Final Regulations

In consideration of the foregoing, part 165 of title 33, Code of Federal Regulations is amended as follows:

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 C.F.R. 1.05–1(g), 6.04–1, 6.04–1, 6.04–6, and 160.5; 49 C.F.R. 1.46.

2. A temporary § 165.T0591 is added to read as follows:

§ 165.T0591 Moving Safety Zone: Chesapeake Bay, Elk River, C&D Canal, Patapsco River, Baltimore, Maryland.

(a) *Location.* The following area is a safety zone: While transiting the upper Chesapeake Bay, Patapsco River, Elk River, and C&D Canal, the waters surrounding the Liquefied Petroleum Gas vessel 100 yards forward and aft, 50 yards on either side of the vessel while underway, and transiting the bay, and 100 feet on all sides of the vessel while moored or at anchor, while the vessel contains Liquid Petroleum gas, either loaded or prepped.

(b) *Definitions.* The designated representative of the Captain of the Port is any Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port Baltimore, Maryland to act on his behalf. The following officers have or will be designated by the Captain of the Port: The Coast Guard Patrol Commander, the senior boarding officer on each vessel enforcing the safety zone. and the Duty Officer at the Marine Safety Office Baltimore, Maryland.

(i) The Captain of the Port and the Duty Officer at the Marine Safety Office, Baltimore, Maryland can be contacted at telephone number (410) 962–5105.

(ii) The Coast Guard Patrol Commander and the senior boarding officer on each vessel enforcing the safety zone can be contacted on VHF–FM channels 16 and 81.

(c) *Local Regulations.* (1) If the LPG vessel is in a loaded or prepped condition it may not transit if visibility is or is expected to be less than two (2) miles. If during the transit visibility becomes less than two (2) miles, the LPG vessel must seek safe anchorage and notify the COTP immediately.

(2) If during the transit of the loaded LPG vessel an emergency situation or navigational equipment problem occurs that affects the safety of the cargo or safe navigation of the vessel, the vessel must seek the nearest safe anchorage and notify the Captain of the Port, Baltimore, MD immediately.

(3) While in a loaded condition, the LPG vessel will be escorted by at least one commercial tug during any movement which occurs above the William Preston Lane Memorial Bridge (Bay Bridge).

(4) The LPG vessel will be escorted by at least one commercial tug during transit from the cargo terminal at Ruckert Terminal Pier C to the entrance to the C&D Canal.

(5) While moored, the LPG vessel must have at least two wire cable mooring lines (firewarps) rigged fore and aft on the outboard side of the vessel within six feet of the water's edge for emergency towing hook-up.

(6) While underway, the LPG vessel must have at least two wire cable mooring lines (firewarps) rigged fore and aft on the vessel within six feet of the water's edge for emergency towing hook-up should the need arise.

(7) Unless exempted by the COTP, the LPG vessel will be escorted by a Coast Guard escort vessel from the LPG Facility at Ruckert Terminal, Pier C, to the Francis Scott Key Memorial Bridge during the outbound transit. The Vessel will also be escorted by a Coast Guard vessel on its inbound transit, from the Francis Scott Key Memorial Bridge to the LPG Facility at Ruckert Terminal, Pier C, if in a loaded condition.

(8) All vessels operating within and approaching the safety zone must maintain a continuous radio guard on channels 13 and 16 VHF–FM while underway.

(9) Overtaking may take place only under conditions where the overtaking is to be completed well before any bends in the channel. Before any overtaking occurs, the pilots, masters and/or operators of both vessels must clearly agree on all factors including vessel speeds, time and location of overtaking.

(10) Above the C&D Canal, the LPG vessel and an oncoming vessel shall not meet at a relative speed greater than twenty (20) knots, or greater than prevailing weather conditions deem prudent. Meeting situations on river or severe channel bends shall be avoided.

(11) Except in times of emergency or with COTP permission, anchoring by the LPG vessel in other than approved anchorages is prohibited.

(12) Transfer of Liquefied Petroleum Gas at anchor or while bunkering is prohibited.

(13) To lesson the dangers of collision and decrease the effects of wake on the LPG vessel. The master, person in charge and/or pilot of the transiting vessel are responsible for ensuring passage at safe speed and should use vessel size and characteristics to determine the safe speed necessary to comply with this requirement. When the LPG vessel is moored at Ruckert Terminal, Pier C, all vessel's transiting this area shall operate at the minimum speed sufficient to maintain steerage.

(14) While at anchor or moored and experiencing periods of sustained winds in excess of 25 knots, but less than 40 knots, the LPG vessel must keep the main engine in a 5 minute standby condition. If sustained winds are 40 knots or over, the main propulsion plant must be on line.

(15) Venting of cargo vapors and inert medium while in the navigable waters of the United States is prohibited.

(16) The operator of any vessel in the immediate vicinity of this safety zone shall:

(i) Contact the LPG Vessel on VHF channels 16 or 13 for passing, meeting or overtaking instructions.

(ii) Stop the vessel immediately upon being directed to do so by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard Ensign.

(iii) Proceed as directed by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard Ensign.

(iv) Any vessel may anchor outside of the regulated area specified in paragraph (2)(a) of this section, but may not block a navigable channel.

(17) Except for persons or vessels authorized by the Coast Guard Patrol Commanders, no person or vessel may enter or remain in the regulated area.

(d) *Effective Date:* This regulation is effective from 8 a.m. December 15, 1992 to 12 a.m. December 17, 1992, unless sooner terminated by the Captain of the Port, Baltimore, Maryland.

Dated: December 8, 1992.

R.L. Edmiston,

Captain, U.S. Coast Guard, Captain of the Port, Baltimore, Maryland.

[FR Doc. 92–30503 Filed 12–16–92; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL 33–1–5347; FRL–4521–4]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Final rule.

SUMMARY: On June 26, 1987 (52 FR 24036), as corrected on July 31, 1987 (52 FR 28570), USEPA proposed in the alternative either to promulgate for Illinois federal rules for issuance of

construction permits to new and modified air pollution sources located in or affecting nonattainment areas in Illinois (New Source Review or NSR rules), or to approve draft NSR rules then in the process of being adopted by the State, with the understanding that prior to final approval by USEPA the State would complete adoption of the rules. Public comment was solicited on these proposed actions. On March 24, 1987, Illinois submitted to USEPA NSR rules which had been formally adopted by the State. This final rule approves the incorporation of the Illinois NSR rules into the State's SIP. This action also provides direct final approval of Illinois' existing Operating Permit program as satisfying USEPA's recently-adopted criteria regarding federal enforceability. Because USEPA considers this finding to be noncontroversial, it is being undertaken without prior proposal. Finally, this final rule also responds to public comment received on the proposal.

