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Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 10

[T.D. 95–31]

RIN 1515–AB53

Express Consignments; Formal and Informal Entries of Merchandise; Administrative Exemptions; Correction

AGENCY: Customs Service, Treasury.

ACTION: Final rule; correction.

SUMMARY: This document makes a correction to the document published in the **Federal Register** which adopted final rules implementing two Customs Modernization provisions of the North American Free Trade Agreement Implementation Act concerning raising administrative exemptions and exempting from entry requirements specified merchandise. The document also clarified the entry procedures for shipments by express consignment operators or carriers.

EFFECTIVE DATE: This correction is effective July 24, 1995.

FOR FURTHER INFORMATION CONTACT: Gregory R. Vilders, Attorney, Regulations Branch, (202) 482–6930.

SUPPLEMENTARY INFORMATION:

Background

On April 14, 1995, Customs published in the **Federal Register** (60 FR 18983) T.D. 95–31 which adopted final rules to implement two Customs Modernization provisions of the North American Free Trade Agreement Implementation Act concerning raising administrative exemptions and exempting from entry requirements specified merchandise. The document also clarified the entry procedures for shipments by express consignment operators or carriers.

This document corrects an editing error contained in the final rule document (T.D. 95–31) that amended the interim rule document (T.D. 94–51), which revised § 10.151. In the interim rule document, § 10.151 was revised, in part, to provide for certain documentary forms of evidence to establish fair retail value for purposes of obtaining an exemption from duty. As revised, the interim language of the pertinent clause read ''as evidenced by the bill of lading (or other document filed as the entry) or manifest listing each bill of lading,''. In the final rule document an additional form of evidence was added—oral declarations—to the documentary forms already provided for. However, in adding this new form of evidence, the amendatory language failed to properly place the words '', an oral declaration'' between the words ''as evidenced by'' and ''the'', with the result that the subject clause now reads ''as evidenced by the, an oral declaration.'' Accordingly, this document corrects that editing error by adding the words ''an oral declaration'' after the words ''as evidenced by'' so that the corrected clause will read as follows: ''As evidenced by an oral declaration, the bill of lading (or other document filed as the entry), or the manifest listing each bill of entry''.

Correction of Publication

Accordingly, the final rule publication of April 14, 1995 (T.D. 95–31) (60 FR 18983), is corrected as follows:

§ 10.151 [Corrected]

On page 18990, in the third column under the heading Part 10, the second amendatory instruction is corrected to read as follows: 2. In § 10.151, add the words ''an oral declaration,'' following the words ''as evidenced by'' in the first sentence.

Dated: July 14, 1995.

Harold M. Singer,

Chief, Regulations Branch.

[FR Doc. 95–17984 Filed 7–21–95; 8:45 am]

BILLING CODE 4820–02–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[FRL–5260–3]

Approval of Existing Federally Enforceable State and Local Operating Permit Programs To Limit Potential To Emit for Hazardous Air Pollutants; State of Alabama; Knox County, Tennessee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On January 25, 1995, the State of Alabama through the Alabama Department of Environmental Management (ADEM) submitted a letter requesting approval of the State's existing Federally enforceable state operating permits (FESOP) program under section 112(l) of the Clean Air Act as amended in 1990 (CAA). On February 6, 1995, Knox County, Tennessee through the Knox County Department of Air Pollution Control (KCDAPC) submitted a letter requesting approval of the County's exisiting Federally enforceable local operating permits (FELOP) program under section 112(l) of the CAA. The two agencies submitted these requests to provide each Agency the ability to issue Federally enforceable operating permits to hazardous air pollutant (HAP) sources regulated under section 112 of the CAA. EPA is approving both of these requests under section 112(l) of the CAA for purposes of limiting PTE for HAP sources.

DATES: This action will be effective by September 22, 1995 unless notice is received by August 23, 1995 that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the **Federal Register.**

ADDRESSES: Written comments should be addressed to Scott Miller at the EPA Regional office listed below.

Copies of the material submitted by both agencies may be examined during normal business hours at the following locations:

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Environmental Protection Agency, Region 4, Air Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30365.

Alabama Department of Environmental Management, Air Division, 1751 Congressman W.L. Dickinson Drive, Montgomery, Alabama 36109.

Knox County Department of Air Pollution Control, City/County Building, Suite 339, 400 West Main Street, Knoxville, Tennessee 37902.

FOR FURTHER INFORMATION CONTACT: Scott Miller, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365. The telephone number is 404/347–2864.

