SUMMARY: The Secretary of the Department of the Interior (Department) has established an Indian Gas Valuation Negotiated Rulemaking Committee (Committee) to develop specific recommendations with respect to Indian gas valuation under its responsibilities imposed by the Federal Oil and Gas Royalty Management Act of 1982, 30 U.S.C. 1701 *et seq.* (FOGRMA). The Department has determined that the establishment of this Committee is in the public interest and will assist the Agency in performing its duties under FOGRMA.

DATES: The Committee will have meetings on the dates and the times shown below:

Tuesday, December 5, 1995-9:30 a.m. to 5 p.m.
Wednesday, December 6 , 1995-8 a.m. to 5 p.m.
Thursday, December 7, 1995-8 a.m. to 5 p.m.
Tuesday, January 23, 1996-9:30 a.m. to 5 p.m.
Wednesday, January 24, 1996-8 a.m. to 5 p.m.
Thursday, January 25, 1996-8 a.m. to 5 p.m.

ADDRESSES: The December meetings will be held in the 45th floor meeting room at Holme Roberts & Owen LLC, 1700 Lincoln Street, Suite 4100, Denver, Colorado 80203–4524.

The January meetings will be held in the Building 85 Auditorium at the Denver Federal Center, located at West 6th Avenue and Kipling Streets, Lakewood, Colorado.

Written statements may be submitted to Mr. Donald T. Sant, Deputy Associate Director for Valuation and Operations, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS–3100, Denver, CO 80225–0165.

FOR FURTHER INFORMATION CONTACT: Mr. Donald T. Sant, Deputy Associate Director for Valuation and Operations, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3100, Denver, CO 80225–0165, telephone number (303) 231–3899, fax number (303) 231–3194.

SUPPLEMENTARY INFORMATION: The location and dates of future meetings will be published in the Federal Register. The meetings will be open to the public without advanced registration. Public attendance may be limited to the space available. Members of the public may make statements during the meeting, to the extent time permits, and file written statements with the Committee for its consideration.

Written statements should be submitted to the address listed above. Minutes of Committee meetings will be available for public inspection and copying 10 days after each meeting at the Denver Federal Center address. In addition, the materials received to date during the input sessions are available for inspection and copying at the Denver Federal Center address.

Dated: November 20, 1995.

James W. Shaw,

Associate Director for Royalty Management.

[FR Doc. 95–28852 Filed 11–22–95; 8:45 am]

BILLING CODE 4310–MR–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Chapter I

[FRL–5333–8]

Notice of Open Meeting of the Negotiated Rulemaking Advisory Committee for Small Nonroad Engine Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: FACA Committee Meeting—Negotiated Rulemaking on Small Nonroad Engine Regulations.

SUMMARY: As required by section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), EPA is giving notice of the next meeting of the Advisory Committee to negotiate the Phase II rule to reduce air emissions from small nonroad engines. Small nonroad engines are engines which are spark ignited gasoline engines less than 25 horsepower. The meeting is open to the public without advance registration. Agenda items for the meeting include discussion of the emissions standard and standard structure. The Committee is hoping to finalize a series of recommendations to EPA regarding the control of emissions in Phase II of the rule.

DATES: The committee will meet on December 13, 1995 from 10 a.m. to 6 p.m., December 14, 1995 from 9 a.m. to 5 p.m.

ADDRESSES: The location of the meeting will be the Courtyard by Marriott, 3205 Boardwalk, Ann Arbor, MI 48108; phone: (313) 995–5900.

FOR FURTHER INFORMATION CONTACT: Persons needing further information on the substantive matters of the rule should contact Lisa Snapp, National Vehicle and Fuel Emissions Laboratory, 2565 Plymouth Rd., Ann Arbor, Michigan 48105, (313) 668–4200. Persons needing further information on committee procedural matters should call Deborah Dalton, Consensus and Dispute Resolution Program, Environmental Protection Agency, 401 M Street, S.W. Washington, DC 20460, (202) 260–5495, or the Committee's facilitators, Lucy Moore or John Folk-Williams, Western Network, 616 Don Gaspar, Santa Fe, New Mexico, 87501, (505 982–9805.

Dated: November 13, 1995.

Deborah Dalton,

Designated Federal Official.