As a consequence of these actions, USEPA is lifting the growth moratorium in all primary nonattainment areas in Illinois which has been in effect since May 26, 1981, when the United States Court of Appeals for the Seventh Circuit overturned USEPA's earlier approval of NSR rules in *Citizens for a Better Environment* v. *United States,* 649 F.2d 522 (7th Cir. 1981).

DATES: These actions will be effective February 16, 1993 unless proper notice is received within 30 days that significant adverse or critical comments regarding USEPA's finding that the State's operating permit program satisfies federal enforceability criteria will be submitted. If such notice is received, timely notice will be published in the **Federal Register**, indicating that USEPA's approval of the federal enforceability aspects of the Illinois operating permit provisions is withdrawn. As is explained in more detail below, USEPA may also withdraw approval of the State's NSR regulations at the same time.

ADDRESSES: Copies of the requested SIP revisions, technical support documents and public comments received are available at the following address: United States Environmental Protection Agency (AR–18J), Region 5, Air and Radiation Division, Regulation Development Branch, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the regulations being incorporated by reference in today's rule are available for inspection at: Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Comments on this rulemaking should be addressed to: J. Elmer Bortzer, Chief (AR–18J), Regulation Development Section, Regulation Development Branch, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, IL 60604.

FOR FURTHER INFORMATION CONTACT: Ronald J. Van Mersbergen, (312) 886–6056.

SUPPLEMENTARY INFORMATION: On June 26, 1987 (52 FR 24036), as corrected on July 31, 1987 (52 FR 28570) (by publication of the text of the proposed Federal NSR promulgation which had been inadvertently omitted from the June 26, 1987 proposed rule), USEPA proposed to promulgate federal NSR rules for Illinois, or, in the alternative, to approve NSR rules drafted by the State, which the State was then in the process of adopting. USEPA proposed to condition approval of the State rules on the requirement that the final NSR rules submitted by Illinois be substantially the same as the State's NSR rules under consideration at the time of USEPA's proposed approval. Public comment was solicited on these proposed actions. Today's final rule responds to the public comments received, and approves for incorporation into the Illinois SIP the State's NSR rules, as finally adopted by the Illinois Pollution Control Board (IPCB) on March 24, 1988, and subsequently, submitted to USEPA. Since USEPA is approving the State NSR rules, it promulgates no federal rules.

At the time of USEPA's proposal, it was assumed by both the State and USEPA that in light of the decision in *Citizens for a Better Environment,* State operating permits issued by Illinois were, as a general proposition, "federally enforceable" for purposes of limiting a source's "potential to emit" under the NSR program. However, on June 28, 1989 (54 FR 27274), USEPA promulgated amendments to its NSR regulations. These amendments clarified the criteria which must be met by a state's operating permit program in order for the operating permit program to be approved by USEPA and incorporated into a SIP, under section 110 of the Clean Air Act (CAA).

Because of the way in which the Illinois NSR program is structured, approval of the State's operating permit program is a prerequisite to federal enforceability of any state operating permit. To assure that the operating permit program satisfies the new requirements, Illinois has submitted to USEPA for its approval, Illinois' previously-adopted regulations governing operating permits.

Since approval of Illinois' operating permit program has a direct bearing on any approval of its NSR rules, USEPA will address Illinois' operating permit program submissions first.

I. The Illinois Operating Permit Program

Background

The term "federally enforceable," defined at, e.g., 40 CFR 51.165(a)(1)(xiv), is a term of art under the NSR program that serves three principal purposes. First, a permit that is federally enforceable may be used to limit voluntarily the "potential to emit" of a new source so as to keep the source's emissions below the NSR major source applicability thresholds. Second, voluntary permit limits on the potential to emit of an existing major stationary source undertaking a modification can be used to prevent, through intra-source netting, increasing its emissions above the significance levels that would trigger a major modification. In either the first or second scenario, the source lawfully avoids the need to obtain a preconstruction permit under part D (or part C) of title I of the CAA. See, e.g., 40 CFR 51.165(a)(1)(iii). Third, if a new or modified source in a nonattainment area exceeds an applicability threshold and is subject to nonattainment NSR requirements, it must obtain external emissions offsets in accordance with sections 173(a)(1) and 173(c). The emissions reductions provided by the offsetting source must be federally enforceable in order to be creditable. 40 CFR 51.165(a)(3)(ii)(E).

Construction permits issued in accordance with a SIP-approved or USEPA-promulgated NSR program have always been considered federally enforceable. Such construction permit programs include the nonattainment NSR program applicable to major new sources and major modified sources located in nonattainment areas under part D of title I, see CAA sections 172(a)(5) and 173, and 40 CFR 51.165 and 40 CFR part 51, appendix S; the prevention of significant deterioration program applicable to major new sources and major modified sources located in attainment or unclassifiable areas under part C of title I, see CAA section 165, and 40 CFR 51.166 and 52.21; and the general or "minor source" NSR program applicable to the construction or modification of any stationary source under section 110 of title I without regard to whether the new source exceeds the statutory "major" source thresholds or to whether the modification exceeds the regulatory "significance" levels for "major"

modifications, see CAA section 110(a)(2)(C) (formerly 110(a)(2)(D), and 40 CFR 51.160–164.

Prior to the Clean Air Act Amendments of 1990, however, states were not required to have a distinct operating permit program under the Act. Until 1989, the requirements that must be met by a voluntary operating permit program to enable permits issued thereunder to be deemed federally enforceable for NSR purposes were uncertain. At that time, USEPA promulgated five criteria for approving a state operating permit program as part of the SIP. See 54 FR 27274, 27282 (June 28, 1989). The following discussion compares the Illinois regulations and procedures governing the State's operating permit program with these five criteria.

First Criterion

"The state operating permit program (i.e. the regulations or other administrative framework describing how such permits are issued) is submitted to and approved by EPA into the SIP."

