the Metro-East Area, Subpart F; Coating Operations, Section 219.208 Exemptions from Emission Limitations, Subsection (b), amended at 19 Ill. Reg. 6958, effective May 9, 1995.

[FR Doc. 95–26587 Filed 10–25–95; 8:45 am]
BILLING CODE 6560–50–P

40 CFR Part 52

[WA8–1–5478a; WA36–1–6951a; FRL–5315–7]

Approval and Promulgation of Implementation Plans: Washington

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: In this action, the Environmental Protection Agency (EPA) approves PM–10 contingency measures for Seattle and Kent, Washington. At the same time, EPA is providing notice that the conditions required under the June 23, 1994 (59 FR 32370), conditional approval of the Seattle PM–10 attainment plan have been met.

DATES: This action is effective on December 26, 1995, unless adverse or critical comments are received by November 27, 1995. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be addressed to: Montel Livingston, SIP Manager, EPA Air & Radiation Branch (AT–082), Docket WA36–1–6951, 1200 Sixth Avenue, Seattle, Washington 98101.

Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. Copies of material submitted to EPA may be examined during normal business hours at the following locations: EPA, Region 10, Air & Radiation Branch, 1200 Sixth Avenue (AT–082), Seattle, Washington 98101, and the Washington Department of Ecology, PO Box 47600, Olympia, Washington 98504.

FOR FURTHER INFORMATION CONTACT: George Lauderdale, EPA Air & Radiation Branch (AT–082), 1200 Sixth Avenue, Seattle, Washington 98101, (206) 553–6511.

SUPPLEMENTARY INFORMATION:

I. Background

The Seattle and Kent, Washington areas were designated nonattainment for PM–10 and classified as moderate under sections 107(d)(4)(B) and 188(a) of the Clean Air Act, by operation of law upon enactment of the Clean Air Act Amendments of 1990.[1] See 56 FR 56694 (Nov. 6, 1991) (official designation codified at 40 CFR 81.348). The air quality planning requirements for moderate PM–10 nonattainment areas are set out in subparts 1 and 4 of part D, title I of the Act. The EPA has issued a ''General Preamble'' describing EPA's preliminary views on how EPA intends to review SIP's and SIP revisions submitted under title I of the Act, including those State submittals containing moderate PM–10 nonattainment area SIP requirements (see generally 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992)). Because EPA is describing its interpretations here only in broad terms, the reader should refer to the General Preamble for a more detailed discussion of the interpretations of title I advanced in this proposal and the supporting rationale. In this rulemaking action on the Washington moderate PM–10 SIP for the Seattle and Kent nonattainment areas, EPA is proposing to apply its interpretations, taking into consideration the specific factual issues presented. Additional information supporting EPA's action on these particular areas is available for inspection at the address indicated above.

Those States containing initial moderate PM–10 nonattainment areas (those areas designated nonattainment under section 107(d)(4)(B)) were required to submit attainment plans by November 15, 1991, with some provisions due at a later date. States with initial moderate PM–10 nonattainment areas were required to submit contingency measures by November 15, 1993 which become effective without further action by the State or EPA, upon a determination by EPA that the area has failed to achieve RFP or to attain the PM–10 NAAQS by the applicable statutory deadline (see section 172(c)(9) and 57 FR 13543–44).

Section 110(k) of the Act sets out provisions governing EPA's review of SIP submittals (see 57 FR 13565–13566). Section 110(k)(4) of the Act authorizes EPA to conditionally approve a plan revision based on a commitment by the State to adopt specific enforceable measures by a date certain, but not later than one year after the date of approval of the plan revision. EPA would then assess the approvability of the submittal after the State fulfilled its commitment. Previous EPA actions include approval of the Kent attainment area plan and conditional approval of the Seattle attainment area plan.