[FR Doc. 95–28394 Filed 11–22–95; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 70

[KY–JEFF–95–01; FRL–5334–6]

Clean Air Act Proposed Full Approval of Operating Permits Program; Jefferson County, Kentucky

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed full approval, or proposed interim approval in the alternative.

SUMMARY: EPA proposes to grant full approval to the Operating Permits Program submitted by the Jefferson County, Kentucky Air Pollution Control District (District) located in the geographic area of Jefferson County, Kentucky. Alternatively, EPA proposes to grant interim approval if specified changes are not adopted prior to final promulgation of this rulemaking. The Jefferson County, Kentucky program was submitted for the purpose of complying with Federal requirements which mandate that state and local agencies develop, and submit to EPA programs for issuing operating permits to all major stationary sources, and to certain other sources.

DATES: Comments on this proposed action must be received in writing by December 26, 1995.

ADDRESSES: Written comments on this action should be addressed to Carla E. Pierce, Chief, Air Toxics Unit/Title V Program Development Team, Air Programs Branch, at the EPA Region 4 office listed below.

Copies of the District's submittal and other supporting information used in developing the proposed full approval are available for inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 4, 345 Courtland Street, NE, Atlanta, GA 30365. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

FOR FURTHER INFORMATION CONTACT: Leonardo Ceron, Title V Program Development Team, Air Programs Branch, Air Pesticides & Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 345 Courtland Street, NE, Atlanta, GA 30365, (404) 347–3555 extension 4196.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

As required under title V of the Clean Air Act Amendments of 1990 (Clean Air Act (''Act'') sections 501–507), EPA has promulgated rules that define the minimum elements of an approvable operating permits program and the corresponding standards and procedures by which the EPA will approve, oversee, and withdraw approval of state or local agency operating permits programs (see 57 FR 32250 (July 21, 1992)). These rules are codified at 40 Code of Federal Regulations (CFR) part 70. Title V and part 70 require states or authorized local agencies to develop, and submit to EPA, programs for issuing operating permits to all major stationary sources and to certain other sources.

The Act requires that states or authorized local agencies develop and submit these programs to EPA by November 15, 1993, and that EPA act to approve or disapprove each program within one year after receiving the submittal. If the state's or authorized local agency's submission is materially changed during the one-year review period, 40 CFR 70.4(e)(2) allows EPA to extend the review period for no more than one year following receipt of the additional material. EPA received the District's title V operating permit program submittal on February 1, 1994. The District provided EPA with additional materials in supplemental submittals dated November 15, 1994; May 3, 1995; and July 14, 1995. Because these supplements materially changed the District's title V program submittal, EPA extended the review period and will work expeditiously to promulgate a final decision on the District's program.

EPA's program review occurs pursuant to section 502 of the Act and the part 70 regulations, which together outline criteria for approval or disapproval. Where a program substantially, but not fully, meets the requirements of part 70, EPA may grant the program interim approval for a period of up to two years. If EPA has not fully approved a program by November 15, 1995, or by the end of an interim program, it must establish and implement a Federal operating permits program.

II. Proposed Action and Implications

A. Analysis of District Submission

The District has requested full approval of its part 70 operating permits program, which covers the partial geographic area of Jefferson County, Kentucky within the Commonwealth of Kentucky. EPA has concluded that the operating permit program submitted by the District meets the requirements of title V and part 70, and proposes to grant full/interim approval to the program.

What follows are brief explanations indicating how the submittal meets the requirements of part 70. The reader may consult the Technical Support Document (TSD) contained in the docket at the address noted above for a more detailed explanation of these topics.

1. Program Support Materials

Pursuant to section 502(d) of the Act, the Governor of each state must develop and submit to the Administrator an operating permits program under state or local law or under an interstate compact meeting the requirements of title V of the Act. The Governor of the Commonwealth of Kentucky, Brereton C. Jones, requested full approval of the District's operating permits program through the Commonwealth's title V submittal. The Air Pollution Control Board of Jefferson County has full authority to administer the District's program for the geographic area of Jefferson County, Kentucky.

The District's part 70 program submittal includes section II entitled ''Complete Program Description'' which addresses the requirements of 40 CFR 70.4(b)(1) by describing how the District intends to carry out its responsibilities under the part 70 regulations. The program description has been deemed to be appropriate for meeting the requirement of 40 CFR 70.4(b)(1).

Pursuant to 40 CFR 70.4(b)(3), the Governor is required to submit a legal opinion from the Attorney General (or the attorney for the state/local air pollution control agency that has independent legal counsel) demonstrating adequate authority to carry out all aspects of a title V operating permits program. The District submitted a legal opinion from the Commissioner of the Department of Law at the Kentucky Natural Resources and Environmental Protection Cabinet and a supplemental legal opinion demonstrating adequate legal authority as required by Federal law. See section V of the District's submittal dated January 31, 1994, and section II.2 of the submittal dated July 14, 1995.

Section 70.4(b)(4) requires the submission of relevant permitting program documentation not contained in the regulations, such as permit application forms, permit forms and relevant guidance to assist in the District's implementation of its permit program. Section II of the District submittal dated January 31, 1994, includes the permit application forms and permit forms. It has been determined that the application forms and the permit forms meet the requirements of 40 CFR 70.5 and 40 CFR 70.6, respectively.

2. Regulations and Program Implementation

The District has submitted regulation 2.16 entitled ''Title V Operating Permits'' and Regulation 2.08 entitled ''Emissions Fees, Permit Fees, And Permit Renewal Procedures'' for implementing the part 70 program as required by 40 CFR 70.4(b)(2). Sufficient evidence of their procedurally correct adoption is included in Section I of the District's title V program submittal. Copies of all applicable state statutes and regulations which authorize the part 70 program, including those governing the District administrative procedures, were submitted with the District's program.

The District's operating permits regulations closely follow the Federal part 70 regulations. The following requirements set out in the part 70 program are met by the District's program and are specifically addressed in the following sections of Regulation 2.16: (A) applicability requirements, (40 CFR 70.3(a)): Section 1; (B) permit applications requirements, (40 CFR 70.5): Section 3, (c) provisions for permit content, (40 CFR 70.6): Section 4; (D) operational flexibility provisions,(40 CFR 70.4(b)(12)): Section 5.8; (E) permit review by EPA and affected states, (40 CFR 70.8): Section 5; (F) provisions for permit issuance, renewals, reopenings and revisions, (40 CFR 70.7): Section 5.

Regarding the District's rules for permit revisions, it is EPA's understanding that any changes that affect a federally enforceable term or would change a federally enforceable term must be processed through the ''Minor Permit Revision'' provisions as specified in the District's Regulation 2.16, and therefore would be federally approvable. EPA further understands the District's regulations provide for emissions trading under federal enforceable permit caps, as required by 70.4(b)(12)iii.

The District has established an enforcement agreement with the Commonwealth of Kentucky to carry out provisions for the enforcement authority requirements of 40 CFR 70.11. The Commonwealth's KRS 77.235 and 77.240, satisfy the requirements of part 70. The District has also established Regulation 2.07, which satisfies the requirements of 40 CFR 70.7(h), for the public participation requirements.

Section 70.4(b)(2) requires state and local agencies to include in their part 70 programs any criteria used to determine insignificant activities or emission levels for the purpose of determining complete applications. Section 70.5(c) states that an application for a part 70 permit may not omit information needed to determine the applicability of, or to impose, any applicable requirement, or to evaluate appropriate fee amounts. Section 70.5(c) also states that EPA may approve, as part of a state or local program, a list of insignificant activities and emissions levels which need not be included in permit applications. Under part 70, a state or local agency must request and EPA may approve as part of that state or local's program any activity or emission level that the state or local wishes to consider insignificant. Part 70, however does not establish emissions thresholds for insignificant activities. EPA has accepted emissions thresholds of five tons per year for criteria pollutants and the lesser of 1000 pounds per year or section 112(g) de minimis levels for HAPs as reasonable.

The District established Regulation 2.02, section 2, entitled ''Exemptions'' which specifically provide for certain exemptions for emission units and activities, as listed in this regulation, from application and permit requirements. Notwithstanding Regulation 2.02, the District's Regulation 2.16 requires title V permit applications to include all information needed to determine the applicability of or to impose an applicable requirement. Information is also required for the collection of any permit fees owed under the approved fee schedule. For insignificant activities which are exempt because of size or production rate, a list of such insignificant activities must be included in the permit application according to Regulation 2.16. The District has defined insignificant activities as: ''those facilities exempted from permitting requirements pursuant to Regulation 2.02, provided that such facilities are not subject to an affected facility category-specific applicable requirement.'' EPA has determined that the District's insignificant activities provisions will not interfere with implementation of an adequate title V program.