On January 31, 1972 and April 4, 1979, IEPA submitted the regulations and administrative framework for supporting a permit review program to meet the requirements of 40 CFR 51.160 [51.18(j) at the time of submittal]. USEPA on May 31, 1972 (37 FR 10862) and February 21, 1980 (45 FR 11477) approved the program for issuing construction and operating permits to new sources, and modifications to sources. These permit review procedures have remained in effect in Illinois since that time. The State now desires to have that permit program approved for issuing operating permits to any existing source. Therefore, on September 18, 1991, the State submitted section 9(b) and section 9.1 of the State Environmental Protection Act (State Act) to supplement the earlier submittal. Since section 9(b) was incorporated into Illinois' SIP on May 31, 1972, USEPA is taking no action on section 9(b) in this rule. USEPA's approval of section 9.1 provides legal support for the operating permit program and satisfies the first criterion.

Second Criterion

"The SIP imposes a legal obligation that operating permit holders adhere to the terms and limitations of such permits (or subsequent revisions of the permit made in accordance with the approved operating permit program) and provides that permits which do not conform to the operating permit program requirements and the requirements of EPA's underlying regulations may be deemed not 'federally enforceable' by EPA."

Section 9(b) of the State Act says "No person shall * * * construct, install, or operate any equipment, facility, vehicle, vessel, or aircraft capable of causing or contributing to air pollution * * * without a permit granted by the Agency, or in violation of any conditions imposed by such permit."

Section 9(b) satisfies the initial part of the second approval criterion in that the operating permit holder is considered in violation of the State Act if he does not abide by the permit conditions. Section 9(b) furthermore comports with the definition "federally enforceable" found in 40 CFR part 165(a)(1)(xiv). This definition states that federal enforceability includes "operating permits issued under an EPA-approved program that is incorporated into the State Implementation Plan and expressly requires adherence to any permit issued under such program."

The latter part of the second approval criterion requires that the SIP has provisions which allow USEPA to deem a permit not "federally enforceable" under certain conditions. In approving the State operating permit program, USEPA is determining that Illinois' program allows USEPA to deem an operating permit not "federally enforceable" for purposes of limiting potential to emit and to offset creditability. Such a determination will (1) be done according to appropriate procedures, and (2) be based upon the permit, permit approval procedures or permit requirements which do not conform with the operating permit program requirements and the requirements of USEPA's underlying regulations. Based on this interpretation of Illinois program, USEPA finds that the second criterion for approving an operating permit program has been met by the State.

Third Criterion

"The State operating permit program requires that all emissions, limitations, controls and other requirements imposed by such permits, will be at least as stringent as any other applicable limitation or requirement contained in the SIP or enforceable under the SIP, and that the program may not issue permits that waive, or make less stringent, any limitation or requirement contained in or issued pursuant to the SIP, or that are otherwise 'federally enforceable' (e.g. standards established under sections 111 and 112 of the Act)."

With respect to issuing operating permits with limits less stringent than the SIP, section 39 of the Illinois Act which was incorporated into the Illinois SIP on May 31, 1972 (37 FR 10862) provides in pertinent part:

> When the Board [Illinois Pollution Control Board or IPCB] has by regulation required a permit for the construction, installation, or operation of any type of facility, equipment, vehicle, vessel, or aircraft, it shall be the duty of the Agency [Illinois Environmental Protection Agency] to issue such a permit upon proof by the applicant that the facility, equipment, vehicle vessel, or aircraft will not cause a violation of this Act or of regulations hereunder. The Agency shall adopt such procedures as are necessary to carry out its duties under this Section. In granting permits the Agency may impose such conditions as may be necessary to accomplish the purposes of this Act, and as are not inconsistent with the regulations promulgated by the Board hereunder * * *

Since State-issued operating permits must comport with all State regulations, which would include the regulations adopted to implement the SIP, the State cannot issue operating permit limits less stringent than the regulations in the SIP. Furthermore, section 9.1 of the Illinois Act which is being incorporated into the SIP today clearly indicates that "It is the purpose of this section to avoid the existence of duplicative, overlapping or conflicting State and Federal regulatory systems". USEPA interprets this language to mean that both the IEPA and IPCB must act in a manner consistent with all pertinent federal statutes and regulations including the SIP. In addition, section 201.160 of Subpart D: Permit Applications and Review Process of Part 201 of Title 35 of the Illinois Administrative Code which was incorporated into the Illinois SIP as Rule 103(b)(6)(A–F) on February 21, 1980 (45 FR 11477) provides that:

> No operating permit shall be granted unless the applicant submits proof to the Agency that:
>
> (A) The emission source or air pollution equipment has been constructed or modified to operate so as not to cause a violation of the Act [Illinois Environmental Protection Act] or of this Chapter [Chapter 1: Pollution Control of Title 35 of the Illinois Administrative Code], or has been granted a variance therefrom by the Board and is in full compliance with such variance, and * * *

It should be noted that Chapter 1 contains the State rules that comprise the SIP.

Section 9.1 d.2 of the State Act, which becomes part of the approved SIP by today's action, states that "no person shall * * * construct, install, modify, or operate any equipment, building, facility, source or installation which is subject to regulation under sections 111, 112, 165, or 173 of the Clean Air Act except in compliance with the requirements or such sections and federal regulations adopted pursuant thereto, and no such action shall be

undertaken without a permit granted by the Agency or in violation of any condition imposed by such permit. Any denial of such a permit or any conditions imposed in such a permit shall be reviewable by the Board in accordance with section 40 of the Act."

Section 9.1 d.2 thus requires that State permits comply with the provisions of the CAA and federal regulations adopted pursuant to the CAA. To issue a permit with a limit less stringent than federal requirements or a State SIP rule is not allowed by the State Act. Permits reviewable by the IPCB in accordance with section 40 can only have their limits changed if the IPCB finds that IEPA has made an error. Section 40 does not have provisions which allow altering emission limits other than to correct clerical error by the IEPA. There is no authority in section 40 of the State Act to grant a waiver from a permit limit. Based on these provisions, USEPA has determined that the State authority to grant permits is properly restrained by the terms of the SIP, as required by the third criteria.

Fourth Criterion

"The limitations, controls, and requirements in the operating permits are permanent, quantifiable and otherwise enforceable as a practical matter."

