

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)).

The Office of Management and Budget has exempted these actions from review under Executive Order 12866.

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 September 15, 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).)

Under sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector, or to state, local, or tribal governments in the aggregate.

Through submission of this SIP, the state and any affected local governments have elected to adopt the program provided for under section 110 of the Clean Air Act. These rules may bind state and local governments to perform certain actions and also require the private sector to perform certain duties. To the extent that the rules being finalized for approval by this action will impose new requirements, sources are already subject to these regulations under state law. Accordingly, no additional costs to state or local governments, or to the private sector, result from this action. EPA has also determined that this final action does not include a mandate that may result in estimated costs of \$100 million or more to state or local governments in the aggregate or to the private sector.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations,

Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: June 21, 1995.

Dennis Grams,
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 R—Kansas

2. Section 52.870 is amended by adding paragraph (c)(30) to read as follows:

§ 52.870 Identification of plan.

* * * * *

(c) * * *

(30) On February 17, 1995, the Secretary of the Kansas Department of Health and Environment (KDHE) submitted for approval numerous rule revisions which add and revise definitions, revise the Kansas construction permit program, and create a class II operating permit program.

(i) Incorporation by reference.

(A) Revised rules K.A.R. 28-19-7 effective November 22, 1993; K.A.R. 28-19-8 effective January 23, 1995; K.A.R. 28-19-14 effective January 24, 1994; and the revocation of K.A.R. 28-19-14a effective January 23, 1995; and the revocation of K.A.R. 28-19-14b effective January 24, 1994.

(B) New rules K.A.R. 28-19-204, 212, 300, 301, 302, 303, 304, 400, 401, 402, 403, 404, 500, 501, 502, 540, 541, 542, 543, 544, 545, 546, 561, 562, and 563 effective January 23, 1995.

3. Section 52.872 is added to read as follows:

§ 52.872 Operating permits.

Emission limitations and related provisions which are established in Kansas operating permits as Federally enforceable conditions shall be enforceable by EPA. EPA reserves the right to deem permit conditions 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 EPA underlying regulations.

[FR Doc. 95-17214 Filed 7-14-95; 8:45 am]
BILLING CODE 6560-50-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 301

[Docket No. 950106003-5070-02; I.D. 071095H]

Pacific Halibut Fisheries; Central Oregon Sport Fishery; Southwest Washington Sport Fishery; and Non-treaty Area 2A Commercial Fishery

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

ACTION: Inseason actions.

SUMMARY: The Assistant Administrator for Fisheries, NOAA, on behalf of the International Pacific Halibut Commission (IPHC), publishes inseason actions pursuant to IPHC regulations approved by the U.S. Government to govern the Pacific halibut fishery. This action is intended to enhance the conservation of the Pacific halibut stock in order to help sustain it at an adequate level in the northern Pacific Ocean and Bering Sea.

EFFECTIVE DATES: Closures: 11:59 p.m., July 4, 1995, through December 31, 1995. Opening: 8 a.m. July 5, 1995, through 6 p.m. July 5, 1995.

FOR FURTHER INFORMATION CONTACT: Steven Pennoyer, 907-586-7221; William W. Stelle, Jr., 206-526-6140; or Donald McCaughran, 206-634-1838.

SUPPLEMENTARY INFORMATION: The IPHC, under the Convention between the United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea (signed at Ottawa, Ontario, on March 2, 1953), as amended by a Protocol Amending the Convention (signed at Washington, DC, on March 29, 1979), has issued these inseason actions pursuant to IPHC regulations governing the Pacific halibut fishery. The regulations have been approved by NMFS (60 FR 14651, March 20, 1995). On behalf of the IPHC, these inseason actions are published in the **Federal Register** to provide additional notice of their effectiveness, and to inform persons subject to the inseason actions of the restrictions and requirements established therein.

Inseason Actions

1995 Halibut Landing Report Number 8
Central Oregon Sport Fishery Closes July 4, 1995

The preliminary catch estimate for the 1995 sport halibut fishery inside the 30-

fathom curve nearest to the coastline from Cape Falcon (45°46'00" N. lat.) to the Florence North Jetty (Siuslaw River, 44°01'08" N. lat.) indicates the 3,314 lb (1.50 metric ton (mt)) catch limit will be reached on July 4. Therefore, the sport halibut fishery in this area will close at 11:59 p.m. on July 4, 1995, through December 31, 1995.

Southwest Washington Sport Fishery Closes July 4, 1995

The preliminary catch estimate for the 1995 sport halibut fishery in southwest

Washington waters from the Queets River (47°31'42" N. lat.) south to Leadbetter Point (46°38'10" N. lat.) indicates the 15,222 lb (6.90 mt) catch limit will be reached on July 4. Therefore, the sport halibut fishery in this area will close at 11:59 p.m. on July 4, 1995, through December 31, 1995.

Nontreaty Area 2A Commercial Opening

The directed commercial Area 2A fishery has fishing period limits and is restricted to waters that are south of Point Chehalis, WA (46°53'18" N. lat.)

under regulations promulgated by NMFS and published in the **Federal Register**. The fishing period limits were announced in Halibut Landing Report Number 2. The fishery on July 5, 1995, shall begin at 8 a.m. and end at 6 p.m. local time.

Dated: July 11, 1995.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 95-17464 Filed 7-14-95; 8:45 am]

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