EPA conditionally approved the Seattle moderate area plan on June 23, 1994 (see 59 FR 32370). The conditional approval was based on the commitment, contained in the May 11, 1994, SIP submittal, by the Washington Department of Ecology (Ecology) to decrease the emission limits for point sources contributing to the PM–10 problem. During review of the November 15, 1991 SIP submittal for Seattle, EPA concluded that the plan needed specific enforceable emission limits for several point sources in the area. Emission contributions from those sources had been estimated in the plan at the actual level. Those actual emissions were unenforceable because the sources could emit additional pollution without violating any regulation. Washington's regulations in effect set higher emission limits than the facilities were actually emitting. Before EPA could fully approve the attainment plan, the attainment and three year maintenance demonstrations would have to be based on the allowable emissions from the point sources. On May 11, 1995, Ecology submitted these new emission limits and adequately demonstrated attainment and three year maintenance using the new limits. Progress in attaining the PM–10 standards in Seattle has been demonstrated by the area not exceeding the PM–10 24-hour health standard since 1989. The emission limits were developed, implemented and will be enforced by the Puget Sound Air Pollution Authority (PSAPCA) through Orders of Approval issued for each source by the agency.

In addition to the enforceable emission limits, Ecology also submitted on May 11, 1995 a contingency measure for the Seattle nonattainment area. As provided in section 172(c)(9) of the Act, all moderate nonattainment area SIP's that demonstrate attainment must include contingency measures (see generally 57 FR 13543–44). These measures were required to be submitted by November 15, 1993 for the initial moderate PM–10 nonattainment areas. These measures must take effect without further regulatory action by the State or EPA, upon a determination by EPA that the area has failed to make RFP or attain the PM–10 NAAQS by the applicable statutory deadline.

Ecology did not submit a contingency measure for Seattle by the November 15, 1993, statutory deadline. EPA sent a letter (dated January 13, 1994) to the

[1] The 1990 Amendments to the Clean Air Act made significant changes to the Act. See Pub. L. No. 101–549, 104 Stat. 2399. References herein are to the Clean Air Act, as amended (''the Act''). The Clean Air Act is codified, as amended, in the U.S. Code at 42 U.S.C. 7401, *et seq.*

Governor of Washington noting the deficiency to submit the contingency measure and initiating an 18 month timeframe for the state to correct the problem. On May 11, 1995, Ecology submitted the Seattle contingency measure. This measure bans the use of all uncertified woodstoves in the area where woodstoves are a major contributing factor to any NAAQS violations. Implementation of this measure would occur if the area fails to attain or maintain the NAAQS for PM–10. The PSAPCA regulation which allows implementation of the contingency measure is Regulation I, Section 13.07. State law allows this regulation to take effect on or after July 1, 1995.

EPA approved all elements of the Kent, Washington, PM–10 nonattainment plan that were due on November 15, 1991, in a March 16, 1993 Federal Register document (see 58 FR 14194). In that approval, EPA took no action on the contingency measure element because it was not due until November 15, 1993. Ecology made the case in a May 11, 1994, letter that the shut down of a major point source, Salmon Bay Steel, resulted in significantly more control than was necessary to demonstrate attainment. After further discussion with Ecology and PSAPCA, EPA has concluded that the contingency measure requirement has been met in the Kent area through the attainment and three-year maintenance emission reduction plan. The magnitude and permanence of the closing of the steel facility reduced the emissions so dramatically that EPA thinks it is reasonable for Ecology to include some of the actual reductions as early implementation of a contingency measure. Actual air quality monitoring in the nonattainment area verifies significant improvement to the air quality of the area. Neither the 24-hour or annual PM–10 NAAQS have been exceeded since 1986. The highest 24-hour value in the past three years was 92 $\mu g/m_3$. This action completes EPA approval of all elements of the Kent PM–10 attainment plan.

II. This Action

EPA is taking three separate actions with this notice; approval of an uncertified woodstove ban contingency measure for the Seattle, Washington PM–10 nonattainment area, approval of the major plant closure overcontrol contingency measure element for the Kent, Washington PM–10 area, and notice that the conditions have been met for the June 23, 1994, conditional approval of the Seattle PM–10 plan which includes allowable emission limitations. These actions will complete EPA's State Implementation Plan (SIP) attainment area plan approvals for both the Kent and Seattle PM–10 nonattainment areas.