USEPA has reviewed the Illinois operating permit program and is satisfied that it requires the state to issue permits which meet the requirements of this provision. While the permits do expire the conditions they impose must be complied with during the entire term of the permit as well as during the transition to a renewal permit. Section 9.1(f) of the State Act states that, "if a complete application for a permit renewal is submitted to the Agency at least 90 days prior to expiration of the permit, all of the terms and conditions of the permit shall remain in effect until final administrative action has been taken on the application." This provision of the State Act uses language similar to the federally proposed title V operating permit rules which are intended to provide permanency to the limits in title V permits, which have expiration dates. This approach to making permit limits permanent is thus approvable by USEPA.

Illinois' permit conditions are characteristically written so that they are quantifiable and enforceable as a practical matter. Limits and averaging times are consistent with test methods and procedures. If USEPA in the future determines that an individual permit condition is not quantifiable or practically enforceable, it can deem the permit not "federally enforceable" within the means of the NSR regulations. The State's current practice and regulatory provisions meet the fourth criterion for permit program approval.

Fifth Criterion

"The permits are issued subject to public participation." This means that the State agrees, as part of its program to provide USEPA and the public with timely notice of the proposal and issuance of such permits, and to provide USEPA, on a timely basis, with a copy of each proposed (or draft) and final permit intended to be federally enforceable. This process might also provide for an opportunity for public comment on the permit application prior to the issuance of the final permit.

On September 25, 1985, USEPA approved Illinois' rules governing public participation in the air permit program for major sources in nonattainment areas. These rules provide for public notification prior to permit issuance and an opportunity for public comment.

The public comment procedure and commitments to follow them in issuing operating permits which were submitted by IEPA, are approvable as meeting the fifth criterion.

In the preamble to the regulations that USEPA promulgated on June 28, 1989 (54 FR 27274), which set forth the five criteria outlined above for a federally enforceable operating permit program, USEPA indicated that it would "consult with States on methods by which existing operating permits could be made federally enforceable under a subsequently approved State operating program." (54 FR 27284). The preamble then went on to suggest two possible means of securing USEPA approval of previously issued permits—either submitting the permits in bulk to USEPA as a SIP revision or reissuing existing permits on a source by source basis. *Id.* These two options were not intended to be a complete list of alternatives. Rather they were suggested as two possible ways by which a state could make previously issued operating permits federally enforceable. Because both options could require the State to spend considerable resources in reprocessing otherwise valid operating permits, the USEPA has evaluated additional approaches. The USEPA today finds the existing Illinois SIP regulations to be consistent with federal requirements. If the State followed its own procedures, each permit issued under this regulation was subject to public notice and comment and prior USEPA review. Therefore, USEPA will consider all operating permits issued which were processed in a manner consistent with both the State regulations and the five criteria to be federally enforceable with the promulgation of this rule provided that any permits that the State wishes to make federally enforceable are submitted to USEPA and accompanied by documentation that the procedures approved today have been followed. USEPA will expeditiously review any individual permits so submitted to ensure their conformity to the program requirements.

Today's approval of the State's operating permit program for the purpose of issuing federally enforceable operating permits is intended as a mechanism for making the operating permits used to implement the requirements of the Act, including section 110 and part D of title I federally enforceable. After the effective date of this rule, operating permits issued by Illinois in conformance with the five criteria listed above will be considered federally enforceable. Additionally, operating permits issued subsequent to the incorporation of the Illinois operating permit program into the SIP but before the effective date of this rule will also be considered federally enforceable if the State submits them to USEPA along with documentation that they were issued in conformance with the five criteria listed above.

Prior to the 1990 Amendments of the Act, there was no express federal requirement for a SIP to include an operating permit program. Only a construction permit program was directly required. However, Illinois and many other states voluntarily included an operating permit program in their SIPs to assist them in regulating emission sources. The Illinois operating permit program covers all emission sources regardless of the source's potential to emit. In contrast, all states are required by title V of the Act Amendments of 1990 to adopt and submit to USEPA an operating permit program by November 15, 1993, regulating the following: Major sources, sources subject to a hazardous air pollutant standard under section 112 of the Act, sources subject to new source performance standards under section 111 of the Act, sources affected under the acid rain provisions of title V of the Act, sources required to have a preconstruction review permit pursuant to the prevention of significant deterioration (PSD) or NSR program under title I of the Act. In addition, USEPA may add or exempt from the title V permitting program any other

non-major sources in a category designated by USEPA upon performing appropriate rulemaking.

USEPA will go through rulemaking on Illinois' title V permit program after it has been received from the State. Today's rule has no bearing on Illinois' obligation to adopt an operating permit program meeting the requirements of title V by November 15, 1993. Although states may well choose to develop title V permit programs that address more sources than the population mandated by the Act and USEPA's implementing regulations in 40 CFR part 70, it is probable that states will continue to permit some sources pursuant to operating permit programs approved into the SIP, such as the one developed by Illinois. This is because states may prefer to permit smaller and less significant sources pursuant to such programs, rather than the somewhat more extensive title V program requirements. The USEPA recognizes that such program can be a useful supplement to the title V program in carrying out the goals of the Act. Accordingly, the USEPA wishes to confirm that it will continue to review state operating permit programs pursuant to the criteria in the June 28, 1989 **Federal Register** referenced above.

II. The Illinois New Source Review Rules

Changes From Draft Rules to Final NSR Rules

A. The draft, at § 203.107, under the definition of "allowable emissions", paragraph (a)(1), stated that part of allowable emissions is "the applicable standards set forth in 40 CFR part 60 or 40 CFR part 61." The final rule for this paragraph states that part of allowable emissions is "any applicable standards adopted by USEPA pursuant to section 111 and 112 of the Clean Air Act (42 U.S.C. 74011 et. seq.) and made applicable in Illinois pursuant to section 9.1(b) of the Environmental Protection Act." Section 9.1 makes all New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS) enforceable in Illinois by the State. (There is further discussion in item II.E. of the definition of Lowest Achievable Emission Rate (LAER)). Therefore, it is concluded that this change is nonsubstantive and does not change the form of the draft rules as proposed by USEPA.

