If C is less than 0.2 g and A is greater than or equal to 35 in ^{2} (225 cm ^{2}) then the coating or ink is considered a thin-film UV radiation-cured coating for determining applicability of ASTM D 5403–93.

Note: As noted in Section 1.4 of ASTM D 5403–93, this method may not be applicable to radiation curable materials wherein the volatile material is water. For all other coatings not covered by Sections 3.1 or 3.2 analyze as follows:

* * * * *

3.9 UV-cured Coating's Volatile Matter Content. Use the procedure in ASTM D 5403–93 (incorporated by reference—see § 60.17) to determine the volatile matter content of the coating except the curing test described in NOTE 2 of ASTM D 5403–93 is required.

* * * * *

[FR Doc. 95–21527 Filed 9–8–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 81

[CT–22–1–7078a; A–1–FRL–5271–5]

Clean Air Act Promulgation of Reclassification of PM_{10} Nonattainment Areas—Connecticut; Approval of 1–Year Extension of Attainment Date for New Haven

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is fully approving Connecticut's request for a 1-year extension of the attainment date for the New Haven PM10 nonattainment area. This action is based on monitored air quality data for the national ambient air quality standard for PM10 during the years 1992–94. This action is being taken under the Clean Air Act.

DATES: This final rule is effective November 13, 1995, unless notice is received by October 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 Susan Studlien, Acting Director, Air, Pesticides and Toxics Management Division, EPA-New England, JFK Federal Building (AAA), Boston, MA 02203–2211. Copies of the documents relevant to this action are available for public inspection by appointment during normal business hours at the Air, Pesticides and Toxics Management Division, EPA-New England, One Congress Street, 10th floor, Boston, MA; Air and Radiation Docket and Information Center, US Environmental Protection Agency, 401 M Street, SW., (LE–131), Washington, DC 20460; and the Bureau of Air Management, Department of Environmental Protection, State Office Building, 79 Elm Street, Hartford, CT 06106–1630.

FOR FURTHER INFORMATION CONTACT: Matthew B. Cairns, (617) 565–4982.

SUPPLEMENTARY INFORMATION:

Background

Clean Air Act Requirements and EPA Actions Concerning Designation and Classification

On the date of enactment of the Clean Air Act Amendments of 1990 (herein after referred to as ''the Act''), PM10 areas meeting the qualifications of § 107(d)(4)(B) of the Act were designated nonattainment by operation of law. [See generally, 42 USC section 7407(d)(4)(B).] These areas included all former Group I areas and any other areas violating the PM10 standards prior to January 1, 1989. On October 31, 1990 (55 FR 45799), EPA redefined a Group I area for Connecticut as the City of New Haven; the remainder of the state was designated as Group III. Subsequently, after enactment of the Act on November 15, 1990, New Haven was designated moderate nonattainment for PM10 in 56 FR 11101 (March 15, 1991). All other areas not designated nonattainment at enactment were designated unclassifiable.

States containing areas which were designated as moderate nonattainment by operation of law under § 107(d)(4)(B) were required to develop and submit SIPs to provide for the attainment of the PM10 NAAQS. Under § 189(a)(2), those SIP revisions were to be submitted within 1 year of enactment of the Act (November 15, 1991). The SIP revisions were to provide for implementation of reasonable available control measures/technology (RACM/RACT) by December 10, 1993 and attainment of the PM10 NAAQS by December 31, 1994.

Reclassification as Serious Nonattainment

EPA has the responsibility, under §§ 179(c) and 188(b)(2) of the Act, of determining within 6 months after December 31, 1994 whether initial moderate PM10 nonattainment areas have attained the NAAQS. Section 179(c)(1) of the Act provides that these determinations are to be based upon an area's ''air quality as of the attainment date,'' and § 188(b)(2) is consistent with this requirement. EPA will make the determinations of whether an area's air quality is meeting the PM10 NAAQS based upon air quality data gathered at monitoring sites in the nonattainment area and entered into the Aerometric Information Retrieval System (AIRS). This data will be reviewed to determine the area's air quality status in accordance with EPA guidance at 40 CFR Part 50, Appendix K.

According to Appendix K, attainment of the annual PM10 standard is achieved when the annual arithmetic mean PM10 concentration is equal to or less than 50 $\mu g/m^3$. Attainment of the 24-hour standard is determined by calculating the expected number of exceedances of the 150 $\mu g/m^3$ limit per year. The 24-hour standard is attained when the expected number of exceedances is 1.0 or less. A total of 3 consecutive years of clean air quality data is generally necessary to show attainment of the 24-hour and annual standards for PM10. A complete year of air quality data, as referred to in 40 CFR Part 50, Appendix K, is comprised of all 4 calendar quarters with each quarter containing data from at least 75 percent of the scheduled sampling days.