III. Administrative Review

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, Part D of the CAA do not create any new requirements, but simply approve requirements that the state is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S.E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

The EPA has reviewed this request for revision of the federally-approved SIP for conformance with the provisions of the 1990 Clean Air Act Amendments enacted on November 15, 1990. The EPA has determined that this action conforms with those requirements.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic and environmental factors and in relation to relevant statutory and regulatory requirements.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective December 26, 1995, unless, by November 27, 1995, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective December 26, 1995.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 26, 1995. 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), 42 U.S.C. 7607(b)(2)).

It has been determined that this rule is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is therefore not subject to OMB review.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter.

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

Dated: October 2, 1995.

Chuck Clarke,

Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart WW—Washington

2. Section 52.2470 is amended by adding paragraph (c) (58) to read as follows:

§ 52.2470 Identification of plan.

* * * * *

(c) * * *

(58) On February 21, 1995 and May 11, 1994, WDOE submitted to EPA revisions to the Washington SIP addressing the contingency measures for the Seattle and Kent PM–10 nonattainment plans.

(i) Incorporation by reference.

(A) February 21, 1995 letter from the Washington Department of Ecology to EPA Region 10 submitting PSAPCA Section 13.07—Contingency Plan, adopted December 8, 1994, as a revision to the Seattle PM–10 attainment plan and the Washington SIP.

(B) May 11, 1994 letter from WDOE to EPA Region 10 submitting clarifying documentation to the contingency measure for Kent Valley PM–10 attainment plan.

[FR Doc. 95–26592 Filed 10–25–95; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 7169

[OR–943–1430–01; GP5–134; OR–51332]

Withdrawal of National Forest System Land for Wocus Point; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 86.85 acres of National Forest System land in the Winema National Forest from mining for a period of 20 years for the Department of Agriculture, Forest Service, to protect the cultural resource sites at Wocus Point. The land has been and will remain open to such forms of disposition as may by law be made of National Forest System land and to mineral leasing.

EFFECTIVE DATE: October 26, 1995.

FOR FURTHER INFORMATION CONTACT: Betty McCarthy, BLM Oregon/Washington State Office, P.O. Box 2965, Portland, Oregon 97208–2965, 503–952–6155.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Subject to valid existing rights, the following described National Forest System land is hereby withdrawn from location and entry under the United States mining laws (30 U.S.C. Ch. 2 (1988)), but not from leasing under the mineral leasing laws, to protect the cultural resource sites at Wocus Point:

Willamette Meridian

Winema National Forest

T. 31 S., R. 9 E.,
Sec. 30, lots 2 and 3, and N½NE¼SW¼.

The area described contains 86.85 acres in Klamath County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the National Forest System land under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1988), the Secretary determines that the withdrawal shall be extended.

Dated: October 16, 1995.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 95–26607 Filed 10–25–95; 8:45 am]

BILLING CODE 4310–33–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 68

[CC Docket No. 79–143]

Connection of Terminal Equipment to the Telephone Network

AGENCY: Federal Communications Commission.

ACTION: Correcting amendments.

SUMMARY: This document contains typographical corrections to final regulations which were published March 31, 1980 (45 FR 20830). The regulations relate to conditions, to registration of terminal equipment, regarding hazardous voltage limitations.

EFFECTIVE DATE: November 27, 1995.

FOR FURTHER INFORMATION CONTACT: Elizabeth Nightingale, (202) 418–2352, Network Services Division, Common Carrier Bureau.

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections concern conditions, to registration of terminal equipment under Part 68, regarding hazardous voltage limitations under § 68.306(a).

Need for Correction

As published, the final regulations contain errors which may prove to be misleading and are in need of clarification.

List of Subjects in 47 CFR Part 68

Communications common carriers, Telecommunications.

Accordingly, 47 CFR Part 68 is corrected by making the following correcting amendments:

PART 68—CONNECTION OF TERMINAL EQUIPMENT TO THE TELEPHONE NETWORK

1. The authority citation for 47 CFR Part 68, Subpart D, continues to read as follows:

Authority: Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082 (47 U.S.C. 154, 155, 303).

§ 68.306 [Corrected]

2. In § 68.306, paragraph (a)(4) is amended by removing the designations