMPA's