

contracted on account of these redesignations.

Accordingly, section G091.1.4 of the Domestic Mail Manual is amended to indicate that qualifying parcels claimed at the experimental automation rates for First-Class Mail and Priority Mail must be entered at a post office for which outgoing primary distribution is performed at the St. Petersburg, FL, Processing & Distribution Center (P&DC) (ZIP Code area 337).

List of Subjects in 39 CFR Part 111

Postal Service.

For the reasons discussed above, the Postal Service hereby adopts the following amendments to the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations (see 39 CFR part 111).

PART 111—[AMENDED]

1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C 101, 401, 403, 404, 3001–3011, 3201–3219, 3403–3406, 3621, 3626, 5001.

2. Revise G091.1.4 of the Domestic Mail Manual as set forth below:

G General Information

* * * * *

G090 Experimental Classifications and Rates

G091 Barcoded Small Parcels

1.0 Basic Eligibility

* * * * *

1.4 Test Sites

As specified in the authorization letter, mail prepared under G091 must be entered at a post office for which outgoing primary distribution is performed as follows:

a. For Priority Mail, at either the St. Petersburg, FL, Processing and Distribution Center (P&DC) (3-digit ZIP Code area 337) or the Philadelphia, PA, Airport Mail Center (3-digit ZIP Code areas 080–084, 189–194, and 197–199).

b. For First-Class Mail, at either the St. Petersburg, FL, P&DC (3-digit ZIP Code area 337) or the Southeastern, PA, P&DC (3-digit ZIP Code areas 189, 193, and 194).

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 96–26088 Filed 10–10–96; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[WA52–7125; FRL–5631–6]

Approval and Promulgation of Maintenance Plan for Air Quality Planning Purposes for the State of Washington: Carbon Monoxide

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is redesignating the Central Puget Sound (also referred to as the Seattle-Tacoma area) nonattainment area to attainment for the carbon monoxide (CO) air quality standard and approving a maintenance plan that will insure that the area remains in attainment. Under the Clean Air Act as amended in 1990 (CAA), designations can be revised if sufficient data is available to warrant such revisions. In this action, EPA is approving The Washington Department of Ecology’s request because it meets the redesignation requirements set forth in the CAA.

EFFECTIVE DATE: This rulemaking is effective as of October 11, 1996.

ADDRESSES: Copies of the State’s redesignation request and other information supporting this action are available during normal business hours at the following locations: EPA, Alaska-Washington Unit (OAQ–107), 1200 Sixth Avenue, Seattle, Washington, 98101, and the Washington State Department of Ecology, Air Quality Program, P.O. Box 47600, Olympia, Washington 98504–7600.

FOR FURTHER INFORMATION CONTACT: Christi Lee, EPA Region 10 Washington Operation’s Office, at (360) 753–9079.

SUPPLEMENTARY INFORMATION:

I. Background

In a March 15, 1991, letter to the EPA Region 10 Administrator, the Governor of Washington recommended the Central Puget Sound area, including the western portions of King, Pierce, and Snohomish Counties, be designated as nonattainment for carbon monoxide (CO) as required by section 107(d)(1)(A) of the 1990 Clean Air Act Amendments (CAA) (Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q). The area which includes lands within the Puyallup Reservation, Tulalip Reservation and Muckleshoot Reservation, was designated nonattainment and classified as “moderate” under the provisions

outlined in sections 186 and 187 of the CAA. (See 56 FR 56694 (Nov. 6, 1991), codified at 40 CFR part 81, § 81.348.)

The Washington State Department of Ecology (WDOE) requested that the Central Puget Sound area be redesignated to attainment in a letter dated February 19, 1996, and received by EPA on March 6, 1996. On June 11, 1996, EPA proposed to approve the WDOE’s requested redesignation. The WDOE has met all of the CAA requirements for redesignation pursuant to section 107(d)(3)(E). EPA has approved all State Implementation Plan (SIP) requirements for the Central Puget Sound area that were due under the 1990 CAA. In addition, on June 11, 1996, EPA proposed redesignation to attainment those areas in the Central Puget Sound CO nonattainment area that are located within the Tulalip Reservation, the Puyallup Reservation and the Muckleshoot Reservation.

