

will not affect small businesses. Therefore, pursuant to 5 U.S.C. 606(b), this final rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

The Catalog of Federal Domestic Assistance program numbers are 64.104, 64.105, 64.109 and 64.110.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Health care, Individuals with disabilities, Pensions, Veterans.

Approved: October 26, 1995.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR part 3 is amended as follows:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A, continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

2. Section 3.353 is amended by revising paragraph (b) to read as follows:

§ 3.353 Determinations of incompetency and competency.

* * * * *

(b) *Authority.* (1) Rating agencies have sole authority to make official determinations of competency and incompetency for purposes of: insurance (38 U.S.C. 1922), the discontinuance and payment of amounts withheld because of an estate in excess of \$1,500 (§ 3.557(b)), and, subject to § 13.56 of this chapter, disbursement of benefits. Such determinations are final and binding on field stations for these purposes.

(2) Where the beneficiary is rated incompetent the Adjudication Officer will inform the Veterans Services Officer of jurisdiction of that fact. The Veterans Services Officer will develop information as to the beneficiary's social, economic and industrial adjustment and appoint (or recommend appointment of) a fiduciary as provided in § 13.55 of this chapter, select a method of disbursing payment as provided in § 13.56 of this chapter, or in the case of a married beneficiary, appoint the beneficiary's spouse to receive payments as provided in § 13.57 of this chapter. The Adjudication Officer will authorize disbursement of the benefit in the manner selected by the Veterans Services Officer.

(3) If in the course of fulfilling the responsibilities assigned in paragraph (b)(2) the Veterans Services Officer develops evidence indicating that the beneficiary may be capable of administering the funds payable without limitation, he or she will refer that evidence to the rating agency with a statement as to his or her findings. The rating agency will consider this evidence, together with all other evidence of record, to determine whether its prior determination of incompetency should remain in effect. Reexamination may be requested as provided in § 3.327(a) if necessary to properly evaluate the beneficiary's mental capacity to contract or manage his or her own affairs.

* * * * *

[FR Doc. 95-27278 Filed 11-2-95; 8:45 am]

BILLING CODE 8320-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA 66-1-7113; A-1-FRL-5323-2]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Pertaining to the RACT Approval for Panther Creek Partners

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On September 8, 1995, EPA published approval of a State Implementation Plan (SIP) revision submitted by Pennsylvania (60 FR 46768). This revision would have approved requirements to establish reasonably available control technology (RACT) for Panther Creek Partners, located in Carbon County. The intended effect of the action was to approve nitrogen oxide (NO_x) RACT for this major NO_x source located in Pennsylvania. Because EPA received adverse comment, EPA is amending the September 8, 1995 final action, only as it pertains to Panther Creek Partners.

EFFECTIVE DATE: November 3, 1995.

FOR FURTHER INFORMATION CONTACT: Cynthia H. Stahl, (215) 597-9337.

SUPPLEMENTARY INFORMATION: EPA approved this direct final rule without prior proposal because the Agency viewed it as a noncontroversial amendment and anticipated no adverse comments. The final rule was published in the Federal Register with a provision for a 30 day comment period (60 FR 46768). At the same time, EPA announced that this final rule would

convert to a proposed rule in the event that adverse comments were submitted to EPA within 30 days of publication of the rule in the Federal Register (60 FR 46802). The final rulemaking action would be withdrawn by publishing a document announcing withdrawal of this action. In this action, EPA is not withdrawing the final rule; but amending the final rule as it pertains to Panther Creek.

Adverse comments pertaining to Panther Creek Partners were submitted to EPA within the prescribed comment period. Therefore, EPA is amending the September 8, 1995 final rulemaking action, only as it pertains to Panther Creek Partners. All other RACT approvals contained in the September 8, 1995 are approved as described in that document. All public comments received will be addressed in a subsequent rulemaking action based on the proposed rule.

List of Subjects in 40 CFR Part 52

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

Dated: October 23, 1995.

W. Michael McCabe,

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

§ 52.2020 [Amended]

2. In § 52.2020, paragraph (c)(102)(i)(B)(8) is removed and reserved.

[FR Doc. 95-27290 Filed 11-2-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Parts 52 and 81

[MT32-1-7117a, ND6-2-7081a, UT21-1-6915a, WY7-1-7042a; FRL-5303-1]

Clean Air Act Approval and Promulgation of State Implementation Plans; Prevention of Significant Deterioration; Designation of Areas for Air Quality Planning Purposes; Montana, North Dakota, South Dakota, Utah, and Wyoming

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: In this document, EPA is approving revisions to the prevention of

significant deterioration (PSD) permitting regulations which were submitted as revisions to the State Implementation Plans (SIPs) for Montana, North Dakota, Utah, and Wyoming. The revisions were submitted mainly to address the replacement of the total suspended particulate (TSP) increments with increments for PM-10 (particulate matter 10 micrometers or less in diameter). Also, North Dakota and Wyoming submitted PSD program revisions to incorporate changes in the Federal PSD regulations for utility pollution control projects. All of the States except Montana made other minor revisions to their PSD programs. EPA is approving the SIP revisions because they are consistent with the corresponding Federal regulations. EPA is also removing the TSP area designation tables and revising and/or adding PM-10 area designation tables in 40 CFR part 81 for these States as well as for the State of South Dakota (which has been delegated authority to implement the Federal PSD regulations in 40 CFR 52.21). With the PM-10 increments becoming effective in these areas, the TSP area designations no longer serve any useful purpose relative to PSD.

DATES: This action is effective on January 2, 1996 unless adverse or critical comments are received by December 4, 1995. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Copies of the States' submittals and other information are available for inspection during normal business hours at the following locations: Air Programs Branch, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202-2405; Montana Air Quality Division, Department of Health and Environmental Sciences, 836 Front Street, P.O. Box 200901, Helena, Montana 59620-0901; North Dakota Division of Environmental Engineering, State Department of Health and Consolidated Laboratories, 1200 Missouri Avenue, P.O. Box 5520, Bismarck, North Dakota 58502-5520; Utah Division of Air Quality, Department of Environmental Quality, 150 North 1950 West, P.O. Box 144820, Salt Lake City, Utah, 84114-4820; Wyoming Air Quality Bureau, Department of Environmental Quality, Herschler Building, 122 West 25th Street, Cheyenne, Wyoming 82002; and The Air and Radiation Docket and Information Center, 401 M Street, SW, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Vicki Stamper, 8ART-AP,

Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado, (303) 293-1765.