Under § 188(b)(2) a moderate area shall be reclassified as serious by operation of law after the statutory attainment date if the Administrator determines that the area has failed to attain the NAAQS. Under § 188(b)(2)(B) of the Act, the EPA must publish a notice in the **Federal Register** identifying those areas which failed to attain the standard and must be reclassified as serious by operation of law.

Application for a 1-year Extension of the Attainment Date

If the State does not have the necessary number of consecutive clean years of data to show attainment of the NAAQS, a State may apply for an extension of the attainment date. Pursuant to § 188(d) of the Act, a State may apply for and EPA may grant a 1-year extension of the attainment date if the State has: (1) complied with the requirements and commitments pertaining to the applicable implementation plan for the area, and (2) the area has measured no more than 1 exceedance of the 24-hour PM10 standard in the year preceding the extension year, and the annual mean concentration of PM10 in the area for such year is less than or equal to the standard. If the State does not have the requisite number of years of clean air quality data to show attainment and does not apply or does not qualify for an attainment date extension, the area will be reclassified as serious by operation of law.

Section 188(d) of the Act provides that the Administrator ''may'' extend

the attainment date for areas that meet the minimum requirements specified above. The provision does not dictate or compel that EPA grant extensions to such areas. In exercising this discretionary authority for PM10 nonattainment areas, EPA will examine the air quality planning progress made in the moderate area. EPA will be disinclined to grant an attainment date extension unless a State has, in substantial part, addressed its moderate PM10 planning obligations for the area. In order to determine whether the State has substantially met these planning requirements the EPA will review the States application for the attainment date extension to determine whether the State has: (1) Adopted and substantially implemented control measures submitted to address the requirement for implementing RACM/RACT in the moderate nonattainment area; and (2) that reasonable further progress is being met for the area. RFP for PM10 nonattainment areas is determined to be linear emissions reductions made on an annual basis which will provide progress toward the eventual attainment of the NAAQS in the area.

If an extension is granted, at the end of the extension year, EPA will again determine whether the area has attained the PM10 NAAQS. If the State still does not have 3 consecutive years of clean air quality data, it may apply for a second 1-year extension of the attainment date. In order to qualify for the second 1-year extension of the attainment date, the State must satisfy the same requirements listed above for the first extension. In addition, EPA will consider the State's PM10 planning progress for the area in a manner similar to its evaluation of the first extension request. However, EPA may grant no more than two 1-year extensions of the attainment date to a single nonattainment area. [See § 188(d) of the Act].

Summary of Connecticut's Extension Request

On March 31, 1995, the Connecticut Department of Environmental Protection (Connecticut DEP) submitted a request for a 1-year extension of the attainment date for the New Haven initial moderate PM10 nonattainment area.

EPA's Air Quality Strategies and Standards Division (AQSSD) has prepared a guidance titled ''Criteria for Granting 1–Year Nonattainment Area Attainment Dates, Making Attainment Determinations, and Reporting on Quantitative Milestones'' (November 14, 1994 memorandum from AQSSD Director Sally Shaver) which outlines how to assess the adequacy of requests for a 1-year extension of the attainment date. The rationale for EPA's approval action are detailed in the Technical Support Document (TSD), dated June 13, 1995. In summary, Connecticut has fulfilled the specific elements of that guidance as follows:

A. Connecticut is implementing the EPA-approved PM10 SIP.

B. New Haven has monitored no more than 1 exceedance during 1994, the year preceding the extension year.[1]

C. Connecticut has demonstrated that RACT/RACM, embodied in 7 consent orders, have been adopted and submitted in the form of a SIP revision and are being implemented for New Haven. Furthermore, real emissions reductions have been achieved.[2]

Connecticut's extension request states that indeed the area recorded no exceedances of the PM10 NAAQS in 1994, and is complying with the applicable state implementation plan. For further details regarding Connecticut's extension request and how it meets EPA's requirements, the reader should refer to the TSD dated June 13, 1995.

Final Action

EPA is approving an extension of the PM10 attainment date for New Haven, Connecticut to December 31, 1995.

EPA is publishing this action 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 November 13, 1995 unless adverse or critical comments are received by October 11, 1995.

If the EPA receives such comments, this action will be withdrawn before the effective date by simultaneously 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. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on November 13, 1995.

Under Executive Order 12866, 58 FR 51735 (October 4, 1993) EPA is required to determine whether regulatory actions are significant and therefore should be subject to OMB review, economic analysis, and the requirements of the Executive Order. The Executive Order defines a ''significant regulatory action'' as one that is likely to result in a rule that may meet at least one of the four criteria identified in section 3(f), including, under paragraph (1), that the rule may ''have an annual effect on the economy of $100 million or more or adversely affect, in a material way, the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.''

The Agency has determined that the attainment date extension proposed today would result in none of the effects identified in section 3(f). Attainment date extensions under § 188(d) of the Act do not impose any new requirements on any sectors of the economy; nor do they result in a materially adverse impact on State, local, or tribal governments or communities.

