

Center (for income matching programs), and the Associate Director for Operations, Income Verification Match Center (for income matching programs).

(c) *Means of service.* Subpoenas issued pursuant to this section may be served by registered or certified mail, return receipt requested, addressed to the witness only. Personal service by any VA employee or other authorized person may be made where authorized in writing by the issuing official.

(d) *Fees and mileage; district courts of the United States.* Any person required by such subpoena to attend as a witness shall be allowed and paid the same fees and mileage as are paid witnesses in the district courts of the United States. In case of disobedience to any such subpoena, the aid of any district court of the United States may be invoked in requiring attendance and testimony of witnesses and the production of documentary evidence, and such court within the jurisdiction in which the inquiry is carried on may, in the case of contumacy or refusal to obey a subpoena issued to any officer, agent, or employee of any corporation or to any other person, issue an order requiring such corporation or other person to appear or to give evidence touching the matter in question, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(Authority: 38 U.S.C.A. §§ 501, 5711)

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA56-1-7086a; FRL-5252-9]

Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania: Reasonably Available Control Technology for Stroehmann Bakeries, Inc., Lycoming and Bradford Counties

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision establishes and requires the use of reasonably available control technology (RACT) to control volatile organic compound (VOC) emissions from two Stroehmann Bakeries, Inc. (Stroehmann) facilities located in Sayre Borough, Bradford

County and Old Lycoming Township, Lycoming County. These facilities are located in areas designated "not classified/attainment" for ozone which are part of the ozone transport region (OTR). The SIP revision requires Stroehmann to install and operate catalytic oxidation units on the bakery ovens associated with the production of yeast-based products. The intended effect of this action is to approve the SIP revision as constituting RACT for the Stroehmann facilities located in Sayre Borough and Old Lycoming Township. This action is being taken under section 110 of the Clean Air Act.

DATES: This final rule is effective October 10, 1995 unless notice is received on or before September 11, 1995 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments may be mailed to Marcia L. Spink, Associate Director, Air Programs, Mailcode 3AT00, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and Pennsylvania Department of Environmental Resources, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Kathleen Henry, (215) 597-0545.

SUPPLEMENTARY INFORMATION: On February 24, 1995, the Commonwealth of Pennsylvania submitted a formal revision to its State Implementation Plan (SIP). The SIP revision consists of State Plan Approvals issued by the Pennsylvania Department of Environmental Resources (DER) on February 9, 1995, identified as PA-41-0001 and PA-08-0001 and State Operating Permits issued February 9, 1995, identified as OP-41-0001A and OP-08-0001A for the Stroehmann facilities located in Old Lycoming Township and Sayre Borough, respectively.

Background

Pursuant to sections 182(b)(2) and 182(f) of the Clean Air Act (CAA), Pennsylvania is required to implement

RACT in ozone nonattainment areas classified as moderate or above for all major VOC and NO_x sources by no later than May 31, 1995. In addition, moderate ozone nonattainment area requirements, including RACT as specified in section 182(b)(2) and 182(f), apply throughout the ozone transport region (OTR) established by the CAA.

On February 24, 1995, the Pennsylvania DER submitted Plan Approvals PA-41-0001 and PA-08-0001 and Operating Permits OP-41-0001A and OP-08-0001A as revisions to its State Implementation Plan (SIP) for the control of VOC and NO_x emissions from two Stroehmann Bakeries, Inc. facilities located in Lycoming and Bradford Counties, respectively. These counties are located in areas classified as "not classified/attainment" for ozone. However, these areas are also part of the OTR and, pursuant to section 184 of the CAA, must meet the requirements of a moderate ozone nonattainment area, including the requirement that major sources implement RACT. The definition of major source for an area classified as "not classified/attainment" in the OTR is any source having the potential to emit 50 tons per year of volatile organic compounds (VOCs) or 100 tons per year of oxides of nitrogen (NO_x).

Summary of SIP Revision

The Stroehmann facility located in Sayre Borough, Bradford County produces bread and donuts in three production lines and generates potential VOC emissions of 313 tons/year. The Stroehmann facility in Old Lycoming Township, Lycoming County produces buns and rolls in two baking lines and generates potential VOC emissions of 144.3 tons per year. Sources of VOC emissions are the same at both Stroehmann facilities and include the prebake areas, baking ovens, combustion sources, ink jet printers, parts cleaning/maintenance activities, and painting operations. Neither facility is a major source of NO_x.

The most significant source of VOCs are the baking ovens associated with production lines where yeast-based breads, rolls and buns are produced. Pennsylvania DER determined that RACT for the baking ovens involved in the production of yeast-based breads, rolls and buns at the Sayre Borough and Old Lycoming Township facilities is the installation and operation of catalytic oxidation units to achieve a minimum 95% VOC removal efficiency and operate at a minimum operating temperature of 600°F.

RACT for the prebake areas was determined to be no additional control due to the technical infeasibility of capturing emissions from these areas. The remaining VOC sources generate emissions at de minimis levels and are not subject to further control. For these sources, the operating permits impose limits on their potential to emit at the de minimis levels of 3 pounds per hour, 15 pounds per day and 2.7 tons per year.

For more information on Pennsylvania's RACT determination and the specific provisions of the Plan Approvals and Operating Permits for these two facilities, please refer to the Technical Support Document (TSD) prepared for this notice. A copy of the TSD is available, upon request, from the EPA Regional Office listed in the ADDRESSES section of this notice.

EPA's review of this material indicates that Pennsylvania's Plan Approvals requiring the installation of catalytic oxidation units on the baking ovens associated with yeast-based production lines constitutes RACT for the Sayre Borough and Old Lycoming Township facilities. In addition, EPA agrees with Pennsylvania's conclusions regarding no further control as RACT for the prebake areas and the limits imposed by the operating permits limiting emissions from the combustion sources, ink jet printers, parts cleaning/maintenance activities, and painting operations at de minimis levels.

EPA is approving this SIP revision without prior proposal because the Agency 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 October 10, 1995 unless, within 30 days of publication, adverse or critical comments are received.

If 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 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 on October 10, 1995.

Final Action

EPA is approving Pennsylvania's SIP revision for the Stroehmann facilities located in Sayre Borough and Old Lycoming Township which was submitted on February 24, 1995.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

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).

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

Through submission of this state implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under sections 110 and 182 of the Clean Air Act. These rules may bind State, local and tribal

governments to perform certain actions and also require the private sector to perform certain duties. To the extent that the rules approved by this action will impose no new requirements; such sources are already subject to these regulations under State law.

Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. EPA has also determined that this final action does not include a mandate that may result in estimated costs of \$100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

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 an October 4, 1993 memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The OMB has exempted this regulatory action from E.O. 12866 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 October 10, 1995. Filing a petition for reconsideration by the Administrator of this final rule to approve the SIP revision for the Stroehmann facilities in Pennsylvania 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

Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: June 22, 1995.

James W. Newsom,

Acting Regional Administrator, Region III.

40 CFR part 52 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 NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraphs (c)(101) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(101) Revisions to the State Implementation Plan submitted by the Pennsylvania Department of Environmental Resources regarding RACT requirements for two Stroehmann Bakeries, Inc. facilities located in Lycoming and Bradford Counties, submitted on February 24, 1995.

(i) Incorporation by reference.

(A) Letter of February 24, 1995 from the Pennsylvania Department of Environmental Resources submitting a revision to the State Implementation Plan.

(B) Plan Approval Nos. PA-41-0001 and PA-08-0001 and Operating Permit Nos. OP-41-0001A and OP-08-0001A, issued and effective February 9, 1995.

(ii) Additional material.

(A) Remainder of the State Implementation Plan revision request submitted by the Pennsylvania Department of Environmental Resources on February 24, 1995, pertaining to the Plan Approvals and Operating Permits listed above.

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FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 15**

[GEN Docket No. 91-1; FCC 95-309]

Television Closed-Caption Decoding Circuitry

AGENCY: Federal Communications Commission.

ACTION: Final rule; Order.