B. In 203.112, the State exchanged the word "or" for "and" in identifying the terms "'building', 'structure', 'facility'" so that the final rule has the phrase "'building', 'structure', and 'facility'". In the way these terms are used to define "stationary source" in the regulations (section 203.136), there is no substantive change in meaning; the exchange of words only adds clarification and does not change the form of the draft rules as proposed by USEPA.

C. The earlier definition of the terms "'building', 'structure', and 'facility'" in section 203.112(b)(1), referring to materials being transferred, was supplemented with the following language, "irrespective of ownership or industrial grouping." This wording adds clarity to the concept that the materials being transferred should be part of a "building, structure and facility." USEPA has determined that this is not a substantive change in the definition and does not change the form of the draft rules as proposed by USEPA.

D. The final State rule added a definition of "Nonattainment Area" in section 203.127 which was not in the draft rule as proposed by USEPA. The definition simply says a nonattainment area is an area which is so designated under the CAA. Since the State did not have a definition of "nonattainment area" in its draft NSR rules, the only definition in existence during the public comment period was the federal definition. Since this addition is no more than an inclusion of that which was already in existence as federal law, it does not constitute a substantive change, and does not change the form of the draft rules as proposed by USEPA.

E. The definition of "LAER," as it appears in section 203.301, adds the following language: "In no event shall the application of this term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under an applicable new source performance standard adopted by USEPA pursuant to section 111 of the Clean Air Act and made applicable in Illinois pursuant to section 9.1 of the Act." (Section 9.1 of the Act refers to the Illinois Environmental Protection Act).

The phrase "and made applicable in Illinois pursuant to section 9.1 of the Act" may appear to limit the minimum level of LAER in some cases to action by Illinois. However, this is not the case. Section 9.1.b reads as follows: "The provisions of section 111 of the Federal Clean Air Act (42 U.S.C. 7411), as amended, relative to standards of performance for new stationary sources * * * are applicable in the State and are enforceable under this Act." USEPA interprets this to mean that any NSPS promulgated by the Administrator are immediately enforceable by the State of Illinois. Based on this understanding we are approving the definition of LAER.

F. In the final version of the rules in section 203.303(c)(1), the following language is added: "and made applicable in Illinois pursuant to section 9.1 of the Environmental Protection Act."

As discussed in E above, this language only recognizes in the NSR rules the incorporation by reference of Federal Standards promulgated pursuant to sections 110 and 111 of the Clean Air Act. This is not considered a substantive change, and does not change the form of the draft rules as proposed by USEPA.

G. The following language is added to the earlier draft rule in section 203.303(d)(1): "Effective stack height means actual stack height plus plume rise. Where actual stack height exceeds good engineering practice, as determined pursuant to 40 CFR 51.100 (1987) (no future amendment or edition are included), the creditable stack height shall be used."

This language merely confirms that the State NSR rules will follow stack height requirements established by USEPA in 1987. (see 52 FR 24712, July 1, 1987.) This is considered clarifying language, not a substantive change, and does not change the form of the draft rules as proposed by USEPA.

Major Features of the State Rule

A. Federal Enforceability

The term, "Federally enforceable" in 40 CFR 51.165(a)(1)(xiv) "means all limitations and conditions which are enforceable by the Administrator, including any permit requirements established pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR part 51, subpart I, including operating permits issued under an EPA-approved program that is incorporated into the state implementation plan and expressly requires adherence to any permit issued under such program." The term "permit" in State rule section 203.303(b)(5) includes only construction and operating permits. As this has been discussed, State construction permits have been made federally enforceable by an earlier program approval pursuant to 40 CFR part 51 subpart I (see 37 FR 10862, May 31, 1972 and 45 FR 11472, February 21, 1980). State operating permits will today be made federally enforceable by USEPA's approval of the State operating permit program. Section 9(b) of the State Act prohibits a person from violating any condition imposed by such a permit.

As discussed above, the provisions of 40 CFR 51.165 require federal enforceability in three matters, (1)

providing offsets, (2) defining potential to emit, and (3) providing creditable emission reductions for netting. Also, the term "federally enforceable" is mentioned in two other areas in the federal regulations (in the definition of allowable emissions and in the definition of major modification). The absence of the federally enforceable language from these areas in the State rules does not make the State rule less stringent than the federal requirement. For instance, State rule section 203.303, Baseline and Emission Offsets Determination, uses the term "enforceable by permit condition" to make an offset enforceable. All such offsets are federally enforceable since all of the permits in question are issued pursuant to USEPA-approved permitting programs and thus are federally enforceable. Specifically, the State construction permit program has been approved and the State operating permit program is approved in today's action.

In sections 203.107 (Allowable Emissions), 203.128 (Potential to Emit), and 203.208 (Net Emission Determination), the State uses the term "enforceable" and not "federally enforceable". USEPA discussed the interpretation of these terms with the State as they impact federal enforceability. The State clarified its interpretation of these terms in a February 27, 1992, letter from Bharat Mathur, Chief, Bureau of Air, IEPA to David Kee, Director, Region V, Air and Radiation Division, USEPA, which is part of the administrative record. The clarification, which is an express part of today's approval, indicates that Illinois interprets these terms so that federal enforceability is maintained. USEPA is, therefore, able to approve these sections.

B. Dual Source Definition

The State rule has a "dual definition of source" in contrast to a plantwide definition. The term "stationary source" as defined in section 203.136 includes any building, structure, facility or installation. The terms building, structure and facility are each defined in section 203.112 as encompassing all emitting activities at a plant, while the term "installation" in section 203.125 specifies identifiable pieces of equipment. Stationary source is defined in two ways (1) as all activities of a plant (plantwide) and (2) as each activity of a plant considered separately.

C. Vessel Emissions

The Illinois regulation section 203.112 defines source to include all activities of vessels and other conveyances transferring materials to and from a source as part of the source, irrespective of ownership or industrial grouping. This definition does not conflict with the implementation of the January 17, 1984, District of Columbia Court of Appeals remand of the Federal vessel emission rules to USEPA for further consideration. See *Natural Resources Defense Counsel* v. *USEPA* 725 F.2d 761 (C.A.D.C. 1984).

D. Stack Height

The June 26, 1987, **Federal Register** Notice proposing to approve the Illinois NSR rules indicated that the USEPA would not approve a NSR rule until the State's stack height rule is approved as a SIP revision. USEPA approved the Illinois stack height rule on August 14, 1989 (54 FR 32073).

