

(2) In the case of all other puts and calls, the amount, or other position, specified by the maintenance rules of the creditor's examining authority.

§ 220.19 [Removed]

4. Section 229.19 is removed.

By order of the Board of Governors of the Federal Reserve System, June 21, 1995.

William W. Wiles,

Secretary of the Board.

[FR Doc. 95-15680 Filed 6-28-95; 8:45 am]

BILLING CODE 6210-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[ME-23-1-6827b; A-1-FRL-5214-5]

Approval and Promulgation of Air Quality Implementation Plans; Maine; Gasoline Marketing Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Maine on July 6, 1994. This revision consists of regulations which require the implementation of reasonably available control technology (RACT) for controlling volatile organic compound (VOC) emissions from gasoline marketing operations. In the Final Rules Section of this **Federal Register**, EPA is approving the gasoline marketing regulations included in the State's July 6, 1994 SIP submittal. EPA is approving several of these regulations as a direct final rule without prior proposal because the Agency views them as noncontroversial and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this proposal. Any parties interested in commenting on this proposal should do so at this time.

DATES: Comments must be received on or before July 31, 1995.

ADDRESSES: Comments may be mailed to Susan Studlien, Acting Director, Air, Pesticides and Toxics Management

Division, U.S. Environmental Protection Agency, Region I, JFK Federal Bldg., Boston, MA 02203. Copies of the State submittal and EPA's technical support document are available for public inspection during normal business hours, by appointment at the Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, One Congress Street, 10th floor, Boston, MA and the Bureau of Air Quality Control, Department of Environmental Protection, 71 Hospital Street, Augusta, ME 04333.

FOR FURTHER INFORMATION CONTACT: Anne E. Arnold, (617) 565-3166.

SUPPLEMENTARY INFORMATION: For additional information, see the direct final rule which is located in the Rules Section of this **Federal Register**.

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

Dated: May 19, 1995.

John P. DeVillars,

Regional Administrator, Region I.

[FR Doc. 95-15958 Filed 6-28-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[WI53-01-6914; FRL-5250-2]

Redesignation of the Forest County Potawatomi Community to a PSD Class I Area; State of Wisconsin

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: The purpose of this action is to propose approval and seek public comment on the request by the Forest County Potawatomi (FCP) Tribal Council to redesignate lands within the FCP Reservation in the State of Wisconsin to Class I under USEPA's regulations for prevention of significant deterioration (PSD) of air quality. The Class I designation will result in lowering the allowable increases in ambient concentrations of particulate matter (PM), sulfur dioxide (SO₂), and nitrogen oxides (NO_x) on certain of the FCP Community's lands.

DATES: Comments must be received on or before September 5, 1995. An informational meeting and public hearing on this proposal will be held on August 2, 1995. The informational meeting will start at 2:00 pm CDT and the public hearing will immediately follow it.

ADDRESSES: Written comments should be addressed to: Carlton Nash, Chief, Regulation Development Section, Air Toxics and Radiation Branch, United States Environmental Protection

Agency, 77 West Jackson Boulevard (AT-18J), Chicago, Illinois 60604.

An informational meeting on Class I PSD redesignations in general and a public hearing on the FCP redesignation request in particular will be held at the Indian Springs Lodge on Highway 32 in Carter, Wisconsin starting at 2:00 pm CDT on August 2, 1995. The hearing will be strictly limited to the subject matter of the proposal, which is that the proposed redesignation meets the procedural requirements.

Supporting information used in developing the proposed rule and materials submitted to USEPA relevant to the proposed action are available during normal business hours for public inspection and copying at the Air Toxics and Radiation Branch, Region 5, United States Environmental Protection Agency, 77 West Jackson Boulevard (AT-18J), Chicago, Illinois 60604. A copy of this information and materials is also available for inspection at the Crandon Public Library, 104 South Lake Avenue, Crandon, Wisconsin 54520-1458.

FOR FURTHER INFORMATION CONTACT: Constantine Blathras, USEPA Region 5 (AT-18J), 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-0671.

SUPPLEMENTARY INFORMATION: Part C Title I of the Clean Air Act (Act) provides for the prevention of significant deterioration of air quality. The intent of Part C is to prevent deterioration of existing air quality, in areas having relatively clean air—those areas designated pursuant to Section 107 of the Act, as "unclassifiable", or "attainment" relative to an areas National Ambient Air Quality Standard. These areas are referred to as "PSD areas". The Act provides for three basic classifications applicable to PSD areas located within the United States. Associated with each classification are increments which represent the maximum allowable increase in ambient air pollutant concentrations above a baseline concentration.