SUPPLEMENTARY INFORMATION:

I. Background

In this document, EPA is acting on revisions to the PSD permitting programs for the States of Montana, North Dakota, Utah, and Wyoming. The revisions were generally made to address the following changes in the Federal PSD permitting requirements in 40 CFR 51.166:

A. The replacement of the TSP increments with increments for PM-10, which were promulgated by EPA on June 3, 1993 (58 FR 31622-31638); and

B. The promulgation of revisions to the Federal PSD permitting requirements regarding utility pollution control projects that States could voluntarily adopt into their PSD regulations, which were promulgated by EPA on July 21, 1992 (57 FR 32314-32339).

Specifically, the following submittals were made:

The Governor of Montana submitted revisions to the Administrative Rules of Montana (ARM), rules 16.8.945, 16.8.947, 16.8.953, and 16.8.960, on May 22, 1995 to incorporate changes in the Federal PSD permitting regulations for PM-10 increments.

The Governor of North Dakota submitted revisions to Chapter 33-15-15 of the North Dakota Air Pollution Control Rules on April 29, 1994 to incorporate changes in the Federal PSD permitting regulations for utility pollution control projects and PM-10 increments. Also, the State incorporated the significance levels for the three municipal waste combustor pollutants, which EPA promulgated on February 11, 1991 (56 FR 5506). The April 1994 submittal also included other revisions to the North Dakota Air Pollution Control Rules, which EPA will act on separately.

The Governor of Utah submitted revisions to R307-1-1 and R307-1-3 of the Utah Air Conservation Regulations (UACR) on February 1, 1995 to incorporate changes in the Federal PSD permitting regulations for PM-10 increments. The State also made some nonsubstantive changes to its PSD rules.

The Governor of Wyoming submitted revisions to Section 24 of the Wyoming Air Quality Standards and Regulations (WAQSR) on March 14, 1995 to incorporate changes in the Federal PSD permitting regulations for PM-10 increments and utility pollution control projects. The State also revised the minor source baseline date definition

relative to particulate matter, which was previously required by State rule to be triggered no later than January 1, 1996 if not triggered earlier by the first complete PSD permit application, so that it now will be triggered no later than January 1, 2001. The State's March 14, 1995 submittal also included two new sections to address EPA's general and transportation conformity requirements, which EPA will be acting on separately.

This document evaluates the States' submittals for conformity with the corresponding Federal regulations and the requirements of the Act. In addition, this document provides justification regarding the removal of the TSP designation tables in 40 CFR part 81 for Montana, North Dakota, Utah, and Wyoming, as well as for the State of South Dakota which has been delegated authority to implement the Federal PSD permitting regulations in 40 CFR 52.21.

II. This Action

A. Analysis of State Submissions

1. Procedural Background

The Act requires States to observe certain procedural requirements in developing implementation plans and plan revisions for submission to EPA. Section 110(a)(2) of the Act provides that each implementation plan submitted by a State must be adopted after reasonable notice and public hearing. Section 110(l) of the Act similarly provides that each revision to an implementation plan submitted by a State under the Act must be adopted by such State after reasonable notice and public hearing.

The EPA also must determine whether a submittal is complete and therefore warrants further EPA review and action [see section 110(k)(1) and 57 FR 13565, April 16, 1992]. The EPA's completeness criteria for SIP submittals are set out at 40 CFR part 51, appendix V. The EPA attempts to make completeness determinations within 60 days of receiving a submission. However, a submittal is deemed complete by operation of law under section 110(k)(a)(B) if a completeness determination is not made by EPA within six months after receipt of the submission.

Public hearings to entertain public comment on the initial PSD SIP revisions were held by Montana on September 16 and November 9, 1994; by North Dakota on September 28, 1993; by Utah on August 30, 1994; and by Wyoming on December 15, 1994. After these respective public hearings, the rule revisions were adopted by each State. The rule revisions were formally

submitted to EPA for approval on May 22, 1995 from Montana, April 29, 1994 from North Dakota, February 1, 1995 from Utah, and March 14, 1995 from Wyoming. Each SIP revision was reviewed by EPA to determine completeness shortly after their submittal, in accordance with the completeness criteria referenced above. The submittals were found to be complete, and letters dated June 26, 1995, June 22, 1994, March 22, 1995, and May 26, 1995 were forwarded, respectively, to Montana, North Dakota, Utah, and Wyoming indicating the completeness of each submittal and the next steps to be taken in the processing of each SIP submittal.

2. Evaluation of States' Submittals

a. PM-10 Increment Revisions. As discussed above, EPA promulgated increments for PM-10 on June 3, 1993 (see 58 FR 31622-31638). EPA promulgated revisions to the Federal PSD permitting regulations in 40 CFR 52.21, as well as the PSD permitting requirements that State programs must meet in order to be approved into the SIP in 40 CFR 51.166. EPA or its delegated State programs were required to begin implementation of the increments by June 3, 1994, while the implementation date for States with SIP-approved PSD permitting programs (including Montana, North Dakota, Utah, and Wyoming) will be the date on which EPA approves each revised State PSD program containing the PM-10 increments. In accordance with 40 CFR 51.166(a)(6)(i), each State with SIP-approved PSD programs was required to adopt the PM-10 increment requirements within nine months of the effective date (or by March 3, 1995). For further background regarding the PM-10 increments, see the June 3, 1993 Federal Register document.

(1) Montana's Submittal. In order to address the PM-10 increments, the State of Montana revised the following sections of its PSD permitting regulations in the Administrative Rules of Montana (ARM): 16.8.945(3)(c), 16.8.945(21)(d), 16.8.945(24)(d), 16.8.947(1), 16.8.953(7)(a)(iii), and 16.8.960(4). EPA has reviewed these revisions and has found that the revisions address all of the required regulatory revisions for PM-10 increments promulgated by EPA on June 3, 1993. Note that the State elected not to adopt 40 CFR 51.166(i)(12), which provides an exemption from addressing the new PM-10 increments for sources who have submitted a PSD permit application which the State has determined to be complete before the PM-10 increments take effect.

Montana's rules do not contain this grandfathering clause, which is acceptable.