SUPPLEMENTARY INFORMATION: On June 28, 1989 (54 FR 27274), EPA published criteria for approving and incorporating into the SIP regulatory programs for the issuance of FESOP and FELOP. Permits issued pursuant to an operating permit program approved into the SIP as meeting these criteria may be considered Federally enforceable. EPA has encouraged states and local agencies to develop such FESOP and FELOP

programs in conjunction with title V operating permits programs to enable sources to limit their PTE to below the title V applicability thresholds. (See the guidance document entitled, ''Limitation of Potential to Emit with Respect to Title V Applicability Thresholds,'' dated September 18, 1992, from John Calcagni, Director, Air Quality Management Division, Office of Air Quality Planning and Standards (OAQPS), Office of Air and Radiation, U.S. EPA.) On November 3, 1993, the EPA announced in a guidance document entitled, ''Approaches to Creating Federally Enforceable Emissions Limits,'' signed by John S. Seitz, Director, OAQPS, that this mechanism could be extended to create Federally enforceable limits for emissions of HAP if the program were approved pursuant to section 112(l) of the CAA.

EPA believes that the five approval criteria for approving FESOP and FELOP programs into the SIP, as specified in the June 28, 1989, **Federal Register** document, are also appropriate for evaluating and approving the programs under section 112(l) of the CAA. The June 28, 1989, document does not address HAP because it was written prior to the 1990 amendments to section 112, not because it establishes requirements unique to criteria pollutants. Hence, the following five criteria are applicable to FESOP and FELOP approvals under section 112(l): (1) The program must be submitted to and approved by the EPA; (2) The program must impose a legal obligation on the operating permit holders to comply with the terms and conditions of the permit, and permits that do not conform with the June 28, 1989, criteria or the EPA's underlying regulations shall be deemed not Federally enforceable; (3) The program must contain terms and conditions that are at least as stringent as any requirements contained in the SIP, enforceable under the SIP, or any section 112 or other CAA requirement, and may not allow for the waiver of any CAA requirement; (4) Permits issued under the program must contain conditions that are permanent, quantifiable, and enforceable as a practical matter; and (5) Permits that are intended to be Federally enforceable must be issued subject to public participation and must be provided to EPA in proposed form on a timely basis.

In addition to meeting the criteria in the June 28, 1989, document, a FESOP or FELOP program that addresses HAP must meet the statutory criteria for approval under section 112(l)(5). Section 112(l) allows EPA to approve a program only if it: (1) contains adequate authority to assure compliance with any section 112 standards or requirements; (2) provides for adequate resources; (3) provides for an expeditious schedule for assuring compliance with section 112 requirements; and (4) is otherwise likely to satisfy the objectives of the CAA.

EPA plans to codify the approval criteria for programs limiting potential to emit of HAP, such as FESOP and FELOP programs, through amendments to Subpart E of Part 63, the regulations promulgated to implement section 112(l) of the CAA. (See 58 FR 62262, November 26, 1993.) EPA further anticipates that these regulatory criteria, as they apply to FESOP and FELOP programs, will mirror those set forth in the June 28, 1989, document. EPA further anticipates that since FESOP and FELOP programs approved pursuant to section 112(l) prior to the planned Subpart E revisions will have been approved as meeting these criteria, further approval actions for those programs will not be necessary.

EPA believes it has authority under section 112(l) to approve programs to limit PTE of HAP directly under section 112(l) prior to this revision to Subpart E. Section 112(l)(5) requires EPA to disapprove programs that are inconsistent with guidance required to be issued under section 112(l)(2). This might be read to suggest that the ''guidance'' referred to in section 112(l)(2) was intended to be a binding rule. Even under this interpretation, EPA does not believe that section 112(l) requires this rulemaking to be comprehensive. That is, it need not address every possible instance of approval under section 112(l). EPA has already issued regulations under section 112(l) that would satisfy any section 112(l)(2) requirement for rulemaking. Given the severe timing problems posed by impending deadlines set forth in ''maximum achievable control technology'' (MACT) emission standards under section 112 and for submittal of title V permit applications, EPA believes it is reasonable to read section 112(l) to allow for approval of programs to limit PTE prior to promulgation of a rule specifically addressing this issue. EPA is therefore approving the Alabama FESOP program and the Knox County FELOP program under section 112(l) of the CAA now so that these agencies may begin to issue permits limiting the PTE of HAP as soon as possible.