Part C initially designated as Federal Class I certain areas, under Section 162(a) of the Act, such as international parks, wilderness areas, national memorial parks, and national parks.¹ The PSD regulations provide special protection for Federal Class I areas. Class II applies to areas in which pollutant increases accompanying moderate growth is allowed. Class III applies to those areas in which

¹ The 1990 CAA Amendments included provisions to allow the boundaries of existing federal Class I areas to be expanded, but no new Class I areas were created.

considerably more air quality deterioration is considered acceptable.

Under the 1977 amendments to the Act, all PSD areas, other than the Federal Class I areas, were initially designated Class II. Section 164 of the Act allows States and Indian governing bodies to reclassify areas under their jurisdiction to accommodate the social, economic, and environmental needs and desires of the local population.

Reservations that have previously been reclassified as Class I areas include the Northern Cheyenne, Fort Peck, and Flathead Reservations in Montana and the Spokane Reservation in Washington.

A Class I redesignation results in lowering the allowable increases in ambient concentrations of PM, SO₂, and NO_x. Only facilities defined by the PSD regulations, 40 Code of Federal Regulations (CFR) 51.166 and 52.21, as major stationary sources or major modifications are subject to PSD and required to perform PSD air quality impact analysis. These facilities are typically large industrial sources such as refineries and electric utilities.

It is important to note that no new permits or additional controls to existing sources are required as a result of a redesignation to Class I. The difference between the two designations is that the maximum increase in ambient concentration of a given pollutant² allowed over a baseline concentration is lower in a Class I area. This affords a Class I area greater protection from the cumulative impacts of many facilities locating in and around the Class I area.

Forest County Potawatomi Request for Redesignation

On February 14, 1995 the FCP Tribal Council submitted to USEPA a proposal to redesignate certain FCP Reservation lands from Class II to Class I. FCP Reservation lands being requested for redesignation to Class I are limited to parcels over 80 acres, only in Forest County, and that are held in trust for the Tribe by the Federal government. With their request, the Tribal Council submitted a PSD Class I Area Redesignation Technical Report, maps identifying the reservation lands subject to the proposed redesignation, documentation of public notification, a record of the public hearing held on September 29, 1994, comments received by the Tribal Council on the proposed redesignation, and the Tribal Council's response to comments received. On June 14, 1995 the Tribal Council also provided USEPA with information

² There are currently PSD increments established for NO_x, SO₂, and PM. 40 CFR 52.21(c).

concerning Air Quality Related Values (AQRV) for the proposed redesignated area, including a discussion of the economic and energy effects of a proposed AQRV for mercury. This information is available at the Crandon Public Library and Region 5 offices listed in the ADDRESSES section of this proposal.

Statutory and Regulatory Requirements for Redesignation

Section 164 of the Act and Federal regulations set forth at 40 CFR 52.21(g) outline the requirements for redesignation of areas under the PSD program. The Act provides that lands within the exterior boundaries of reservations of federally recognized Indian tribes may be redesignated only by the appropriate Indian Governing Body. Under section 164(b)(2) and 40 CFR 52.21(g)(5), USEPA may disapprove a redesignation only if it finds, after notice and opportunity for hearing, that the redesignation does not meet the procedural requirements of section 164 or is a mandatory Federal Class I area that may not be redesignated. The latter does not apply to the FCP area proposed for redesignation. In addition, the Indian Governing Body may resubmit the proposal after correcting any deficiencies noted by the Administrator, under 40 CFR 52.21(g)(6).

The procedural requirements for a Class I redesignation by an Indian Governing Body are as follows: (1) At least one public hearing must be conducted in accordance with the requirements set forth at 40 CFR 51.102; (2) other States, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation must be notified at least 30 days prior to the public hearing; (3) at least 30 days prior to the public hearing, a discussion of the reasons for the proposed redesignation including a satisfactory description and analysis of the health, environmental, economic, social and energy effects of the proposed redesignation must be prepared and made available for public inspection and the public hearing notice must contain appropriate notification of availability of such discussion; (4) prior to the issuance of the public notice for a proposed redesignation of an area that includes Federal lands in the redesignation, the redesignating authorities must provide written notice to the appropriate Federal Land Managers and an opportunity to confer and submit written comments and recommendations; and (5) prior to proposing the redesignation, the Indian Governing Body has consulted with the

State(s) in which the Reservation is located and that border the Reservation.

Tribal Council Submittal

The February 14, 1995 request for redesignation includes evidence that all of the statutory and regulatory requirements for redesignation of the FCP Reservation from Class II to Class I have been met by the FCP Tribal Council. The FCP Tribal Council is the Indian Governing Body for the FCP Reservation, and only land parcels within the exterior boundaries of the Reservation are proposed for redesignation.