(2) North Dakota's Submittal. In order to address the PM-10 increments, the State of North Dakota revised the following sections of its PSD permitting regulations in Chapter 33-15-15-01 of the North Dakota Air Pollution Control Rules: Sections 1.c., 1.e.(4), 1.aa.(2)(c), 2.b., 4.d.(3)(a), and 4.j.(4)(b). EPA has reviewed these revisions and has found that the revisions address all of the required regulatory revisions for PM-10 increments promulgated by EPA on June 3, 1993. Note that the State elected not to adopt 40 CFR 51.166(i)(12), which provides an exemption from addressing the new PM-10 increments for sources who have submitted a PSD permit application which the State has determined to be complete before the PM-10 increments take effect. North Dakota's rules did not include this grandfathering clause, which is acceptable.

(3) Utah's Submittal. In order to address the PM-10 increments, the State of Utah revised the following sections of its PSD permitting regulations: the definition of "net emissions increase" in UACR R307-1-1 and Sections 3.6.3.A., 3.6.3.B., 3.6.3.D.(2) and (3), 3.6.4.C.(2), 3.6.4.D., 3.6.5.E.(2), and 3.6.5.F.(2) in UACR R307-1-3. EPA has reviewed these revisions and has found that the revisions adequately address all of the required regulatory revisions for PM-10 increments promulgated by EPA on June 3, 1993.

(4) Wyoming's Submittal. In order to address the PM-10 increments, the State of Wyoming revised the following sections of its PSD permitting rules in Section 24 of the State's regulations: Subsections (a)(ix)(B)(III), (a)(xii)(D), (a)(xv)(B), (b)(i)(A)(I), (b)(i)(E)(VI)(1)(k), (b)(viii), and (b)(xii)(I). EPA has reviewed these revisions and has found that the revisions address all of the required regulatory revisions for PM-10 increments promulgated by EPA on June 3, 1993. Note that the State elected not to adopt the provision of 40 CFR 51.166(b)(14)(iv) which allows a State to rescind a minor source baseline date if it can be shown that the emissions increase from the major stationary source, or the net emissions increase from the major modification, responsible for triggering that date did not result in a significant amount of PM-10 emissions. The State is thus being more stringent than the Federal regulations regarding this issue, which is acceptable.

EPA consequently finds that the revised PSD regulations for Montana, North Dakota, Utah, and Wyoming

adequately address all of the required revisions of the June 3, 1993 Federal Register document for PM-10 increments. For further details, see the Technical Support Document (TSD) accompanying this action.

b. TSP Area Deletions. Section 107(d) of the 1977 Amendments to the Act authorized each State to submit to the Administrator a list identifying those areas which (1) do not meet a national ambient air quality standard (NAAQS) (nonattainment areas), (2) cannot be classified on the basis of available ambient data (unclassifiable areas), and (3) have ambient air quality levels better than the NAAQS (attainment areas). In 1978, the EPA published the original list of all area designations pursuant to section 107(d)(2) (commonly referred to as "section 107 areas"), including those designations for TSP, in 40 CFR part 81.

One of the purposes stated in the Act for the section 107 areas is for implementation of the statutory requirements for PSD. The PSD provisions of part C of the Act generally apply in all section 107 areas that are designated attainment or unclassifiable (40 CFR 52.21(i)(3)). Under the PSD program, the air quality in an attainment or unclassifiable area is not allowed to deteriorate beyond prescribed maximum allowable increases in pollutant concentrations (i.e., increments).

EPA revised the primary and secondary NAAQS for particulate matter on July 1, 1987 (52 FR 24634), eliminating TSP as the indicator for the NAAQS and replacing it with the PM-10 indicator. However, EPA did not delete the section 107 areas for TSP listed in 40 CFR part 81 at that time because there were no increments for PM-10 promulgated at that time.¹ States were required to continue implementing the TSP increments in order to prevent significant deterioration of particulate matter air quality until the PM-10 increments replaced the TSP increments. With the State adoption and implementation of the PM-10 increments becoming effective, the TSP area designations generally serve no useful purpose relative to the PSD program. Instead, the PM-10 area designations now serve to properly identify those areas where air quality is better than the NAAQS, i.e., "PSD areas," and to provide the geographic

¹ The EPA did not promulgate new PM-10 increments simultaneously with the promulgation of the PM-10 NAAQS. Under section 166(b) of the Act, EPA is authorized to promulgate new increments "not more than 2 years after the date of promulgation of * * * standards." Consequently, EPA temporarily retained the TSP increments, as well as the section 107 areas for TSP.

link necessary for implementation of the PM-10 increments.²

Thus, in the June 3, 1993 Federal Register document in which EPA promulgated the PM-10 increments, EPA stated that, for States with SIP-approved PSD programs, EPA would delete the TSP area designations at the same time EPA approves the revision to a State's plan incorporating the PM-10 increments. For delegated PSD programs or in States where EPA administers the PSD program, the TSP area designations were to be deleted after the PM-10 increments became effective in those States (i.e., June 3, 1994). In deleting any State's TSP area designations, EPA must ensure that the deletion of those designations will not result in a relaxation of any control measures that ultimately protect the PM-10 NAAQS.

(1) Montana's TSP Areas. Montana has four areas listed in 40 CFR part 81 as nonattainment for the TSP standards but which are not designated nonattainment for PM-10: the Colstrip area, the Billings area, the Great Falls area, and the East Helena area were all designated nonattainment for the secondary TSP standard. EPA has reviewed the existing approved particulate matter control strategies for these areas and has determined that the deletion of the TSP nonattainment status for these areas will not result in a relaxation of any controls that would adversely impact the PM-10 NAAQS. Consequently, EPA believes it is appropriate at this time to delete the TSP designations for these areas. If the State subsequently revises any of the particulate matter control strategies currently in the SIP for these areas, it must submit a SIP revision to EPA for approval that must meet all applicable requirements of the Act. EPA will retain for PM-10 these four section 107 areas listed in the current TSP table for Montana, consistent with the June 3, 1993 Federal Register document which requires retention of the TSP baseline areas for PM-10 unless revised by the State in accordance with 40 CFR 51.166.