The Alabama FESOP program and the Knox County FELOP program meet the approval criteria specified in the June 28, 1989, **Federal Register** document and in section 112(l)(5) of the Act. Specific discussion of how Alabama's FESOP program meets the requirements for Federal enforceability may be found in the **Federal Register** document approving Alabama's FESOP program for criteria pollutant purposes. See 59 FR 52947. Specific discussion of how Knox County's FELOP program meets the requirements for Federal enforceability may be found in the **Federal Register** notice approving Knox County's FELOP program for criteria pollutant purposes. See 59 FR 54523.

Regarding the statutory criteria of section 112(l)(5) referred to above, EPA believes that the Alabama FESOP program and the Knox County FELOP program contain adequate authority to assure compliance with section 112 requirements because the third criterion of the June 28, 1989, document is met, that is, because the programs do not allow for the waiver of any section 112 requirement. Sources that become minor through a permit issued pursuant to this program would still be required to meet section 112 requirements applicable to non-major sources.

Regarding the requirement for adequate resources, EPA believes that Alabama and Knox County have demonstrated that ADEM and KCDAPC can provide for adequate resources to support the administration of both programs. EPA expects that resources will continue to be adequate to administer the Alabama FESOP program and the Knox County FELOP program since ADEM and KCDAPC have been administering operating permit programs for a number of years. EPA will monitor the implementation of both programs to ensure that adequate resources are in fact available. EPA also believes that the two programs provide for an expeditious schedule for assuring compliance with section 112 requirements. This program will be used to allow a source to establish a voluntary limit on PTE to avoid being subject to a CAA requirement applicable on a particular date. Nothing in either of these programs would allow a source to avoid or delay compliance with a CAA requirement if it fails to obtain an appropriate Federally enforceable limit by the relevant deadline. Finally, EPA believes it is consistent with the intent of section 112 and the CAA for states to provide a mechanism through which sources may avoid classification as a major source by obtaining a Federally enforceable limit on PTE.

Final Action

In this action, EPA is approving the use of Alabama's FESOP program for the issuance of FESOP for HAP regulated under section 112 of the CAA. EPA is also approving the use of Knox County's

FELOP program for the issuance of FELOP for HAP regulated under section 112 of the CAA. EPA is publishing this action without prior proposal because the EPA views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective September 22, 1995 unless within 30 days of its publication, adverse or crtitcal comments are received. If 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 then be addressed in a subsequent final rule based on this action serving as a proposed rule. 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 September 22, 1995.

Under section 307(b)(1) of the CAA, 42 U.S.C. 7607 (b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 22, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for 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) of the CAA, 42 U.S.C. 7607 (b)(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 today does not include a Federal 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. 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 Office of Management and Budget has exempted this action from review under Executive Order 12866.

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.

Dated: June 23, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 95–17615 Filed 7–21–95; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 300

[FRL–5262–5]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of Deletion of the Dakhue Sanitary Landfill Superfund Site from the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the Dakhue Sanitary Landfill site in Minnesota 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 Minnesota have determined that all appropriate Fund-financed responses under CERCLA have been implemented and that no further response by responsible parties is appropriate. Moreover, EPA and the State of Minnesota have determined that remedial actions conducted at the site to date remain protective of public health, welfare, and the environment.

EFFECTIVE DATE: July 24, 1995.

FOR FURTHER INFORMATION CONTACT: Gladys Beard at (312) 886–7253, Associate Remedial Project Manager, Office of Superfund, U.S. EPA—Region V, 77 West Jackson Blvd., Chicago, IL 60604. Information on the site is available at the local information repository located at: Cannon Falls Public Library, 306 West Mill St., Cannon Falls, MN. Requests for comprehensive copies of documents should be directed formally to the Regional Docket Office. The point of contact for the Regional Docket Office is Jan Pfundheller (H–7J), U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353–5821.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is the Dakhue Sanitary Landfill Site located in Cannon Falls, Minnesota. A Notice of Intent to Delete was published March 15, 1995 (60 FR 13944) for this site. The closing date for comments on the Notice of Intent to Delete was April 14, 1995. EPA received comments and therefore a Responsiveness Summary was prepared. The Responsiveness Summary and original comments are available in the public information repositories.

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 the 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 300.425(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: July 14, 1995.

Valdas V. Adamkus,

Regional Administrator, U.S. EPA, Region V.

40 CFR part 300 is amended as follows: