

59 FR 43956, 43962 (August 25, 1994); 58 FR 54364 (October 21, 1993).

3. CAA section 112(l). 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 the 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 approving under section 112(l)(5) and 40 CFR 63.91 the state's program for receiving delegation of section 112 standards for both Part 70 and non-Part 70 sources that are unchanged from federal standards as promulgated.

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

The section 112(g) interpretive notice explains that the 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 the EPA will provide for any such additional delay in the final section 112(g) rulemaking. Unless and until the EPA provides for such an additional postponement of section 112(g), Missouri 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 federal regulations.

The EPA is aware that Missouri lacks a program designed specifically to implement section 112(g). However, Missouri does have a program for review of new and modified hazardous air pollutant sources that can serve as an adequate implementation vehicle during the transition period, because it would allow Missouri to select control measures that would meet the maximum achievable control technology, as defined in section 112, and incorporate these measures into a federally enforceable preconstruction permit.

The EPA is proposing to approve Missouri's preconstruction permitting 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 state rule implementing the EPA's section 112(g) regulations. Although section 112(l) generally provides authority for approval of state 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 purposes of any other provision under the Act (e.g., section 110). This approval will be without effect if the 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. The duration of this approval is limited to 18 months following promulgation by the EPA of the 112(g) rule to provide adequate time for the state to adopt regulations consistent with the federal requirements.

III. Administrative Requirements

A. Docket

Copies of the state submittal and other information relied upon for the final 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, the EPA in the development of this final interim approval. The docket is available for public inspection at the location listed under the ADDRESSES section of this document.

B. Executive Order 12866

The Office of Management and Budget has exempted this regulatory 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 sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, the EPA must undertake various actions in association with proposed or final rules that include a federal mandate that may result in estimated costs of \$100 million or more to the private sector, or to state,

local, or tribal governments in the aggregate.

Through submission of this state operating permit program the state has elected to adopt the program provided for under Title V of the CAA. These rules may bind the state government to perform certain actions and also require the private sector to perform certain duties.

To the extent that the program approved by this action will impose new requirements, sources are already subject to these regulations under state law. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action. The EPA has also determined that this proposed action does not include a 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.

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: March 27, 1996.

William Rice,

Acting Regional Administrator.

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—7671q.

2. Appendix A to Part 70 is amended by adding the entry for Missouri in alphabetical order to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

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Missouri

(a) The Missouri Department of Natural Resources program submitted on January 13, 1995; August 14, 1995; September 19, 1995; and October 16, 1995. Interim approval effective on May 13, 1996.

(b) Reserved.

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[FR Doc. 96-8664 Filed 4-10-96; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF TRANSPORTATION**Surface Transportation Board****49 CFR Part 1154****[STB Ex Parte No. 540]****Removal of Obsolete Regulations for Determination of Avoidable Losses Under the Rail Passenger Service Act of 1970****AGENCY:** Surface Transportation Board.**ACTION:** Final rule.

SUMMARY: The Surface Transportation Board is removing from the Code of Federal Regulations obsolete regulations used to determine passenger train avoidable losses.

EFFECTIVE DATE: April 11, 1996.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927-5610. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: The Rail Passenger Service Act, 45 U.S.C. 501 *et seq.*, established the National Railroad Passenger Corporation (Amtrak) as the principal operator of intercity rail

passenger service. It permitted railroads then performing passenger service to relieve themselves of their common carrier obligation by paying certain sums to Amtrak. 45 U.S.C. 561(a). As compensation for being relieved of this responsibility, the rail carrier was to pay Amtrak an amount computed under one of three options pursuant to section 561(a)(2) and (3). Two of these three methods used an amount called "avoidable loss." In *Losses Under the Rail Pass. Serv. Act of 1970*, 343 I.C.C. 379 (1973), the Interstate Commerce Commission (the predecessor of the Surface Transportation Board) issued regulations for developing avoidable losses, which are now found in Part 1154.

Section 561(a) was repealed by Pub. L. No. 103-272, section 7(b), July 5, 1994, 108 Stat. 745, 1379.¹ Because the statutory basis for 49 CFR Part 1154 has been repealed, we are removing these

¹ See H.R. Rep. No. 180, 103rd Cong., 1st Sess. 585, *reprinted in* 1994 U.S. Code Cong. & Ad. News 818, 1402. We note that former 45 U.S.C. 561(b) and (c) are now incorporated in 49 U.S.C. 24701.

regulations from the Code of Federal Regulations effective immediately.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

List of Subjects in 49 CFR Part 1154

Administrative practice and procedure, Railroads, Reporting and recordkeeping requirements.

Decided: April 2, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,
Secretary.

PART 1154—[REMOVED]

For the reasons set forth in the preamble and under the authority of 49 U.S.C. 721(a), title 49, chapter X of the Code of Federal Regulations is amended by removing part 1154.

[FR Doc. 96-8850 Filed 4-10-96; 8:45 am]

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