Montana has three areas in the State designated nonattainment for TSP

which are also included in nonattainment designations for PM-10: the City of Missoula and the Missoula area (the City is designated nonattainment for the primary TSP standard and the Missoula area is designated nonattainment for the secondary TSP standard), the Butte area, and the City of Columbia Falls. The State has adopted PM-10 SIPs for all of these areas, and these plans have all been approved by EPA. (See 59 FR 2537-2540, January 18, 1994, for Missoula; 59 FR 11550-11554, March 11, 1994, for Butte; and 59 FR 17700-17703, April 14, 1994, for Columbia Falls.) Thus, EPA believes it is appropriate at this time to delete the TSP area designations for these areas. However, there are some discrepancies in the boundaries between the TSP nonattainment designations and the PM-10 nonattainment designations for the areas of Missoula and Butte. Specifically, the PM-10 nonattainment boundaries for the Missoula and Butte areas do not encompass the TSP nonattainment boundaries for those same areas. Thus, the area in between the TSP nonattainment boundary and the PM-10 nonattainment boundaries for these areas could be considered separate section 107 areas for PM-10. However, after discussing this issue with the State, it has been mutually agreed upon that these "in-between" areas would be incorporated into the "rest of State" section 107 designation.

As stated above, the State has adopted adequate provisions in its PSD program for the implementation of the PM-10 increments. Therefore, EPA is deleting the State's existing TSP designation table in 40 CFR 81.327.

(2) North Dakota's TSP Areas. As stated above, North Dakota has adopted and submitted adequate PSD revisions for PM-10 increments. In addition, North Dakota had no TSP areas designated as nonattainment. Thus, deletion of the TSP area designations will not result in relaxation of any TSP controls that would impact the PM-10 NAAQS. Since North Dakota also has no PM-10 nonattainment areas designated in the State, there is no PM-10 designation table currently in 40 CFR part 81 for North Dakota. Therefore, EPA is deleting the TSP area designation table and is creating a PM-10 area designation table in 40 CFR 81.335. EPA will retain for PM-10 the two section 107 areas listed in the current TSP table for North Dakota, consistent with the June 3, 1993 Federal Register document which requires retention of the TSP baseline areas for PM-10 unless revised by the State in accordance with 40 CFR 51.166.

(3) Utah's TSP Areas. As stated above, Utah has adopted and submitted adequate PSD revisions for PM-10 increments. In addition, Utah has in place EPA-approved PM-10 SIPs for the two areas in the State which were previously designated nonattainment for TSP and which are currently designated nonattainment for PM-10: Salt Lake County and Davis County. See the July 8, 1994 Federal Register document for further details on EPA's approval of the PM-10 SIPs for those areas (59 FR 35036). Since the State has adopted, and EPA has approved, PM-10 SIPs for the State's two areas that were designated nonattainment for TSP, EPA believes it is appropriate at this time to delete the TSP area designations. Therefore, EPA is deleting the State's existing TSP designation table in 40 CFR 81.345.

(4) Wyoming's TSP Areas. As stated above, Wyoming has adopted and submitted adequate PSD revisions for PM-10 increments. Wyoming has one area listed in 40 CFR part 81 as nonattainment for the TSP secondary standards: the Trona Industrial Area. However, this area was not subsequently designated nonattainment for PM-10. EPA has reviewed the existing approved particulate matter control strategy for the Trona Industrial Area and has determined that the deletion of the TSP nonattainment status for that area will not result in a relaxation of any controls that would adversely impact the PM-10 NAAQS. Consequently, EPA believes it is appropriate at this time to delete the TSP area designations for Wyoming. If the State subsequently revises any of the particulate matter control strategies currently in the SIP for the Trona Industrial Area, it must submit a SIP revision to EPA meeting all applicable requirements of the Act.

As discussed further in the TSD, EPA established at the State's request three new separate areas under section 107 of the Act for particulate matter on January 14, 1993 (see 58 FR 4348), and a fourth area was designated under section 107 of the Act on September 12, 1995. Since the June 3, 1993 Federal Register document requires retention of the TSP baseline areas for PM-10 (unless revised by the State in accordance with 40 CFR 51.166), EPA will incorporate those areas, as well as the Trona Industrial area, into the existing table for Wyoming PM-10 area designations in 40 CFR 81.351.

(5) South Dakota's TSP Areas. The State of South Dakota was delegated authority to implement and enforce the Federal PSD permitting regulations in 40 CFR 52.21 on July 6, 1994 (see 59 FR 47260, September 15, 1994). As

² It should be noted that 40 CFR part 81 does not presently list all section 107 areas for PM-10. Only those areas designated "nonattainment" appear in the State listings. This is because under the listings published by EPA in the Federal Register on November 6, 1991, EPA's primary objective was to identify nonattainment areas designated as such by operation of law upon enactment of the 1990 Amendments. For States having no PM-10 nonattainment areas designated by operation of law, EPA did not include a new PM-10 listing. Nevertheless, section 107(d)(4)(B)(iii) mandates that all areas not designated nonattainment for PM-10 by operation of law, are designated unclassifiable. The PM-10 increments apply in any area designated unclassifiable for PM-10.

discussed above, the PM-10 increments were thus effective in South Dakota on June 3, 1994. Therefore, it is appropriate at this time for EPA to delete the TSP area designations in 40 CFR part 81 for South Dakota. South Dakota has one area listed in 40 CFR part 81 as nonattainment for the TSP primary standard: the Rapid City Area. However, this area was not subsequently designated nonattainment for PM-10. EPA has reviewed the existing approved particulate matter control strategy for the Rapid City Area and has determined that the deletion of the TSP nonattainment status for that area will not result in a relaxation of any controls that would adversely impact the PM-10 NAAQS. Consequently, EPA believes it is appropriate at this time to delete the TSP area designations for South Dakota. If the State subsequently revises any of the particulate matter control strategies currently in the SIP for the Rapid City Area, it must submit a SIP revision to EPA meeting all applicable requirements of the Act.

Since South Dakota also has no PM-10 nonattainment areas designated in the State, there is no PM-10 designation table currently in 40 CFR part 81 for South Dakota. Therefore, EPA is deleting the TSP area designation table and is creating a PM-10 area designation table in 40 CFR 81.342. EPA will retain for PM-10 the two section 107 areas listed in the current TSP table for South Dakota, consistent with the June 3, 1993 Federal Register document which requires retention of the TSP baseline areas for PM-10 unless revised by the State in accordance with 40 CFR 52.21.

c. Utility Pollution Control Projects. On July 21, 1992, EPA promulgated revisions to Federal PSD and nonattainment new source review (NSR) permitting requirements, as well as to the Federal new source performance standard (NSPS) requirements in 40 CFR part 60, regarding utility pollution control projects (57 FR 32314-32339). Specifically, EPA made changes to the definition of "major modification" in 40 CFR parts 51 and 52 to set forth the conditions under which the addition, replacement, or use at existing utility generating units of any system or device whose primary function is the reduction of air pollutants (including the switching to a less polluted fuel where the primary purpose of the switch will be the reduction of air pollutants) will or will not subject the source to preconstruction review. Refer to the July 21, 1992 Federal Register document for further information. States were not required to adopt revisions to implement these changes regarding

utility pollution control projects, although these changes are in effect in areas where the Federal PSD permitting regulations apply. Both North Dakota and Wyoming opted to adopt revisions to their PSD programs implementing the July 21, 1992 Federal Register document.

(1) North Dakota's Submittal. In order to address the new provisions for utility pollution control projects, the State revised the following sections of its PSD permitting regulations in Chapter 33-15-15-01 of the North Dakota Air Pollution Control Rules: Sections 1.a.(3) and (4), 1.h., 1.i., 1.m., 1.x.(2)(h)-(k), 1.bb., 1.dd., 1.ee., and 1.ff. EPA has reviewed these revisions and has found that the revisions address all of the regulatory revisions for utility pollution control projects promulgated by EPA on July 21, 1992. However, there are two definitions in which the State used the term "administrator of EPA" when, in fact, EPA's PSD regulations allow the State to have authority for those decisions. Therefore, EPA is delegating the State authority for the following decisions:

(a) In the definition of "major modification" in 33-15-15-01.1.x.(2)(h)[1] and [2], the State will have authority (rather than EPA as stated in North Dakota's rule) to determine whether the addition, replacement, or use of a pollution control project at an existing electric utility steam generating unit can be excluded from being considered a physical change or change in the method of operation; and

(b) In the definition of "repowering" in 33-15-15-01.1.ff.(2), the State will be the authority (rather than EPA as stated in the State's rule) to give expedited consideration to permit applications for any source that satisfies the "repowering" requirements and is granted an extension under section 409 of the Act.

(2) Wyoming's Submittal. In order to address the new provisions for utility pollution control projects, the State revised the following sections of its PSD permitting regulations in Section 24 of the State's rules: Subsections (a)(x)(H)-(K), (a)(xix) (D) and (E), (a)(xxviii), (a)(xxix), (a)(xxx), (a)(xxxii), (a)(xxxiii), (a)(xxxiv), and (a)(xxxv). EPA has reviewed these revisions and has found that the revisions adequately address all of the regulatory revisions for utility pollution control projects promulgated by EPA on July 21, 1992.

Consequently, EPA is approving the PSD revisions regarding utility pollution control projects submitted by North Dakota and Wyoming.

d. Other PSD SIP Revisions. (1) North Dakota's Submittal. In order to address the PSD provisions for municipal waste combustors promulgated by EPA on February 11, 1991 (see 56 FR 5506), the State of North Dakota revised the definition of "significant" in Section 33-15-15-01.1.hh. of the State's rules. EPA has reviewed the revision and has found it consistent with the municipal waste combustor pollutant significance levels in 40 CFR 51.166(b)(23). Therefore, EPA is approving this revision.

(2) Utah's Submittal. The State of Utah also made minor administrative revisions in its PSD program to the definitions of "baseline date," "baseline area," and "significant" in UACR R307-1-1 and Sections 3.6.2.B., 3.6.2.D., 3.6.2.E., 3.6.4.A.(1), 3.6.4.C.(1) and (2), 3.6.5.A., 3.6.5.B.(1)(a), 3.6.5.C., 3.6.5.D., 3.6.5.E.(1), 3.6.5.F.(1), and 3.6.6 of UACR R307-1-3. EPA has reviewed these minor changes and finds the changes approvable.

(3) Wyoming's Submittal. In Wyoming's March 14, 1995 SIP submittal, the State revised the definition of "minor source baseline date" so that it will be triggered no later than January 1, 2001. The State had previously set the minor source baseline date to be triggered no later than January 1, 1996. In any case, the State is not required by EPA to set a mandatory minor source baseline date. The State is only required to have the minor source baseline date be triggered by the first complete PSD permit application for a major stationary source or major modification locating in or significantly impacting an attainment/unclassifiable area designated under section 107 of the Act, and the State's definition of "minor source baseline date" meets that requirement. Thus, since the State definition is more stringent than the Federal definition, it is approvable.

III. Final Action

Based on the review and justification provided in this document, EPA is approving the SIP revisions regarding PSD permitting submitted by the States of Montana, North Dakota, Utah, and Wyoming on May 22, 1995, April 29, 1994, February 1, 1995, and March 14, 1995, respectively.

In addition, EPA is deleting the TSP area designation tables and/or revising the PM-10 area designation tables in 40 CFR part 81 as follows:

A. For Montana, EPA is deleting the TSP area designation table and is adding the Colstrip area, the Billings area, the Great Falls area, and the East Helena area to the existing PM-10 area designation table as unclassifiable for

PM-10 in 40 CFR 81.327.³ In addition, EPA is incorporating the area in between the TSP nonattainment boundary and the PM-10 nonattainment boundary for the Missoula and Butte areas into the "rest of State" section 107 designation.

B. For North Dakota, EPA is deleting the TSP area designation table and is creating a PM-10 area designation table listing the "Metropolitan Fargo-Moorhead (Minn.), AQCR 130" area and the "Rest of State, AQCR 172" area as unclassifiable for PM-10 in 40 CFR 81.335.⁴

C. For Utah, EPA is deleting the TSP area designation table in 40 CFR 81.345.

D. For Wyoming, EPA is deleting the TSP area designation table and is adding the "Powder River Basin" area, the "Pacific Power and Light" area, the "Hampshire Energy" area, the "Kennebec/Puron PSD Baseline Area," and the "Trona Industrial" area to the existing PM-10 area designation table as unclassifiable for PM-10 in 40 CFR 81.351.⁵

E. For South Dakota, EPA is deleting the TSP area designation table and is creating a PM-10 area designation table listing the "Rapid City" area and the "Rest of State" area as unclassifiable for PM-10 in 40 CFR 81.342.⁶

In all of these State's PM-10 area designation tables, EPA is clarifying that the "Rest of State" areas denote a single area designation for PSD baseline area purposes. In addition, EPA is revising the headings of all of the PM-10 area designation tables in 40 CFR part 81 to read as follows: "[Name of State]—PM-10."