The WDOE provided monitoring, modeling and emissions data to support its redesignation request. The 1993 CO attainment emissions inventory totals in tons per day are 316, 214, 1497, 61, respectively, for the area, non-road, mobile and point sources. The emission budget established through the year 2010 is 1,497 tons per day. The State relied on the existence of an approved Inspection and Maintenance (I/M) program as part of the maintenance demonstration. The WDOE will discontinue implementation of the oxygenated fuel program in the Central Puget Sound Consolidated Metropolitan Statistical Area (CMSA) once approval of the CO maintenance plan becomes effective.

The WDOE will retain the oxygenated fuels program as a contingency measure as required under section 175A(d) of the CAA. The program will be re-implemented the next full winter season following the date of a quality assured violation of the CO National Ambient Air Quality Standards (NAAQS).

II. Public Comment/EPA Response

The following comments were received during the public comment period ending July 11, 1996. EPA’s response follows each comment.

(1) *Comment:* The removal of the oxygenated fuels program should not be considered. It is imperative that the most sensitive segment of the population be protected, and to do that the carbon monoxide (CO) levels must be kept significantly below the standard.

Response: Under Title I of the CAA, Congress established a system of state and federal cooperation. EPA is required to establish the National Ambient Air Quality Standards (NAAQS)—i.e., the

level at which air quality is determined to be protective of human health. However, the States take the primary lead in determining the measures necessary to attain and maintain the NAAQS. These measures are incorporated into the state implementation plan (SIP). The CAA requires EPA to approve a SIP submission that meets the requirements of the CAA. If the State fulfills its obligations in developing a SIP that meets the requirements of the CAA, EPA has no authority to supplement or revise that plan with a federal implementation plan.

Once a State has attained the NAAQS for a particular pollutant, such as CO, and the State can demonstrate that it has met the other requirements specified in section 107(d)(3)(E), including the requirement for a maintenance plan, the state can request redesignation to attainment for the area. The maintenance plan, which is submitted as a revision to the State's SIP, must demonstrate maintenance of the NAAQS for ten years following redesignation. The maintenance plan need not be based on continued implementation of all the measures in the SIP prior to redesignation, but must provide that if a violation of the standard occurs, "the State will implement all measures * * * which were contained in the [SIP] for the area before redesignation as an attainment area." CAA § 175(d).

The Washington State Department of Ecology (WDOE) submitted air quality modeling and monitoring data as a part of their redesignation request. These data show that the Central Puget Sound area is currently in attainment of the NAAQS for CO and is expected to remain in attainment for at least the next 10 years despite elimination of the oxygenated fuels program. Moreover, the maintenance plan includes the oxygenated fuels program as a contingency measure to be implemented in the event of a violation of the CO standard. Because the State has submitted a maintenance plan that complies with the CAA, EPA must approve the maintenance plan under section 110(k)(3). Furthermore, since the State has met the redesignation requirement to demonstrate that the air quality meets the NAAQS, EPA believes the air quality is sufficient to protect the public health and EPA cannot reject the redesignation request on this basis.

(2) *Comment:* The Puget Sound Air Pollution Control Agency's (PSAPCA) board was informed by their legal counsel that they did not have the authority to continue oxygenated fuels solely on the basis of toxic reductions.

This legal advice was improper and misleading and consequently affected their decision to remove the oxygenated fuels program.