Pursuant to 40 CFR 51.102, the FCP Tribal Council conducted a public hearing on September 29, 1994 at the Potawatomi Tribal Hall, four miles east of Crandon, Wisconsin. Notice of the hearing was provided to the required parties, other public agencies, and interested parties. It was posted in public locations and was provided to local media. A satisfactory description and analysis of the health, environmental, economic, social, and energy effects of the proposed redesignation entitled, "Forest County Potawatomi Community PSD Class I Area Redesignation Technical Report" was completed in August 1994, and its availability was announced in the public hearing notices. Evidence that the Tribe consulted with State of Wisconsin officials prior to proposing the redesignation is also included in the submittal. Therefore, the documentation submitted by the Tribal Council shows that all statutory and regulatory procedural requirements for redesignation have been met.

Summary of Action

Because USEPA's review has not revealed any procedural deficiencies, the redesignation is hereby proposed for approval. The public is invited to comment on whether the FCP Tribal Council has met all the applicable procedural requirements of 40 CFR 52.21(g)(2) & (g)(4). Comments should be submitted to the Region 5 address listed above. USEPA will hold a public hearing on this redesignation on August 2, 1995,³ at the Indian Springs Lodge on Highway 32 in Carter, Wisconsin, to receive additional public comment on the subject of this proposal, which is whether the proposed redesignation met the procedural requirements summarized in this action. Public comments received either at the public hearing in Carter or received in writing

³ The public hearing will immediately follow an informational meeting on the PSD redesignation process, which will start at 2:00 pm CDT.

at the Region 5 offices by September 5, 1995, will be considered in the final rulemaking action taken by USEPA.

Administrative Review

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225), as revised by an October 4, 1993 memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for a PSD Class I redesignation. Each request for redesignation shall be considered separately and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. Section 600 *et seq.*, USEPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. sections 603 and 604.

Alternatively, USEPA 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. The proposed action does not have a significant direct impact on small entities and may only prospectively affect the amount of air quality deterioration that is allowed from major stationary sources and major modifications, as defined by 40 CFR 52.21, and will not result in any significant additional requirements for small entities. Therefore, I certify that this action does not have a significant impact on a substantial number of small entities.

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 (Unfunded Mandates Act), signed into law on March 22, 1995, the USEPA 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 the request for redesignation, the Tribal government has elected to adopt an option allowed them under Section 164 of the Act. The redesignation being proposed for approval in this action may bind State, local, and Tribal governments to

perform certain actions and also may ultimately lead to the private sector being required to perform certain duties. However, USEPA has also determined that this action does not include a mandate that may result in estimated costs of \$100 million or more to State, local, or Tribal governments in the aggregate or to the private sector.

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

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Environmental Protection, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: June 19, 1995.

Valdas V. Adamkus,
Regional Administrator.

[FR Doc. 95-16003 Filed 6-28-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[AK 9-1-6975b; FRL-5223-2]

Approval and Promulgation of State Implementation Plans: Alaska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of Alaska for the purpose of forecasting and tracking vehicle miles traveled (VMT) in the Anchorage area. On March 24, 1994, the Alaska Department of Environmental Conservation (ADEC) submitted a SIP revision to EPA to satisfy the requirements of sections 187(a)(2)(A) and 187(a)(3) of the Clean Air Act, as amended in 1990. In the Final Rules Section of this **Federal Register**, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document.

DATES: Comments on this proposed rule must be received in writing by July 31, 1995.

ADDRESSES: Written comments should be addressed to Montel Livingston, Environmental Protection Specialist (AT-082), Air Programs Section, at the EPA Regional Office listed below. Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day. U.S. Environmental Protection Agency, Region 10, Air Programs Section, 1200 6th Avenue, Seattle, WA 98101. The Alaska Department of Environmental Conservation, 410 Willoughby, Suite 105, Juneau, Alaska 99801-1795.

FOR FURTHER INFORMATION CONTACT: Montel Livingston, Air Programs Branch (AT-082), EPA, 1200 6th Avenue, Seattle, WA 98101, (206) 553-0180.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action which is located in the Rules Section of this **Federal Register**.

Dated: June 6, 1995.

Chuck Clarke,
Regional Administrator.

[FR Doc. 95-15955 Filed 6-28-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[OH87-1-7075b; FRL-5227-2]

Determination of Attainment of the Ozone Standard by the Cleveland, Toledo, Dayton and Cincinnati-Hamilton Interstate Ozone Nonattainment Areas and Determination Regarding Applicability of Certain Reasonable Further Progress and Attainment Demonstration Requirements; Ohio

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: The USEPA is proposing to determine, through direct final procedure, that the Cleveland (which includes the Counties of Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage and Summit); Toledo (which includes the Counties of Lucas and Wood); Dayton (which includes the Counties of Clark, Greene, Miami and Montgomery); and the Ohio portion of the Cincinnati-Hamilton Interstate (which includes the Counties of Butler,