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. Under the procedures established in the May 10, 1994 Federal Register (59 FR 24054), this action will be effective January 2, 1996 unless, by December 4, 1995, adverse or critical comments are received.

If such comments are received, 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 on January 2, 1996.

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 a SIP 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 economic 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.

Approvals of SIP submittals 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, I certify that it does not have a significant impact on small entities. Moreover, due to the nature of the Federal-state relationship under the Clean Air Act, preparation of a regulatory 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. E.P.A.*, 427 U.S. 246, 256-66 (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 Section 110 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. The rules being 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.

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 January 2, 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 must 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)).

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.

List of Subjects

40 CFR Part 52

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

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: September 19, 1995.
Jack W. McGraw,
Acting Regional Administrator.

Title 40, chapter I of the Code of Federal Regulations is amended as follows:

³EPA is designating the PM-10 areas as unclassifiable, rather than attainment, at this time to be consistent with section 107(d)(4)(B) of the Act which stated that any area which was not initially designated as nonattainment for PM-10 shall be designated unclassifiable. EPA will consider redesignating these areas to "attainment" status at a later date. Both "unclassifiable" and "attainment" areas have the same status for PSD purposes.

⁴See footnote number 4.

⁵See footnote number 4.

⁶See footnote number 4.

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

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

Subpart BB—Montana

2. Section 52.1320 is amended by adding paragraph (c)(42) to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

(42) On May 22, 1995, the Governor of Montana submitted revisions to the prevention of significant deterioration regulations in the Administrative Rules of Montana to incorporate changes in the Federal PSD permitting regulations for PM-10 increments.

(i) Incorporation by reference.

(A) Revisions to Administrative Rules of Montana (ARM), rules 16.8.945(3)(c), 16.8.945(21)(d), 16.8.945(24)(d), 16.8.947(1), 16.8.953(7)(a), and 16.8.960(4), effective 10/28/94.

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Subpart JJ—North Dakota

3. Section 52.1820 is amended by adding paragraph (c)(27) to read as follows:

§ 52.1820 Identification of plan.

* * * * *

(c) * * *

(27) On April 29, 1994, the Governor of North Dakota submitted revisions to the prevention of significant deterioration regulations in chapter 33-15-15 of the North Dakota Air Pollution Control Rules to incorporate changes in the Federal PSD permitting regulations for utility pollution control projects, PM-10 increments, and municipal waste combustors.

(i) Incorporation by reference.

(A) Revisions to Chapter 33-15-15 of the North Dakota Air Pollution Control Rules, Section 33-15-15-01,

Subsections 1.a.(3) and (4), 1.c, 1.e.(4), 1.h, 1.i, 1.m, 1.x.(2)(h)-(k), 1.aa.(2)(c), 1.bb, 1.dd, 1.ee, 1.ff, 1.hh, 2.b, 4.d.(3)(a), and 4.j.(4)(b), effective 3/1/94.

Subpart TT—Utah

4. Section 52.2320 is amended by adding paragraph (c)(31) to read as follows:

§ 52.2320 Identification of plan.

* * * * *

(c) * * *

(31) On February 1, 1995, the Governor of Utah submitted revisions to the prevention of significant deterioration permitting regulations in R307-1-1 and R307-1-3 of the Utah Air Conservation Regulations to incorporate changes in the Federal PSD permitting regulations for PM-10 increments and to make other minor, administrative changes.

(i) Incorporation by reference.

(A) Revisions to the Utah Air Conservation Regulations, R307-1-1, the definitions of "baseline area," "baseline date," "net emissions increase," and "significant," effective 9/22/94, printed 10/24/94.

(B) Revisions to the Utah Air Conservation Regulations, R307-1-3, Sections 3.6.2.B, 3.6.2.D, 3.6.2.E, 3.6.3.A, 3.6.3.B, 3.6.3.D.(2) and (3), 3.6.4.A.(1), 3.6.4.C, 3.6.4.D, 3.6.5.A, 3.6.5.B.(1)(a), 3.6.5.C, 3.6.5.D, 3.6.5.E, 3.6.5.F, and 3.6.6, effective 10/1/94, printed 10/24/94.

Subpart ZZ—Wyoming

5. Section 52.2620 is amended by adding paragraph (c)(26) to read as follows:

§ 52.2620 Identification of plan.

* * * * *

(c) * * *

(26) On March 14, 1995, the Governor of Wyoming submitted revisions to the prevention of significant deterioration permitting regulations in Section 24 of

the Wyoming Air Quality Standards to incorporate changes in the Federal PSD permitting regulations for utility pollution control projects, PM-10 increments, and to make other minor changes.

(i) Incorporation by reference.

(A) Revisions to Section 24 of the Wyoming Air Quality Standards, subsections (a)(ix)(B), (a)(x)(H)-(K), (a)(xii)(D), (a)(xv), (a)(xix)(D) and (E), (a)(xxviii)-(xxxv), (b)(i)(A)(I), (b)(i)(E)(VI)(1), (b)(viii), and (b)(xii)(I), effective 2/13/95.

PART 81—[AMENDED]

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

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

§§ 81.302, 81.303, 81.305, 81.306, 81.307, 81.313, 81.314, 81.315, 81.320, 81.323, 81.327, 81.329, 81.332, 81.336, 81.338, 81.339, 81.344, 81.345, 81.348, 81.349, 81.351 and 81.355 [Amended]

2. In each of the following sections, in the heading of the table for PM-10 nonattainment areas, the words "Nonattainment Areas" are removed: §§ 81.302, 81.303, 81.305, 81.306, 81.307, 81.313, 81.314, 81.315, 81.320, 81.323, 81.327, 81.329, 81.332, 81.336, 81.338, 81.339, 81.344, 81.345, 81.348, 81.349, 81.351 and 81.355.

§§ 81.327, 81.335, 81.342, 81.345 and 81.351 [Amended]

3. Sections 81.327, 81.335, 81.342, 81.345, and 81.351 are further amended as follows:

3-1. By removing the table in each section for TSP;

3-2. In §§ 81.327, 81.345, and 81.351 by revising the newly renamed table for PM-10 to read as set forth below;

3-3. In §§ 81.335 and 81.342 by adding a new table for PM-10 to read as set forth below.

§ 81.327 Montana.

* * * * *

MONTANA—PM-10

Designated area	Designation		Classification	
	Date	Type	Date	Type
Cascade County, Great Falls area	11/15/90	Unclassifiable	
Flathead County:				

MONTANA—PM—10—Continued

Designated area	Designation		Classification	
	Date	Type	Date	Type
The area bounded by lines from Universal Transmercator (UTM) coordinate 700000mE, 5347000mN, east to 704000mE, 5347000mN, south to 704000mE, 5341000mN, west to 703000mE, 5341000mN, south to 703000mE, 5340000mN, west to 702000mE, 5340000mN, south to 702000mE, 5339000mN, east to 703000mE, 5339000mN, south to 703000mE, 5338000mN, east to 704000mE, 5338000mN, south to 704000mE, 5336000mN, west to 702000mE, 5336000mN, south to 702000mE, 5335000mN, west to 700000mE, 5335000mN, north to 700000mE, 5340000mN, west to 695000mE, 5340000mN, north to 695000mE, 5345000mN, east to 700000mE, 5345000mN, north to 700000mE, 5347000mN.	11/15/90	Nonattainment	11/15/90	Moderate.
Columbia Falls and vicinity	11/15/90	Nonattainment	11/15/90	Moderate.
Township T30N, R20W—Sections 7, 8, 9, 16, 17, and 18				
The City of Whitefish and surrounding vicinity bounded by lines from Universal Transmercator (UTM) coordinates 695000 mE, 5370000 mN, east to 699000 mE, 5370000 mN, south to 699000 mE, 5361000 mN, west to 695000 mN, 5361000 mN, and north to 695000 mE, 5370000 mN.	11/18/93	Nonattainment	11/18/93	Moderate.
Lake County, Ronan, Polson	11/15/90	Nonattainment	11/15/90	Moderate.
Lincoln County, Libby and vicinity	11/15/90	Nonattainment	11/15/90	Moderate.
T30N, R31W—Sections 2, 3, 4, 5, 9, 10, 11, 14, 15, 23, 26, 35, and west 1/2 of Section 24, west 1/2 of Section 25, and west 1/2 of Section 36; plus T31N, R31W—Sections 26, 27, 29, 32, 33, 34, 35 and the east 1/2 of Section 30.				
Lewis and Clark County, East Helena area	11/15/90	Unclassifiable		
Missoula County, Missoula and vicinity including the following sections: T13N, R19W—2, 8, 11, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31, 32, 33, and 34; T12N, R19W—Sections 4, 5, 6, 7; T13N, R20W—Sections 23, 24, 25, 26, 35, and 36.	11/15/90	Nonattainment	11/15/90	Moderate.
Rosebud County:				
Lame Deer	11/15/90	Nonattainment	11/15/90	Moderate.
Colstrip area	11/15/90	Unclassifiable		
Sanders County (part)	1/20/94	Nonattainment	1/20/94	Moderate.
Thompson Falls and vicinity: Including the following Sections: R29W, T21N—Sections 5, 6, 7, 8, 9, 10, 15, and 16.				
Silver Bow County, Butte	11/15/90	Nonattainment	11/15/90	Moderate.
The following area of Butte-Silver Bow excluding the territorial limits of the City of Walkerville: Beginning at the Northwest corner of Section 2, T.3N., R.8W., thence Easterly to Northeast corner Section 5, T.3N., R.7W.; then Southerly to Northwest corner Section 9, T.3N., R.7W.; thence Easterly to Northeast corner Section 10, T.3N., R.7W.; thence Southerly to Southeast corner Section 22, T.2N., R.7W.; thence Westerly to Southwest corner Section 19, T.2N., R.7W.; thence Northerly to Northwest corner Section 19, T.2N., R.7W.; thence Westerly to Southwest corner Section 14, T.2N., R.8W.; thence Northerly to Southwest corner Section 35, T.3N., R.8W.; thence Westerly to Southwest corner Section 34, T.3N., R.8W.; thence Northerly to Northwest corner Section 27, T.3N., R.8W.; thence Westerly to Southwest corner Section 20, T.3N., R.8W.; thence Northerly to Northwest corner Section 17, T.3N., R.8W.; thence Easterly to Northwest corner Section 14, T.3N., R.8W.; thence Northerly to the point of beginning.				
Yellowstone County, Billings area	11/15/90	Unclassifiable		
Rest of State ¹	11/15/90	Unclassifiable		

¹ Denotes a single area designation for PSD baseline area purposes.

* * * * *

§ 81.335 North Dakota.

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NORTH DAKOTA—PM—10

Designated area	Designation		Classification	
	Date	Type	Date	Type
Metropolitan Fargo-Moorhead (Minn.), AQCR 130	11/15/90	Unclassifiable		
Rest of State, AQCR 172 ¹	11/15/90	Unclassifiable		

¹ Denotes a single area designation for PSD baseline area purposes.

* * * * *

§ 81.342 South Dakota.

* * * * *

SOUTH DAKOTA—PM-10

Designated area	Designation		Classification	
	Date	Type	Date	Type
Rapid City Area	11/15/90	Unclassifiable	
Rest of State ¹	11/15/90	Unclassifiable	

¹ Denotes a single area designation for PSD baseline area purposes.

* * * * *

§ 81.345 Utah.

* * * * *

UTAH—PM-10

Designated area	Designation		Classification	
	Date	Type	Date	Type
Salt Lake County	11/15/90	Nonattainment	11/15/90	Moderate.
Utah County	11/15/90	Nonattainment	11/15/90	Moderate.
Ogden Area Weber County (part) City of Ogden	9/26/95	Nonattainment	9/26/95	Moderate.
Rest of State ¹	11/15/90	Unclassifiable	

¹ Denotes a single area designation for PSD baseline area purposes.

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§ 81.351 Wyoming.