E. Growth Allowance

USEPA is approving the definition of "available growth margin" in section 203.110 with the understanding that there is at present no growth allowance incorporated in the SIP. Any growth allowance that Illinois may seek to have incorporated in the SIP in the future must comply with the Clean Air Act and the USEPA policy. The Clean Air Act Amendments (CAAA) of 1990 restrict where new allowances may be established. Revised sections 172(c)(4) and 173(a)(1)(B) limit new growth allowances to only those portions of a nonattainment area which have been formally targeted for economic growth by the Administrator, in consultation with the Secretary of Housing and Urban Development.

IV. Public Comments

There were several comments on the proposed rule approval of June 26, 1987, and July 31, 1987. Those comments which relate specifically to the proposed approval of the State promulgated rule are addressed here.

A. Comment: One commenter felt that USEPA should have provided clearer guidance to the State with respect to vessel emissions, by recommending that stack emissions from vessels not be included in those attributed to a stationary source.

USEPA Response: As discussed above in III.C Vessel Emissions, USEPA recommendations to the State during the public comment period and regulation development period related only to the approvability of the State's proposal in light of the remand of the Federal vessel emission rules to USEPA by the District of Columbia Circuit Court of Appeals. Because USEPA's rules had been remanded, USEPA was unable at that time to state whether or not the forthcoming rules would require that vessel emissions be included in emissions attributed to a stationary source. USEPA was only able to advise the State that it could approve a rule which attributed vessel emissions to a stationary source.

B. Comment: The Ohio air pollution control agency encouraged the approval of the State promulgated rule rather than a federally promulgated rule because section 101(a)(3) of the CAA places the primary responsibility of controlling air pollution at the state level. The State encouraged the lifting of sanctions as rapidly as possible.

USEPA Response: None required.

C. Comment: IEPA made two comments with respect to the State promulgated rule. First, it fully supports federal approval of the rule. Second, it indicates that the IPCB changed from a plant-wide definition in its draft rule to the dual source definition in the final rule after USEPA indicated that, "while USEPA intended to propose the plant-wide definition, it could not state with certainty that it could in fact finally adopt that definition."

USEPA Response: USEPA is responding to this comment because of the potential inference that USEPA is promoting the dual source definition of source. This advice was provided to the State prior to the finalization of a policy under development for the approval of plant-wide definitions and during a time when the proposed approvals of plant-wide definitions were threatened with law suits. At that time, the dual source definition was clearly approvable under provisions of the CAA which allow a State to adopt more stringent requirements than those required to meet the federal NSR requirements. However, since that time, many jurisdictions have adopted the plant-wide definition after USEPA successfully defended the plant-wide definition in *Chevon U.S.A.* v. *Natural Resources Defense Council Inc.* 407 US 837 1984. Further the CAAA of 1990 endorse the plant-wide definition. For example, section 182(c)(6) provides that the new source review provisions shall ensure that increased emissions of volatile organic compounds shall not be considered de minimis for purposes of determining permit requirement applicability unless the increase aggregated with all other net increases in emissions from the source over any period of five consecutive calendar years including the year in which the increase occurred is less than 25 tons. Thus, while Illinois remains free to adopt a dual source definition, that provision is not required by USEPA for approval of SIP revisions.

D. Comment: A group of Illinois industries asserted a preference for the plant-wide definition and opposed the Illinois promulgated rule with the dual source definition. The group reasoned that the plant-wide definition encouraged modernization more than the dual source definition would. Therefore, the air quality standards would be met faster and reasonable further progress would be maintained more easily.

USEPA Response: Because these commentors provided no evidence to support their contentions, USEPA need not respond to their claim that plant-wide definition is better for the environment. The dual source definition remains approvable under the federal regulations, so Illinois' submittal may be approved.

E. Comment: The State of Wisconsin opposes the lifting of sanctions in Illinois because it believes that section 110(a)(2)(i) of the CAA requires sanctions if the SIP does not meet the requirements of Part D. Wisconsin offers the following as proof that Part D requirements are not met: (1) the USEPA on July 14, 1987, proposed to disapprove the Illinois ozone SIP; (2) section 172(b)(8) requires emission limits, schedules of compliance and such other measures as may be necessary to meet the requirements of section 172, however, USEPA has not approved the SIPs for ozone, carbon monoxide, sulfur dioxide; and (3) with respect to section 172(b)(4), which requires a current emission inventory, the State of Illinois only updates one-fourth of its inventory of sources a year.

USEPA Response: It is USEPA's position that the construction ban was imposed specifically for the lack of an approvable NSR rule. Under the CAAA of 1977, section 110(a)(2)(I) of the statute required USEPA to place certain nonattainment areas under a federally imposed construction ban where the State failed to have an implementation plan meeting all of the requirements of part D of the CAA. The 1990 CAAA contains a Savings Clause in section 110(n)(3) that preserves certain existing 110(a)(2)(I) construction bans in place at passage, including bans imposed by virtue of a finding that the State did not have an adequate NSR permitting program as required by section 172(b)(6) of the 1977 CAAA. All other construction bans imposed pursuant to section 110(a)(2)(I) (except in SO_2 nonattainment areas) are lifted as a result of the new statutory provision. Thus, the 1990 CAAA does not impose categorically any new construction ban for failure to attain the NAAQS or failure to satisfy the 1977 CAAA requirements. Instead, the 1990 CAAA creates new schedules for meeting new planning and attainment requirements. If Illinois fails to meet these new deadlines, it will force certain statutorily-mandated sanctions—including higher offset ratios and loss of highway construction appropriations. Construction bans are no longer appropriate for the failure to achieve attainment or to comply with the attainment planning requirements. Accordingly, since USEPA is today approving NSR rules, the existing construction ban can be lifted.

While USEPA is today lifting this general construction ban, USEPA retains authority to impose a partial or complete construction ban should Illinois issue permits in a manner inconsistent with the NSR requirements of the CAAA.

