

waterway consists of tugs with tows, fishing vessels, sailing vessels, oil field work boats and recreational craft. Data provided by LDOTD show that from June 1993 through May 1994, the number of vessels that passed the bridge during the proposed closure period from 7 a.m. to 9 a.m. averaged 1.6 vessels per day. The number of vessels that passed the bridge during the proposed 4:30 p.m. to 6 p.m. closure averaged 1.4 vessels per day.

Data show that approximately 689 vehicles crossed the bridge during the proposed 7 a.m. to 9 a.m. closure period and approximately 1247 vehicles crossed the bridge during the proposed 4:30 p.m. to 6 p.m. closure period.

### Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential cost and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979).

The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal if adopted, will have a significant economic impact on a substantial number of small entities. "Small entities" may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000.

Since the proposed rule also considers the needs of local commercial fishing vessels, the economic impact is expected to be minimal. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

### Collection of Information

This proposal contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

### Federalism Implications

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

### Environment

The Coast Guard considered the environmental impact of this proposal and concluded that under paragraph 2.B.2. of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under ADDRESSES.

### List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard proposes to amend part 117 of Title 33, Code of Federal Regulations, as follows:

### PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g); section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. In § 117.451 paragraphs (c) through (f) are redesignated (d) through (g) and a new paragraph (c) is added to read as follows:

#### § 117.451 Gulf Intracoastal Waterway.

\* \* \* \* \*

(c) The draw of the SR1 bridge, mile 35.6, at Larose, shall open on signal; except that, from 7 a.m. to 9 a.m. and from 4:30 p.m. to 6 p.m. Monday through Friday except Federal holidays, the draw need not be opened for the passage of vessels.

\* \* \* \* \*

Dated: June 22, 1995.

**R.C. North,**

*Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.*

[FR Doc. 95-19348 Filed 8-4-95; 8:45 am]

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### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[WI53-02-7129; FRL-5273-4]

#### Public Hearing on the Proposed Redesignation of the Forest County Potawatomi Community to a PSD Class I Area; State of Wisconsin

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

**ACTION:** Proposed rule.

**SUMMARY:** On June 29, 1995 USEPA proposed to approve a request from the Forest County Potawatomi Community to redesignate portions of its reservation lands to Class I for Prevention of Significant Deterioration (PSD) purposes (60 FR 33779). In this proposal, USEPA established a public comment period and scheduled a public hearing. Notice is hereby given that USEPA is postponing the public hearing. The hearing was to be held at the Indian Springs Lodge on Highway 32 in Carter, Wisconsin at 2:00 pm CDT on August 2, 1995. USEPA is extending the public comment period indefinitely. The original public comment period was intended to close on September 5, 1995.

The hearing is postponed because the Governors of the States of Wisconsin and Michigan have requested "dispute resolution". Under Section 164(e) of the Clean Air Act, dispute resolution may be requested if a governor disagrees with a proposed redesignation. The Governors' request means that USEPA will enter into negotiations to try to resolve the differences concerning the proposed redesignation between the Forest County Potawatomi Community and the States of Wisconsin and Michigan. If mediation is unsuccessful, USEPA will make a final decision.

After the dispute resolution process concludes, one or more public hearings will be rescheduled, and USEPA will set a new deadline for submittal of public comments. The dates and location(s) of these will be provided in a future **Federal Register** document.

**DATES:** The public comment period is extended until further notice.

**ADDRESSES:** Written comments should be addressed to: Carlton Nash, Chief, Regulation Development Section, Air Toxics and Radiation Branch, United States Environmental Protection Agency, 77 West Jackson Boulevard (AT-18J), Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** Constantine Blathras, USEPA Region 5 (AT-18J), 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-0671.

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

Dated: July 27, 1995.

**Robert Springer,**

*Acting Regional Administrator.*

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BILLING CODE 6560-50-P

## 40 CFR Part 70

[AD-FRL-5273-9]

### Clean Air Act Proposed Interim Approval of the Operating Permits Program; Nevada Division of Environmental Protection; Nevada

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

**ACTION:** Proposed interim approval.

**SUMMARY:** The EPA proposes interim approval of the operating permits program submitted by the Nevada Division of Environmental Protection ("NDEP" or "State") 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.