Response: EPA is obligated to act on the maintenance plan and redesignation request submitted by the State. As described in the previous response, the State takes the lead in developing a plan to attain and maintain the NAAQS. If the maintenance plan meets the requirements of the Act, EPA must approve the plan under section 110(k)(3) of the Act. Since the State has submitted a maintenance plan that meets the requirements of section 175, EPA must approve that plan. Furthermore, the State has demonstrated that the Central Puget Sound area has met the redesignation criteria in section 107(d)(3)(E) and, therefore, should be redesignated to attainment for CO. Since the State submitted a maintenance plan and redesignation request that comply with the Act, and there is no issue whether the State has the authority to implement the measures included in the submission, EPA has no authority to examine the State's reasoning for selection of the measures in the maintenance plan.

(3) *Comment:* The oxygenate industry was not notified of the redesignation process nor were they included on the advisory committee where the recommendation to remove oxygenated fuel was made.

Response: EPA's requirement regarding the public hearing process that states must follow is stated in CFR Part 51, Appendix V and the CAA 110(a)(2). In summary, EPA requires that each implementation plan submitted by the State be adopted by the state after reasonable notice and public hearing of the proposed change(s). EPA is satisfied that the public participation process employed by PSAPCA meets this requirement. Any additional public procedures provided are at the State's discretion.

(4) *Comment:* The Proposed Federal Register notes that the region has maintained the CO standard since 1990/91 prior to implementation of oxygenated fuels and therefore oxygenated fuels are unnecessary to show maintenance. The data does not support this assertion. The Bellevue monitoring site recorded two readings over 9.0 (12/24/94 and 1/5/95); if the oxygenated fuels program would not have been in place these readings would be over 11ppm using the PSAPCA methodology of accounting for 25% decrease in the design value attributed to oxygenated fuels.

Response: The comment suggests that additional analysis beyond assessment of the monitored values is necessary for a state to show that the area is attaining the standard. This assumption is not accurate. The proposed Federal Register correctly states that the Central Puget Sound area has ambient monitoring data showing attainment of the CO NAAQS, since 1991. For CO, an area may be considered attaining the NAAQS if there are no violations, as determined in accordance with 40 CFR 50.8, based on two complete, consecutive calendar years of quality assured monitoring data.

(5) *Comment:* PSAPCA's analysis of non-monitored sites assumed that the monitored sites were the worst case sites in the region. However, the recent worst case monitor, the Bellevue site, is not included in the analysis.

Response: The attainment probability analysis for non-monitored sites was performed using four intersections which were chosen based on their congestion and traffic volumes. In addition, PSAPCA's analysis of non-monitored sites included an analysis of two worst-case monitoring sites which were considered to be representative of future trends in the region, based on both historical CO concentrations recorded at the sites and their urban setting. The recently established Bellevue monitoring site was not included in the probability analysis for non-monitored sites since there was a limited data record available (one CO season worth of data) at the time the analysis was performed.

(6) *Comment:* A recent bag sampling study by Ecology suggests that there are at least three new sites that deserve monitoring and have higher concentrations than the current monitored sites.

Response: It is assumed that the commenter is referring to: the November 1, 1994 "Southeast Puget Sound Carbon Monoxide Study" (southeast saturation study), and the September 6, 1995 "East Puget Sound Carbon Monoxide Study" (east saturation study) reports, both prepared by Ashley and Williamson. In the conclusions to both reports the authors recommended additional monitoring sites be considered as candidates for prospective permanent network sites. As the commenter correctly noted, no permanent sites have yet been established at these locations.

Saturation studies are a tool for identifying potential candidate locations for future permanent monitoring sites. The portable samplers used to measure CO concentrations during a saturation study are not reference monitors, however, and cannot be used to

determine whether the NAAQS has been exceeded. Such data can only be used to estimate true concentrations and give indications of potential NAAQS exceedances.

When determining redesignation status for a particular pollutant, EPA is required to assess whether the integrity of the air quality monitoring network has been properly established and preserved, and will provide data that is representative of CO concentrations in the nonattainment area. Although EPA acknowledges the reports findings that data gaps apparently exist for maximum CO monitoring information in particular areas sampled during the saturation studies, we believe that the current Central Puget Sound area monitoring network is representative of the areawide CO levels and the integrity of the CO monitoring system, for the purposes of determining attainment and maintenance of the CO standard, has been sustained.

Our reasons are three fold: (1) although the saturation studies noted above concluded that particular un-monitored locations showed high CO concentrations, the portable samplers used did not indicate that the levels in these locales were likely to be higher than the NAAQS; (2) saturation studies are regularly done in the State of Washington to suggest new locations for permanent monitoring. EPA endorses the rationale behind these studies. It is not EPA's position, however, that saturation study results by themselves should be used to delay or disapprove a redesignation and maintenance plan unless the studies indicate significant gaps in the permanent network; (3) although EPA agrees that the WDOE should move forward with its recommendation for installing permanent monitors at the identified locales, the lack of permanent monitoring at these sites does not constitute significant data gaps that would delay the redesignation to attainment of the Central Puget Sound area. A significant gap would, in our view, be indicated by a situation where relatively large unmonitored areas with CO levels anticipated to be at or above the NAAQS appear to be present within the boundaries of the nonattainment area.

EPA will continue to work with the state to ensure that the CO monitoring network is modified, as appropriate, to accommodate pollutant concentration changes resulting from new traffic patterns, and shifting population density, etc. If future changes are made to the state's monitoring network which result in monitored violations of the CO NAAQS, a contingency measure

(reimplementation of the oxygenated fuel program) will be implemented the following winter season as provided for in the WDOE maintenance plan.

(7) *Comment:* The PSAPCA roll forward analysis does not take into effect future peak spreading and traffic congestion, making the probability of attainment precarious, especially in the non-monitored sites.

Response: The maintenance plan uses four methods to demonstrate continued maintenance of the CO NAAQS. These are maintenance of the attainment emissions level, roll-forward emissions modeling, multi-year rollback analysis, and intersection modeling. Under EPA policy on redesignation requests and maintenance plans, maintenance of attainment level emissions and a roll-forward emissions modeling are sufficient demonstrations for approvability. Taken together, the four different demonstrations reinforce the conclusion of continued maintenance of the NAAQS.

The comment implies that future peak spreading and traffic congestion effects are required elements of a roll-forward analysis. The roll-forward analysis assumes that CO concentrations are directly related to regional on-road vehicle emissions. While this assumption ignores the influence of factors such as peak spreading and congestion that can influence the observed CO value at a specific monitoring site, the method of partitioning the ambient CO level between regional mobile source emissions and background probably has a larger influence on the results than the failure to deal with site-specific factors. It should be noted that the roll-forward modeling projects CO values that are well below the standard. EPA believes that the roll-forward analysis included in the maintenance plan is adequate in the absence of these elements.

(8) *Comment:* There are at least 5 major projects (including the Sea-Tac Airport project) whose intersections do not meet CO standards without oxygenated fuels. Some of these have already proceeded on the assumption that oxygenated fuels would be in place. According to EPA approved modeling, these intersections with major projects will be out of attainment if the oxygenated fuel program were removed.

Response: EPA does not agree with the comment that projected NAAQS exceedances that are part of Environmental Impact Statements (EIS) within the nonattainment area provide a basis for requiring use of oxygenated fuels in the Maintenance Plan. EPA expects that before the activities evaluated in those EISs are approved,

the activities will be modified to conform to the State Implementation Plan, consistent with the Clean Air Act.

Under section 176 of the CAA, federal agencies and metropolitan planning organizations may not approve or otherwise support an activity which does not conform to an approved implementation plan. The requirement to determine conformity applies to transportation plans, programs and projects developed, funded or approved under Title 23 U.S.C. of the Federal Transit Act ("transportation conformity"), as well as all other Federal actions ("general conformity"). Congress provided for the States to establish conformity requirements one year after the date of promulgation of final EPA conformity regulations. EPA promulgated final transportation conformity regulations on November 24, 1993 (58 FR 62188) and final general conformity regulations on November 30, 1993 (58 FR 63214). These conformity rules require that the States adopt both transportation and general conformity provisions in the SIP for areas designated nonattainment or subject to a maintenance plan approved under section 175A of the CAA.

Section 176(c) of the CAA establishes the requirements that federal agencies and metropolitan planning organizations must follow to evaluate the potential impact of planned activities on NAAQS. Before they may approve a planned activity, the agencies must ensure that such activity will not cause or contribute to any new violation of any standards in the area, increase the frequency or severity of an existing violation of a standard in the area, or delay timely attainment of a standard or other required emission reductions. If the planned action does not initially conform with the applicable SIP, then a plan for mitigation measures or for finding emission offsets necessary for a conformity determination should be identified. EPA general conformity regulations at 40 CFR § 51.860 require that the agency obtain written commitments to mitigation measures prior to a positive conformity determination, and that such commitments must be fulfilled. EPA transportation conformity requirements at 40 CFR § 51.458 also require written commitments for project-level mitigation or control measures prior to a positive conformity determination.

The requirement to comply with the conformity provisions of the Act continues to apply to areas after redesignation to attainment. While redesignation of an area to attainment enables the area to avoid further compliance with most requirements of

section 110 and part D, since those requirements are linked to the nonattainment status of an area, the conformity requirements apply to both nonattainment and maintenance areas. Although the state conformity requirements have not been approved by EPA, EPA's federal conformity rules require the performance of conformity analyses in the absence of state-adopted rules. Therefore, a delay in adopting state rules does not relieve an area from the obligation to implement conformity requirements.

The commenter is correct that completed conformity determinations need not be revisited if changes subsequently occur in baseline conditions. This same comment was made as part of PSAPCA's public participation procedures before the Maintenance Plan was adopted. The PSAPCA Staff Response Summary noted that the Puget Sound Regional Council's analysis indicates conformity at the regional level through the year 2010, even without oxygenated fuels, based upon the regional motor vehicle emissions budgets in the Maintenance Plan. New baseline conditions without oxygenated fuels must be considered in any new determinations of conformity at the project level and for determining conformity of the Regional Transportation Plan and Transportation Improvement Plan. The PSAPCA Staff Response Summary also noted that the modeling approaches used in conformity evaluations to compare relative air quality impacts of various alternatives are not reliable for predicting actual concentrations of CO likely to result from a specific project alternative. As a result, there is no direct relationship between modeled exceedances and the actual measured concentrations of CO likely to result from a specific project alternative. In order to better understand the potential for modeling to overpredict emissions, PSAPCA is conducting a study of modeling with the objectives to (1) document the potential for overprediction, and (2) develop a correlation between predicted emissions and measured air quality.

(9) *Comment:* Discontinuing the oxygenated fuels program is ill-advised in light of the growth in population and the subsequent increase in vehicle miles traveled (VMT) and congestion in the Puget Sound area.

Response: The growth in VMT and population does continue to increase over the maintenance period in the Central Puget Sound area. However, these parameters were included in the demonstration of maintenance and projection of the emission inventory.

Despite the projected growth in population and VMT, the State was able to demonstrate maintenance of the CO NAAQS through the year 2010 without an implemented oxygenated fuels program.

(10) *Comment:* Since the inspection and maintenance program may not be as effective at reducing emissions as some are suggesting, now is not the time to dismantle a program (oxygenated fuels) that has proven effective in providing important air quality and health benefits.

Response: The oxygenated fuels program, which was originally mandated in 1990 by the Clean Air Act has promoted CO reductions supportive of attainment. However, at the present time the state has determined that it is not necessary to keep this control in place except as a contingency measure. EPA has approved the Washington State Inspection and Maintenance (I/M) program and believes the state has taken the appropriate emission reduction credit for this program. The State has demonstrated that the I/M program coupled with the Federal Motor Vehicle Control Program (FMVCP) is an effective control measure that ensures future maintenance of the CO NAAQS.

(11) *Comment:* A public hearing was requested to discuss leaving the Sea-Tac Airport area classified as nonattainment for CO until additional monitoring information could be acquired.

