procedures published in the Federal Register on January 19, 1989 (54 *FR* 2214–2225), as revised by a July 10, 1995, memorandum from Mary D. Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review. Section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, requires that the EPA prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditure by State, local, and tribal governments, in aggregate, or by the private sector, of $100 million or more in any one year. Section 203 requires the EPA to establish a plan for obtaining input from and informing, educating, and advising any small governments that may be significantly or uniquely affected by the rule.

Under section 205 of the Unfunded Mandates Reform Act, the EPA must identify and consider a reasonable number of regulatory alternatives before promulgating a rule for which a budgetary impact statement must be prepared. The EPA must select from those alternatives the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule, unless the EPA explains why this alternative is not selected or the selection of this alternative is inconsistent with law.

This final rule is estimated to result in the expenditure by State, local, and tribal governments or the private sector of less then $100 million in any one year. Therefore the EPA has not prepared a budgetary impact statement or specifically addressed the selection of the least costly, most cost-effective, or least burdensome alternative. Small governments will not be significantly or uniquely affected by this rule. Hence, the EPA is not required to develop a plan with regard to small governments. This rule only approves the incorporation of existing State rules into the SIP. It imposes no additional requirements.

Under 5 U.S.C. 801 (a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, the 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, the 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 Act do not create any new requirements but simply approve requirements that the State is already imposing. The Federal SIP approval does not impose any additional requirements. Therefore, I certify that the SIP does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Act forbids the EPA to base its actions concerning SIPs on such grounds. See *Union Electric Co.* v. *EPA*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 22, 1996. Filing a petition for reconsideration by the Regional 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

Environmental protection, Air pollution control, Incorporation by reference, Sulfur oxides.

Dated: August 9, 1996.

Allyn M. Davis,

Acting Regional Administrator.

Title 40, part 52, of the Code of the 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 SS—Texas

2. Section 52.2270 is amended by adding paragraph (c) (101) to read as follows:

§ 52.2270 Identification of Plan.

* * * * *

(c) * * *

(101) Revisions to Texas Natural Resource Conservation Commission Regulation II and the Texas State Implementation Plan concerning the Control of Air Pollution from Sulfur Compounds, submitted by the Governor by cover letters dated October 15, 1992 and September 20, 1995. These revisions relax the SO_2 limit from 3.0 lb/MMBtu to 4.0 lb/MMBtu, and include Agreed Order No. 95–0583–SIP, which stipulates specific SO_2 emission limit compliance methodologies for the Aluminum Company of America, located in Rockdale, Texas.

(i) Incorporation by reference.

(A) Texas Natural Resource Conservation Commission Agreed Order No. 95–0583–SIP, approved and effective on August 23, 1995.

(B) Revisions to 31 TAC Chapter 112, Section 112.8, ''Allowable Emissions From Solid Fossil Fuel-Fired Steam Generators,'' Subsections 112.8(a) and 112.8(b) as adopted by the TNRCC on August 23, 1995.

(ii) Additional material.

(A) The State submittal entitled *Revisions to the State Implementation Plan Concerning Sulfur Dioxide in Milam County,* dated June 14, 1995.

(B) The document entitled *Dispersion Modeling Analysis of ALCOA Rockdale Operations, Rockdale, Texas,* dated April 28, 1995 (document No. 1345–05).

[FR Doc. 96–24047 Filed 9–20–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[WA56–7131a; FRL–5603–7]

Approval and Promulgation of Implementation Plans: Washington

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving in part several minor revisions to the State of Washington Implementation Plan (SIP) and, at the same time, taking no action on two sections of these revisions which are unrelated to the purposes of the SIP. Pursuant to section 110(a) of the Clean Air Act (CAA), the Director of the Washington Department of Ecology (WDOE) submitted a request to EPA

dated May 24, 1996 to revise certain sections of a local air pollution control agency (the Puget Sound Air Pollution Control Agency) regulations.

DATES: This action is effective on November 22, 1996, unless adverse or critical comments are received by October 23, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Copies of the SIP revision request and other information supporting this action are available for inspection during normal business hours at the following locations: EPA, Office of Air Quality (OAQ)–207), 1200 Sixth Avenue, Seattle, Washington 98101; and Washington State Department of Ecology, 300 Desmond Drive, Lacey, Washington 98504.

FOR FURTHER INFORMATION CONTACT: Tamara Langton, Office of Air Quality (OAQ–107), EPA, Seattle, Washington 98101, (206) 553–2709.

SUPPLEMENTARY INFORMATION:

I. Discussion of Submittal

The WDOE May 24, 1996 submittal consists of minor amendments to the Puget Sound Air Pollution Control Agency (PSAPCA) Regulations I and III. Regulation I is being amended to be consistent with the state agricultural burning regulations and to allow training fires and fire extinguisher training by rule rather than by PSAPCA's formal written approval. The amendments to Regulation I were adopted by PSAPCA on February 8, 1996, and became effective on March 14, 1996. During the period offered by PSAPCA for public comments, no public testimony was offered.

Regulation III is being amended to include new monitoring and recordkeeping requirements for perchloroethylene dry cleaning operations. This amendment to Regulation III was adopted by PSAPCA on November 8, 1995, and became effective on December 14, 1995. Again, there were no public comments submitted by the public.

The above two minor amendments to Regulation I and III continue to provide clarity to revised sections and overall strengthening measures for the control of ozone within the affected nonattainment areas and, generally, the control of particulate matter.

The PSAPCA amendments submitted by WDOE for inclusion into the SIP are local air pollution regulations which are at least as stringent as the statewide rules of WDOE. EPA has determined that these minor SIP revisions comply with all applicable requirements of the CAA and EPA policy and regulations concerning such revisions.

II. Summary of Today's Action

EPA is, by today's action, approving in part Regulation I, Article 8, Outdoor Fires, sections 8.02 and 8.05, and Regulation III, Article 3, Source-Specific Emission Standards, section 3.03; deleting Regulation I, Article 8, section 8.01, Policy for Outdoor Fires; and, taking no action in part on Regulation I, Article 8, Outdoor Fires, sections 8.07 (Fire Extinguisher Training) and 8.08 (Fire Department Training Exercises) as these revisions are not directly related to the criteria pollutants regulated under the SIP.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment to the SIP 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 November 22, 1996, unless, by October 23, 1996, 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 notice 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 November 22, 1996.

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.

III. Administrative Requirements

A. Executive Order 12866

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 Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

B. Regulatory Flexibility Act

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. *E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

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.

D. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

E. Petitions for Judicial Review

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 November 22, 1996. 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).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: August 19, 1996.

Charles Findley,

Acting Regional Administrator.

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.

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) (65) to read as follows:

§ 52.2470 Identification of plan.

* * * * *

(c) * * *

(65) Several minor revisions consisting of amended regulations affecting a local air agency, the Puget Sound Air Pollution Control Agency, were submitted to EPA from the Washington State Department of Ecology for inclusion into the Washington State Implementation Plan.

(i) Incorporation by reference.

(A) Letter dated May 24, 1996 from the Director of the Washington State Department of Ecology to the EPA Regional Administrator submitting revisions to the Puget Sound Air Pollution Control Agency regulations for inclusion into the State Implementation Plan: Puget Sound Air Pollution Control Agency, Regulation I, Article 8, Outdoor Fires, sections 8.02, Outdoor Fires-Prohibited Types, and 8.05, Agricultural Burning, effective 3/14/96; Puget Sound Air Pollution Control Agency, Regulation III, Article 3, Source-Specific Emission Standards, section 3.03, Perchloroethylene Dry Cleaners, effective 12/14/95.

[FR Doc. 96–24051 Filed 9–20–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 300

[FRL–5612–8]

National Oil and Hazardous Substances Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of Bonneville Power Administration Ross Complex (USDOE) from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the United States Department of Energy (USDOE) Bonneville Power Administration Ross Complex, located in Clark County, Vancouver, Washington, from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the State of Washington's Department of Ecology have determined that the Site poses no significant threat to public health or the environment and therefore, no further remedial measures pursuant to CERCLA are appropriate.

EFFECTIVE DATE: September 23, 1996.

FOR FURTHER INFORMATION CONTACT: Nancy Harney, Site Manager, U.S. Environmental Protection Agency, Region 10, 1200 6th Avenue (ECL–111), Seattle, Washington 98101, (206)–553–6635.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Bonneville Power Administration Ross Complex (USDOE), Clark County, Vancouver, Washington.

A Notice of Intent to Delete for this site was published July 18, 1996 (FRL–5537–8). The closing date for comments on the Notice of Intent to Delete was August 19, 1996. EPA received no comments.

EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Any site deleted from the NPL remains eligible for remedial actions in the unlikely event that conditions at the site warrant such action in the future. NCP § 300.425(e)(3). Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control. Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: September 10, 1996.

Chuck Clarke,

Regional Administrator, Region 10.

For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR 1987 Comp., p. 193.

Appendix B—[Amended]

2. Table 2 of Appendix B to part 300 is amended by removing the site for Bonneville Power Administration Ross (USDOE), Vancouver, Washington.

[FR Doc. 96–24199 Filed 9–20–96; 8:45 am]

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