* * * * *

WYOMING—PM-10

Designated area	Designation		Classification	
	Date	Type	Date	Type
Sheridan County: City of Sheridan	11/15/90	Nonattainment	11/15/90	Moderate.
Trona Industrial Area	11/15/90	Unclassifiable	
Campbell County (part) Converse County (part), That area bounded by Township 40 through 52 North, and Ranges 69 through 73 West, inclusive of the Sixth Principal Meridian, Campbell and Converse Counties, excluding the areas defined as the Pacific Power and Light attainment area and the Hampshire Energy attainment area.—Powder River Basin.	11/15/90	Unclassifiable	
Campbell County (part), That area bounded by NW1/4 of Section 27, T50N, R71W, Campbell County, Wyoming.—Pacific Power and Light Area.	11/15/90	Unclassifiable	
Campbell County (part), That area bounded by Section 6 excluding the SW1/4; E1/2 Section 7; Section 17 excluding the SW1/4; Section 14 excluding the SE1/4; Sections 2, 3, 4, 5, 8, 9, 10, 11, 15, 16 of T48N, R70W and Section 26 excluding the NE1/4; SW1/4 Section 23; Sections 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, 34, 35 of T49N, R70W.—Hampshire Energy Area.	11/15/90	Unclassifiable	
Campbell County (part), That area described by the W1/2SW1/4 Section 18, W1/2NW1/4, NW1/4SW1/4 Section 19, T47N, R70W, S1/2 Section 13, N1/2, N1/2SW1/4, N1/2SE1/4 Section 24, T47N, R71W.—Kennecott/Puron PSD Base- line Area.	11/15/90	Unclassifiable	
Rest of State ¹	11/15/90	Unclassifiable	

¹ Denotes a single area designation for baseline area purposes.

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[FR Doc. 95-27062 Filed 11-2-95; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 73****Radio Broadcasting Services; Various Locations****AGENCY:** Federal Communications Commission.**ACTION:** Final rule.

SUMMARY: The Commission on its own motion, editorially amends the Table of FM Allotments to specify the actual classes of channels allotted to various communities. The changes in channel classifications have been authorized in response to applications filed by licensees and permittees operating on these channels. This action is taken pursuant to *Revision of Section 73.3573(a)(1) of the Commission's Rules Concerning the Lower Classification of an FM Allotment*, 4 FCC Rcd 2413 (1989), and the *Amendment of the Commission's Rules to Permit FM Channel and Class Modifications [Upgrades] by Applications*, 8 FCC Rcd 4735 (1993).

EFFECTIVE DATE: November 3, 1995.**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 414-2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Order*, adopted October 6, 1995, and released October 17, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2-3. Section 73.202(b), the Table of FM Allotments under California, is amended by removing Channel 257C3 and adding Channel 257C2 at Central Valley.

4. Section 73.202(b), the Table of FM Allotments under Idaho, is amended by removing Channel 296A and adding Channel 296C at Caldwell.

5. Section 73.202(b), the Table of FM Allotments under Iowa, is amended by removing Channel 240C2 and adding Channel 240C3 at Estherville and by removing Channel 255A and adding Channel 255C3 at Jefferson.

6. Section 73.202(b), the Table of FM Allotments under Kansas, is amended by removing Channel 269C2 and adding Channel 269A at Emporia and by removing Channel 240C2 and adding Channel 240C3 at Winfield.

7. Section 73.202(b), the Table of FM Allotments under Michigan, is amended by removing Channel 291A and adding Channel 291C3 at Tawas City.

8. Section 73.202(b), the Table of FM Allotments under Minnesota, is amended by removing Channel 237C and adding Channel 237C1 at Grand Marais.

9. Section 73.202(b), the Table of FM Allotments under Missouri, is amended by removing Channel 224A and adding Channel 225C3 at Malden.

10. Section 73.202(b), the Table of FM Allotments under New Mexico, is amended by removing Channel 296C and adding Channel 296C2 at Armijo.

11. Section 73.202(b), the Table of FM Allotments under North Carolina, is amended by removing Channel 246C1 and adding Channel 246C2 at Hatteras.

12. Section 73.202(b), the Table of FM Allotments under Oklahoma, is amended by removing Channel 300A and adding Channel 300C3 at Altus.

13. Section 73.202(b), the Table of FM Allotments under Oregon, is amended by removing Channel 228C3 and adding Channel 228C2 at Lakeview.

14. Section 73.202(b), the Table of FM Allotments under South Dakota, is amended by removing Channel 256C1 and adding Channel 256A at Huron.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95-27261 Filed 11-2-95; 8:45 am]

BILLING CODE 6712-01-F

DEPARTMENT OF TRANSPORTATION**48 CFR Parts 1215, 1252 and 1253****[Docket OST-95-776]****RIN 2105-AC-32****Revision of Department of Transportation Acquisition Regulation****AGENCY:** Transportation.**ACTION:** Interim final rule; request for comments.

SUMMARY: The Department is revising the Transportation Acquisition Regulation (TAR) to make minor editorial or administrative corrections including changes to the TAR Matrix to adhere to the Federal Acquisition Regulation (FAR) guidance for incorporating provisions and clauses in solicitations and contracts by reference to the maximum practical extent.

DATES: This rule is effective November 3, 1995. Written and signed comments must be received on or before December 4, 1995.

ADDRESSES: Interested parties should submit written comments, preferably in triplicate, to Docket Clerk, Docket No. OST-95-776, Department of Transportation, 400 Seventh Street, S.W., Room 4107, Washington, D.C., 20590. Please cite TAR administrative revisions in all correspondence concerning this rule.

FOR FURTHER INFORMATION CONTACT: Elaine Wheeler, Office of Acquisition and Grant Management, M-61, 400 Seventh Street, S.W., Washington, D.C., 20590; (202) 366-4272.

SUPPLEMENTARY INFORMATION:**A. Background**

The Department of Transportation (DOT) 1994 edition of the TAR was effective on October 1, 1994. Use of this document has indicated that some editorial corrections and administrative changes are necessary including a change to the TAR Matrix to reflect the FAR guidance to incorporate provisions and clauses by reference to the maximum practical extent.

B. Regulatory Flexibility Act

This interim final rule will not have a significant economic impact on a substantial number of small entities because the basic policies remain unchanged and only editorial corrections or administrative changes are being made.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the TAR do not impose additional