SUMMARY: This order deletes the requirement for television receivers to incorporate closed-caption decoder circuitry that is compatible with a cable television copy protection system developed by Eidak Corporation. This change was requested by the Consumer Electronics Group of the Electronic Industries Association. This action will relieve electronics manufacturers and consumers of the burden involved in incorporating special circuitry in television receivers for a technology that is not used by cable systems.

EFFECTIVE DATE: August 10, 1995.

FOR FURTHER INFORMATION CONTACT: John A. Reed, Office of Engineering and Technology, (202) 776-1627.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Order* in GEN Docket No. 91-1, adopted July 25, 1995, and released August 3, 1995.

The complete text of this *Order* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Paperwork Reduction

This action will not modify the information collection requirements contained in the current regulations.

Summary of the Order

1. The Commission is granting a request by the Consumer Electronics Group of the Electronic Industries Association (EIA) for partial relief of the Commission's closed-caption decoder circuitry requirements for television receivers. Specifically, this action deletes the requirement that television receivers, manufactured after January 1, 1995, incorporate closed-caption decoder circuitry that is compatible with a cable television copy protection system developed by Eidak Corporation. This action will relieve electronics manufacturers and consumers of the burden involved in incorporating special circuitry in television receivers for a technology that is not used by cable systems.

2. 47 CFR 15.119 requires that all television broadcast receivers with screen sizes equal to, or greater, 33 cm (13 inches) that were manufactured or imported on or after July 1, 1993 must be capable of receiving and displaying closed-captions. These rules also specify technical standards for the reception and display of such captioning. Previously, in the *Memorandum Order and Opinion* in this proceeding, 57 FR 19093, May 4, 1992, the Commission observed that existing closed-caption decoders may not function when the television signals are processed by some security systems designed to prevent unauthorized reception of cable service. It therefore adopted an additional requirement that the closed-caption circuitry of television receivers must function properly when receiving signals from all commonly known and used cable security systems designed and marketed prior to April 5, 1991.

3. Shortly prior to April 5, 1991, Eidak designed and marketed a copy protection system that was intended to prevent the video taping of certain programs carried by cable television systems or broadcast stations. The Eidak system dynamically changes the number of lines and the timing of the television picture. While these changes are not

readily apparent to television viewers, video tape recorders, dependent on accurate and consistent timing, cannot copy Eidak-protected material. However, the Eidak system also interferes with the ability of existing closed-caption decoders to locate line 21 of the television broadcast signal, the line on which closed-caption information is carried. Thus, existing closed-caption decoders do not function properly when closed-caption information is processed by the Eidak system. For this reason, television receiver manufacturers would need to develop and incorporate in their products special circuitry that is only necessary for compatibility with Eidak-processed signals. Recognizing that the Eidak system was not widely used, the Commission provided television receiver manufacturers with additional time, until January 1, 1995, to incorporate Eidak compatibility within their closed-caption circuitry.

4. On September 29, 1994, EIA submitted a *Petition for Rule Making* and a *Petition for Partial Waiver* requesting relief from § 15.119(l) as it applies to Eidak's copy protection system. In these petitions, EIA states that no cable systems are using the Eidak technology. EIA further states that Eidak's copy protection system is a technology that has never been, is not now, and is not ever likely to be used by a cable system. EIA asks that the Commission either amend or waive § 15.119(l) with respect to the Eidak systems to relieve manufacturers and purchasers of television receivers of the expense and burden that is no longer necessary. On October 13, 1994, the Commission issued a Public Notice requesting comments on the EIA petitions. All of the commenting parties support EIA's request for relief.

5. Prior to receipt of the petitions from EIA, the Commission, on June 6, 1994, contacted the current holder of the rights to the Eidak technology, Mr. Richard Leghorn, to determine whether or not this technology was being employed by cable systems. In response, we were informed by Mr. Leghorn that "there are no cable systems using the Eidak technology." Mr. Leghorn indicated that the Eidak copy protection capability currently is incorporated in a cable satellite network with equipment in cable head-ends and in "a pay-per-view Colorado test site jointly operated by TCI, AT&T and U.S. West." He added that "it would be unfortunate if the option which the industry has to avail [itself] of Eidak's copy protection capabilities were to be removed by deletion of the requirements of § 15.119(l) of the Commission's rules."