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.

Under §§ 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must assess whether various actions undertaken in association with

[1] A review of the PM10 air quality data for New Haven shows air quality monitors for this area monitored 4 exceedances of the 24-hour PM10 NAAQS during the 3-year period from 1992 to 1994. All exceedances occurred in 1993 at the Yankee Gas monitor site (AIRS Site ID 09–009–0021). The area did not have any exceedances of the PM10 NAAQS in 1994.

[2] Section 189(c) requires that Part D SIPs include quantitative milestones to document RFP towards attainment. Every 3 years until EPA redesignates an area to attainment, States must report on whether milestones have been met. Connecticut's SIP commits CT DEP to submit quantitative milestone and RFP reports to EPA every 3 years. For initial moderate PM10 nonattainment areas, the emissions reductions made between SIP submittal and the attainment date will satisfy the first quantitative milestone. (See General Preamble 57 FR 13539.) Since EPA believes it is reasonable to key the first milestone to the SIP revision containing control measures which will result in emission reductions and since the PM10 attainment date was less than 3 years from the actual submittal date of CT DEP's SIP revision, CT DEP submitted—and EPA is accepting—the emissions reductions associated with the New Haven PM10 Attainment Plan SIP revision (submitted to EPA on March 22, 1994) as meeting RFP and the first quantitative milestone for New Haven. (See TSD dated March 27, 1995.)

proposed or final regulations 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.

EPA has determined, as discussed earlier, that the finding that is the subject of this final action of failure to attain and grant a 1-year extension does not impose any federal intergovernment mandate, as defined in section 101 of the Unfunded Mandates Act. A finding that an area has failed to attain and should be granted a 1-year extension of the attainment date consists of factual determinations based upon air quality considerations and the area's compliance with certain prior requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector result from this action. This action also will not impose a 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.

Extensions of attainment dates under § 188(d) do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *USEPA*, 427 US 246, 256–66 (S.Ct. 1976); 42 USC § 7410 (a)(2).

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. A future notice will inform the general public of these tables. The Office of Management and Budget (OMB) has exempted this action from review under Executive Order 12866.

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 § 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 13, 1995. 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 § 307(b)(2).]

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter, Reporting and recordkeeping requirements.

Note: Incorporation by reference of the State Implementation Plan for the State of Connecticut was approved by the Director of the Federal Register on July 1, 1982.

Dated: July 10, 1995.

John P. DeVillars,

Regional Administrator, EPA-New England.

[FR Doc. 95–22132 Filed 9–8–95; 8:45 am]

BILLING CODE 6560–50–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1803, 1815, and 1852

Addition of Coverage to NASA FAR Supplement Coverage on NASA Ombudsman Program

AGENCY: Office of Procurement, National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This rule amends the regulations by adding coverage concerning NASA's Ombudsman Program. The Ombudsman Program will improve communications with interested parties. This rule sets forth a clause for identification of the NASA and installation ombudsmen to be included in solicitations and contracts. The clause also serves as the basis for a statement to be included in ''Commerce Business Daily'' announcements. In addition, the rule amends NASA's coverage on procurement integrity to include the NASA and installation ombudsmen as individuals authorized access to proprietary and source selection information.

EFFECTIVE DATE: October 1, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Le Cren, (202) 358–0444.

SUPPLEMENTARY INFORMATION:

Background

On May 25, 1995, a proposed rule to amend the NFS to add coverage on NASA's Ombudsman Program was published in the **Federal Register** (60 FR 27710) for comment. All comments were reviewed. A change was made as a result of the comments to substitute the word ''adjudication'' for ''arbitration'' in the clause at 1852.7002. That change was made as the term ''arbitration'' could be read as being too restrictive in its meaning. In addition, the word ''Selection,'' appearing in the clause at 1852.215–84 was replaced with ''Evaluation.'' That change is due to ''Selection'' being incorrect when the intention was to refer to NASA ''Source Evaluation Board.''

Impact

NASA certifies that this regulation will not have a significant economic impact on a substantial number of small entities under Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule does not impose any reporting or record keeping requirements subject to the Paperwork Reduction Act.

List of Subjects in 48 CFR Parts 1803, 1815, and 1852

Government procurement.

Tom Luedtke,

Deputy Associate Administrator for Procurement.

Accordingly, 48 CFR parts 1803, 1815, and 1852 are amended as follows:

1. The authority citation for 48 CFR parts 1803, 1815, and 1852 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1).

PART 1803—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

2. In section 1803.104–5, the introductory text of paragraph (c) is revised and (c)(11) is added to read as follows:

1803.104–5 Disclosure, protection, and marking of proprietary and source selection information.

* * * * *

(c) Government employees serving in the following positions are authorized access to proprietary or source selection information, but only to the extent necessary to perform their official duties:

* * * * *