Response: EPA acts on SIP submissions and redesignation requests in accordance with the procedures set forth in the Administrative Procedure Act, 42 U.S.C. 553(c). Section 553(c) provides that an agency "shall give interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments *with or without opportunity for oral presentation.*" EPA believes several opportunities for the public to participate by oral presentation were provided during the state and local process. PSAPCA held public workshops to discuss the redesignation proposal and both the Department of Ecology and PSAPCA held public hearings prior to the maintenance plan and redesignation request being submitted to EPA for approval. In light of the several opportunities that existed for the oral presentation of information, EPA will not exercise its discretion to provide for a hearing.

The Region received two public comments which were in support of the redesignation and, therefore, will not be addressed here.

Since none of the comments provided information that contradicts EPA's finding that the area has met the criteria

for redesignation to attainment, delay in redesignation of the Central Puget Sound area to attainment is unwarranted and would deny redesignation to an area that meets Clean Air Act requirements. Therefore, EPA is redesignating the Central Puget Sound area to attainment of the CO NAAQS.

III. Rulemaking Action

EPA is approving the WDOE's request to redesignate the Central Puget Sound area to attainment of the CO standard because the State's submittal meets the requirements of the Federal law for redesignation to attainment. These requirements are in section 107(d)(3)(E) of the CAA. This approval will put into place a revision to the SIP for the Central Puget Sound area that will assure that the CO standard continues to be maintained through the year 2010. Because EPA is approving the maintenance plan and because the area meets CAA requirements for redesignation to attainment, the Central Puget Sound area will be designated as attaining the CO NAAQS.

In addition, EPA, after notification of and consultation with the affected tribal governments, is approving redesignation to attainment those areas in the Central Puget Sound CO nonattainment area that are located within the Tulalip Reservation, the Puyallup Reservation and the Muckleshoot Reservation. The Agency believes that the redesignation requirements are effectively satisfied, based on information provided by WDOE and requirements contained in the WDOE SIP and maintenance plan.

Pursuant to Section 553(d)(3) of the Administrative Procedures Act (APA), this final notice is effective upon the date of publication in the Federal Register. Section 553(d)(3) of the APA allows EPA to waive the requirement that a rule be published 30 days before the effective date if EPA determines there is "good cause" and publishes the grounds for such a finding with the rule. Under section 553(d)(3), EPA must balance the necessity for immediate federal enforceability of these SIP revisions against principles of fundamental fairness which require that all affected persons be afforded a reasonable time to prepare for the effective date of a new rule. *United States v. Gavrilovic*, 551 F 2d 1099, 1105 (8th Cir., 1977). The purpose of the requirement for a rule to be published 30 days before the effective date of the rule is to give all affected persons a reasonable time to prepare for the effective date of a new rule.

EPA is making this rule effective upon October 11, 1996 to provide as much

time as possible for State and local air authorities to notify fuel distributors that distribution plans can be modified in response to these changes. In addition, this approval imposes no new requirements on sources since the measures in the maintenance plan were previously approved as part of the SIP and the maintenance plan contains no new requirement for the area.

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.

IV. 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 Clean Air Act 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, the Administrator certifies 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 flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*,

427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

Redesignation of an area to attainment under section 107(d)(3)(E) of the CAA does not impose any new requirements on small entities. Redesignation is an action that affects the status of a geographical area and does not impose any regulatory requirements on sources. The Regional Administrator certifies that the approval of the redesignation request will not affect a substantial number of small entities.

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 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 December 10, 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).)

List of Subjects

40 CFR Part 52

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

40 CFR Part 81

Air pollution control.

Dated: September 30, 1996.

Chuck Clarke,

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.

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) (67) to read as follows:

§ 52.2470 Identification of plan.

* * * * *

(c) * * *

(67) On February 29, 1996 the Director of WDOE submitted to the Regional Administrator of EPA a revision to the Carbon Monoxide State Implementation Plan for the Central Puget Sound area containing a maintenance plan that demonstrated continued attainment of the NAAQS for carbon monoxide through the year 2010 and also containing an oxygenated fuels program as a contingency measure to be implemented if the area violates the CO NAAQS.

(i) Incorporation by reference.

(A) The February 29, 1996 letter from WDOE to EPA requesting the redesignation of the Puget Sound carbon monoxide nonattainment area to attainment and submitting the

maintenance plan; the Central Puget Sound Region Redesignation Request and Maintenance Plan for the National Ambient Carbon Monoxide Standard dated January 1996.

(ii) Additional Material.

(A) Letter dated May 2, 1996, to EPA from the Puget Sound Air Pollution Control Agency, subject "Carbon Monoxide SIP Applicability on Indian Lands;" and Appendices to the Puget Sound Region Redesignation Request and Maintenance Plan for the National Ambient Carbon Monoxide Standard

dated January 1996: Appendix A, Technical Analysis Protocol; Appendix B, Carbon Monoxide Air Quality Data Monitoring Network; Appendix C, Ambient Carbon Monoxide Monitoring Data; Appendix D, Historical and Projected Puget Sound Region VMT and Employment; Appendix E, Emission Inventory Projection; Appendix F, Analysis of the Probability of Continued CO Attainment in Puget Sound; and Appendix G, Transportation Conformity Process.

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

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

2. In § 81.348, the table for "Washington-Carbon Monoxide," is amended by revising the entry for Seattle-Tacoma Area to read as follows:

§ 81.348 Washington.

* * * * *

Washington-Carbon Monoxide

Designated Area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
Seattle-Tacoma Area:				
Seattle-Tacoma Urban Area (as defined by the Washington Department of Transportation urban area maps).				
King County (part)		Attainment		
Pierce County (part)		Attainment		
Snohomish County (part)		Attainment		

¹ This date is November 15, 1990, unless otherwise noted.

[FR Doc. 96-25979 Filed 10-10-96; 8:45 am]
BILLING CODE 6560-50-P

40 CFR Part 300

[FRL-5634-3]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of Northwest 58th Street Landfill Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region 4 announces the deletion of the Northwest 58th Street Landfill Site, Dade County, Florida, from the National Priorities List (NPL). The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. EPA and the State of Florida Department of Environmental Protection (FDEP) have determined that the Site poses no significant threat to public health or the environment and therefore, further response measures pursuant to CERCLA are not appropriate.

EFFECTIVE DATE: October 11, 1996.
ADDRESSES: Richard D. Green, Acting Director, Waste Management Division, U.S. Environmental Protection Agency, 100 Alabama Street S.W., Atlanta, Georgia 30303. Comprehensive information on this Site is available through the Region 4 public docket, which is available for viewing at the Northwest 58th Street Landfill information repositories at two locations. Locations and phone numbers are: U.S. EPA Record Center, 100 Alabama Street S.W., Atlanta, Georgia 30303, (404) 562-8190, and Metropolitan Dade County, Department of Environmental Resource Management, Hazardous Waste Section, 33 S.W. 2nd Avenue, Suite 800, Miami, Florida 33130, (305) 372-6804.
FOR FURTHER INFORMATION CONTACT: Pam Scully 404-562-8935.
SUPPLEMENTARY INFORMATION: The Northwest 58th Street Landfill Site in Dade County, Florida, is being deleted from the NPL.

A Notice of Intent to Delete for this site was published on August 2, 1996 (61 FR 40371). The closing date for comments on the Notice of Intent to Delete was September 3, 1996. EPA received no comments and therefore did not prepare a Responsiveness Summary.

The 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. Sites on the NPL may be subject of Hazardous Substance Response Trust Fund (Fund) financed remedial actions. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 301.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL in the unlikely event that conditions at the site warrant such action. 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 27, 1996.

A. Stanley Meiburg,
Acting Regional Administrator, USEPA Region 4.

40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

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