**DATES:** Comments on this proposed action must be received in writing by September 6, 1995.

**ADDRESSES:** Comments should be addressed to Celia Bloomfield, Mail Code A-5-2, U.S. Environmental Protection Agency, Region IX, Air and Toxics Division, 75 Hawthorne Street, San Francisco, CA 94105.

Copies of NDEP's submittal and other supporting information used in developing the proposed interim approval are available for inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

**FOR FURTHER INFORMATION CONTACT:** Celia Bloomfield (telephone: 415/744-1249), Mail Code A-5-2, U.S. Environmental Protection Agency, Region IX, Air and Toxics Division, 75 Hawthorne Street, San Francisco, CA 94105.

#### 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 ("Act")), EPA has promulgated rules that define the minimum elements of an approvable state operating permits program and the corresponding standards and procedures by which 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 CFR part 70 ("part 70"). Title V requires states to develop, and submit to EPA, programs for issuing operating permits to all major stationary sources and to certain other sources.

The Act requires that states develop and submit title V programs to EPA by November 15, 1993, and that EPA act to approve or disapprove each program within one year after receiving the submittal. 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 two years. If EPA has not fully approved a program by two years after the November 15, 1993 date, or by the end of an interim program, it must establish and implement a federal program.

This proposed interim approval applies to the NDEP title V operating permits program and sources under NDEP's jurisdiction. NDEP has jurisdiction over all sources in the State outside of Washoe County, Clark County and tribal lands, as well as all fossil fuel fired steam generating power plants inside Washoe and Clark Counties. Washoe County District Health Department received interim approval on January 5, 1995 (60 FR 1741), and interim approval was proposed for Clark County Health District on March 14, 1995 (60 FR 13683).

#### B. Federal Oversight and Sanctions

If EPA were to finalize this proposed interim approval, it would extend for two years following the effective date of final interim approval and could not be renewed. During the interim approval period, NDEP would be protected from sanctions, and EPA would not be obligated to promulgate, administer and enforce a federal permits program in Nevada. Permits issued under a program with interim approval have full standing with respect to part 70, and the one-year time period for submittal of permit applications by subject sources begins upon the effective date of interim approval, as does the three-year time period for processing the initial permit applications.

Following final interim approval, if NDEP failed to submit a complete corrective program for full approval by the date six months before expiration of the interim approval, EPA would start an 18-month clock for mandatory sanctions. If NDEP then failed to submit a corrective program that EPA found

complete before the expiration of that 18-month period, EPA would be required to apply one of the sanctions in section 179(b) of the Act, which would remain in effect until EPA determined that NDEP had corrected the deficiency by submitting a complete corrective program. Moreover, if the Administrator found a lack of good faith on the part of NDEP, both sanctions under section 179(b) would apply after the expiration of the 18-month period until the Administrator determined that NDEP had come into compliance. In any case, if, six months after application of the first sanction, NDEP still had not submitted a corrective program that EPA found complete, a second sanction would be required.

If, following final interim approval, EPA were to disapprove NDEP's complete corrective program, EPA would 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 NDEP had submitted a revised program and EPA had determined that it corrected the deficiencies that prompted the disapproval. Moreover, if the Administrator found a lack of good faith on the part of NDEP, both sanctions under section 179(b) would apply after the expiration of the 18-month period until the Administrator determined that NDEP had come into compliance. In all cases, if, six months after EPA applied the first sanction, NDEP had not submitted a revised program that EPA had determined corrected the deficiencies that prompted disapproval, a second sanction would be required.

In addition, discretionary sanctions may be applied where warranted any time after the end of an interim approval period if a state 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 NDEP's 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 NDEP upon interim approval expiration.

### II. Proposed Action and Implications

#### A. Analysis of State Submission

The analysis contained in this notice focuses on specific elements of NDEP's title V operating permits program that must be corrected to meet the minimum requirements part 70. The full program submittal; the Technical Support Document ("TSD"), which contains a detailed analysis of the submittal; and