The CAAA require Illinois to submit revised NSR nonattainment area plans by certain dates. The NSR plan for sulfur dioxide nonattainment areas which was due May 15, 1992, has not been submitted. The State's NSR particulate matter (PM) plan which is due June 30, 1992, has not been received. Revisions for ozone nonattainment areas are due November 15, 1992. As the deadlines for the submittal of NSR nonattainment area plans pass, USEPA will act on the State's submittals or lack thereof in a separate administrative action. USEPA may consider taking action under section 113(a)(5) if the State issues a major NSR permit in a nonattainment area without further updating the corresponding NSR plan to reflect the new requirements. See General Preamble, April 16, 1992 (57 FR 13498), at 13555–6.

F. Comment: Wisconsin commented that Illinois' NSR program is deficient because it does not have provisions which will ensure that construction or modification of minor sources will not interfere with attainment or maintenance of a national standard in nonattainment areas.

USEPA Response: The Illinois SIP revisions approved today provide adequate safeguards to protect the NAAQS from emissions increases associated with minor source growth. First, Illinois has a new source review program applicable to minor new sources and minor modifications that is included in the SIP pursuant to the requirement in CAA section 110(a)(2)(C) and 40 CFR 51.160 that all states adopt a permit or similar program to regulate the construction or modification of any stationary source. Section 201.142 of the Illinois regulations requires, as part of minor source preconstruction review, an assessment of the air quality impact of the new or modified minor source, and a prohibition against permit issuance where it would interfere with attainment of the NAAQS. In addition, section 203.302(a), obligates the State to secure offsets from new and modified major sources sufficient to assure reasonable further progress taking into account minor source growth. Finally, USEPA requires States to account for minor source growth as part of the State's attainment demonstration. See, e.g., General Preamble, 57 FR 13438, 13508 (April 16, 1992). The USEPA will thus have an opportunity to review and approve the State's strategy for countering any minor source growth as part of USEPA's approval of the attainment plan.

G. Comment: Wisconsin indicated that Illinois does not provide adequate public comment for minor sources and, therefore, the SIP is deficient and continuation of construction ban is required.

USEPA Response: Wisconsin's charge that Illinois fails to provide an adequate opportunity for public comment on all of its minor source permits does not require USEPA to continue the construction moratorium. The CAAA largely eliminated construction bans imposed by USEPA prior to passage of the 1990 Amendments. A saving clause, section 110(n)(3) of the CAAA, retains construction bans imposed by USEPA for the failure, *inter alia*, to submit a NSR permitting plan as required by section 172(b)(6) (now section 172(c)(5)) of the CAAA. As discussed, this is the type of construction ban now in effect in Illinois. Under section 110(n)(3), the ban only continues until the Administrator finds that the SIP of the area includes the NSR permitting requirements set forth in section 172(c)(5). That provision requires a NSR permitting program for the "construction and operation of new or modified *major* stationary sources anywhere in the nonattainment areas." (Emphasis added) By today's action, USEPA is approving a NSR permitting program for major stationary sources that satisfies section 172(c)(5). It is buttressed by a federally enforceable, minor source permitting program applicable to minor new sources and minor modifications to existing sources that affords public notice and comment for most minor source permits, including all synthetic minor permits [1]

[1] Synthetic minor permits are permits of sources whose potential to emit would subject them to prevention of significant deterioration (PSD) requirements but who chose to limit their potential to emit through an operating restriction or emission controls to escape PSD requirements.

and minor source permits that involve netting, the minor source permits most relevant to the major source program. Because USEPA today finds that Illinois has adopted an adequate NSR permitting program for major stationary sources, USEPA must comply with 110(n)(3) and lift the previously-existing construction ban. However, USEPA will continue to review Illinois' minor source permitting program as it is applied to all minor sources to ensure that it meets the requirements of USEPA regulations, including the public participation requirements set forth in 40 CFR 51.161.

V. Final Rulemaking Actions

1. After consideration of the material submitted by the State of Illinois which supplemented the permit program which was approved for the construction and operation of new sources and new modifications, USEPA has determined that State regulations and procedures are approvable in accordance with the five criteria published in the June 28, 1989, **Federal Register** for an operating permit program. USEPA approves the incorporation of this program into the SIP for the purpose of issuing federally enforceable operating permits. Therefore, emission limitations and other provisions contained in operating permits issued by the State in accordance with the applicable Illinois SIP provisions, approved herein, shall be federally enforceable by USEPA, and by any person in the same manner as other requirements of the SIP.

2. For the reasons stated above, and in consideration of the public comments received in response to the proposed rulemaking, USEPA approves the incorporation of the Illinois NSR rules into the SIP. These rules are contained in Illinois Administrative Code, Title 35 Environmental Protection, Subtitle B: Air Pollution, Chapter 1: Pollution Control Board, Part 203: Major Stationary Sources Construction and Modification.

3. As a consequence of the two rulemaking actions listed above, USEPA is lifting the growth moratorium in all primary nonattainment areas which has been in effect since May 26, 1981, when the United States Court of Appeals for the Seventh Circuit overturned USEPA's earlier approval of the NSR rules for Illinois on State law procedural grounds in *Citizens for a Better Environment* v. *United States* 649 F.2d 522 (7th Cir. 1981).

Because USEPA considers the approval of the Illinois operating permit program as satisfying the 1989 federally enforceable criteria to be noncontroversial, it is approving Illinois' operating permit program today without prior proposal. This action will be effective (60 days from the date of publication) unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted bearing solely on this finding, that the operating permit program satisfies the 1989 federally enforceable criteria.

If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective on February 16, 1993.

USEPA believes that federal enforceability of the State's operating permit program is a necessary requirement for federal approval of the States' NSR rules. Therefore, if USEPA withdraws its finding regarding the State's operating permit program it will also withdraw its approval of the NSR rules unless a suitable mechanism for ensuring federal enforceability of offset and other NSR requirements can be identified. Final rulemaking on the State's NSR rules thus may be held in abeyance until final rulemaking is taken on the operating permit program.

Similarly, USEPA cannot lift the growth moratorium in all primary nonattainment areas until the NSR rules are approved for incorporation in the SIP. Therefore, USEPA will withdraw its rulemaking lifting the growth moratorium if it withdraws its approval of the NSR rules. The growth moratorium will not be lifted until USEPA approves the incorporation of NSR rules into the SIP.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 16, 1993. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. [See section 307(b)(2).]

List of Subjects in 40 CFR Part 52

Air pollution control, Environmental protection, Incorporation by reference, Intergovernmental relations.

Note: Incorporation by reference of the State Implementation Plan for the State of Illinois was approved by the Director of the Federal Register on July 1, 1982.

Dated: September 29, 1992.

William K. Reilly,

Administrator.

For the reasons set out in the preamble, part 52, title 40 of the Code of Federal Regulations is amended.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart O—Illinois

2. Section 52.720 is amended by adding paragraphs (c)(84) and (c)(85) to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(84) On September 18, 1991, and November 18, 1991, the State submitted documents intended to satisfy federal requirements for an operating permit program which can issue federally enforceable operating permits.

(i) Incorporation in Reference.

(A) Public Act 87–555, an Act to amend the Environmental Protection Act by changing section 9.1, effective September 17, 1991. (Ch. 111 1/2, par. 1009.1) par. 1009.1(a), (b), (c), (d) and (f).

(85) On March 24, 1988, the State submitted rules for issuance of construction permits to new and modified air pollution sources located in or affecting nonattainment areas (New Source Review rules).

(i) Incorporation by reference.

(A) Illinois Administrative Code, Title 35 Environmental Protection, Subtitle B: Air Pollution, Chapter 1: Pollution Control Board, Part 203: Major Stationary Sources.

3. Section 52.736 is revised by removing and reserving paragraph (a) and adding paragraph (b).

§ 52.736 Review of new sources and modifications.

(a) [Reserved]

(b) The rules submitted by the State on March 24, 1988, to satisfy the requirements of the Clean Air Act are approved. These rules are part 203: Major Stationary Sources Construction

and Modification as effective March 22, 1991. The moratorium on construction and modification of new sources in nonattainment areas as provided in section 110(a)(2)(I) of the Clean Air Act is revoked.

4. Section 52.737 is added to read as follows:

§ 52.737 Operating permits.

Emission limitation and other provisions contained in operating permits issued by the State in accordance with the provisions of the federally approved permit program shall be the applicable requirements of the federally approved Illinois SIP for the purpose of section 113 of the Clean Air Act and shall be enforceable by USEPA and by any person in the same manner as other requirements of the SIP. USEPA reserves the right to deem an operating permit not federally enforceable. Such a determination will be made according to appropriate procedures, and be based upon the permit, permit approval procedures or permit requirements which do not conform with the operating permit program requirements or the requirements of USEPA's underlying regulations.

[FR Doc. 92-30440 Filed 12-16-92; 8:45 am]
BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-34

[FPMR Amendment E-273]

Supply Support for Disasters and National Security Emergencies

AGENCY: Federal Supply Service, GSA.

ACTION: Final rule.

SUMMARY: This regulation cancels the authority for GSA Handbook, Emergency Supply Support Operations, which is no longer needed and provides changes for acquiring personal property and nonpersonal services from GSA during major disasters and national emergencies. These changes are necessary to reflect the broad scope of emergency response situations and provide a basic framework for GSA supply support. It is anticipated that this framework will be utilized Governmentwide for incorporation into emergency plans and procedures.

EFFECTIVE DATE: December 17, 1992.

FOR FURTHER INFORMATION CONTACT: William M. Wilson, Office of Strategic Planning and Marketing (703-305-7992).

SUPPLEMENTARY INFORMATION: The General Services Administration (GSA) has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for and consequences of this rule; has determined that the potential benefits to society from this rule outweigh the potential costs; has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Part 101-34

Government property management, Emergency supply support.

For the reasons set forth in the preamble, 41 CFR part 101-34 is amended to read as follows:

PART 101-34—EMERGENCY SUPPLY SUPPORT

1. The authority citation for part 101-34 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

2. The heading of part 101-34 is revised as set forth above.

3. Section 101-34.000 is revised to read as follows:

§ 101-34.000 Scope of part.

This part provides for GSA supply support to Federal agencies during major natural and technological disasters and national security emergencies.

4. Section 101-34.001 is revised to read as follows:

§ 101-34.001 Applicability.

The provisions of this part are applicable to all executive agencies.

§ 101-34.002 and 101-34.003 [Removed]

5. Sections 101-34.002 and 101-34.003 are removed.

Subpart 101-34.1—Emergency Operations

6. The heading of subpart 101-34.1 is revised.

7. Section 101-34.100 is revised to read as follows:

§ 101-34.100 Scope of subpart.

This subpart provides for acquiring personal property and nonpersonal services from GSA during major disasters and national emergencies.

8. Section 101-34.101 is revised to read as follows:

§ 101-34.101 Requests for GSA support in acquiring supplies and services.

(A) Normal or established emergency FEDSTRIP/MILSTRIP requisitioning and order processing procedures shall be followed (refer to the latest editions of the GSA Supply Catalog or the GSA Federal Supply Service Customer Assistance Guide for general information). Ordering agencies shall use normal or emergency funding citations. When emergency conditions result in material shortages or other developments occur, changes may be instituted in supply methods or procedures.

(b) Requisitions and requests for acquisition support shall be processed in accordance with the assigned priority designator code and/or the assigned Defense Priorities and Allocations System (DPAS) rating.

(c) All agencies are encouraged to pre-position stocks of essential supplies and equipment to allow for 15-30 days of operation at their emergency operating facilities. Agencies supporting Federal response plans should maintain sufficient stocks of essential supplies, equipment, and materials to operate response elements independently for up to 7 days. A regularly maintained list of items expedites inventorying, stocking, and replenishment.

9. Section 101-34.102 is revised to read as follows:

§ 101-34.102 GSA emergency operation and coordination centers, and customer service director program.

(a) GSA will establish, based on the severity of the emergency, an emergency operation center at GSA Central Office. Emergency coordination centers may also be established at each GSA service headquarters and/or regional offices. Continuous 24-hour operation will be provided when necessary.

(b) Regional field supply liaison services are normally provided through the customer service director (CSD) program. Located in every GSA region and overseas, the CSD program will continue to provide assistance during an emergency.

§§ 101-34.103, 101-34.104 and 101-34.105 [Removed]

10. Sections 101-34.103, 101-34.104, and 101-34.105 are removed.

Subpart 101-34.2 (§ 101-34.200)—[Removed and Reserved]

11. Subpart 101-34.2 (§ 101-34.200) is removed and reserved.