Part 70 requires prompt reporting of deviations from any permit requirements. Section 70.6(a)(3)(iii)(B) requires the permitting authority to define ''prompt'' in relation to the degree and type of deviation likely to occur and the applicable requirements. Although the permit program regulations should define ''prompt'' for purposes of administrative efficiency and clarity, an acceptable alternative is to define ''prompt'' in each individual permit. EPA believes that ''prompt'' should generally be defined as requiring reporting within two to ten days of the deviation. Two to ten days is sufficient time in most cases to protect public health and safety as well as to provide a forewarning of potential problems. For sources with a low level of excess emissions, a longer time period may be acceptable. However, ''prompt'' reporting must be more frequent than the semiannual reporting requirement, given that this is a distinct reporting obligation under 40 CFR 70.6(a)(3)(iii)(A). Where ''prompt'' is defined in the individual permit but not in the program regulations, EPA may veto permits that do not require sufficiently prompt reporting of deviations.

The District's Regulation 1.07 ''Emissions During Shutdowns, Malfunctions, Startups, and Emergencies'' specifies how a source should notify the District in the event of a planned shutdown or startup, malfunction, and/or emergency. Prompt reporting for a planned shutdown or startup is required three days prior to a planned event. If a shutdown or startup is required by a facility where the owner or operator could not reasonably notify the District three days before the event then the facility is required to report such an event to the District no later than one day after such an event has begun. During emergency or malfunction events a facility is required to report by telephone to the District no later than one hour following the start of the malfunction or emergency. Additionally, the District should also be notified in writing of a malfunction or emergency within two days of such event.

The provisions addressing shutdowns, malfunctions, startups, and emergencies in Regulation 1.07, section 2.1, provide sources the legal mechanism of affirmative defense, to address enforcement actions brought about as a result of excess emissions from shutdowns, startups, or malfunctions which temporarily exceed standards. However, 40 CFR 70.6(g) only allows sources to use the legal mechanism of affirmative defense when excess emissions are emitted from a source during an emergency situation. Based on the District's deviation from the Federal requirements, EPA will not recognize or approve the affirmative defense provisions in the District's Regulation 1.07, section 2.1. However, the District has committed to the adoption of language which clarifies Regulation 1.07, section 2.1 by only allowing sources to use the affirmative defense in situations where excess emissions are a result of emergency situations, as specified in 40 CFR 70.6(g).

Additionally, Regulation 1.07, section 2.2 provides for the classification of excess emissions from emergencies to be deemed not in violation of specified standards. However, 40 CFR Part 70 requires any emissions not permitted at a source to be in violation of permit terms and conditions. Specifically, 40 CFR 70.6(g) classifies excess emissions due to emergency situations as a violation of an existing permit. Based on the District's deviation from this Federal requirement in part 70, EPA will not recognize or approve the classification of emergency emissions as not in violation of a permit within the District's Regulation 1.07, section 2.2. However, the District has committed to the adoption of language which clarifies Regulation 1.07, section 2.2 by classifying excess emissions due to emergencies as violations in section 2.2.

Based on the District's proposed adoption of changes to Regulation 1.07 which were outlined in a letter to EPA dated November 6, 1995, and as a condition of full approval, the District plans to expeditiously adopt the proposed changes to Regulation 1.07, prior to EPA's final action on the District's title V program. Alternatively, the District will be required to modify Regulation 1.07 during the specified interim approval period.

In accordance with procedures specified in the Commonwealth of Kentucky KRS 77.225–77.230 and 77.245–77.270, and as specified in the District's State Implementation Plan (SIP) Regulation 1.08, section 4, entitled ''Variance Procedures,'' the District maintains authority to grant individual variances. This authority may be exercised by the District upon request by any person or if the time necessary to correct unlawful emissions is anticipated to exceed 30 days. The EPA regards this provision as wholly external to the program submitted for approval under part 70, and consequently is proposing to take no

action on this provision of the District's regulations. The EPA has no authority to approve provisions of the District's law, such as the variance provisions referred to, which are inconsistent with the Act. The EPA does not recognize the ability of a permitting authority to grant relief from the duty to comply with a Federally enforceable part 70 permit, except where such relief is granted through procedures allowed by part 70. A part 70 permit may be issued or revised (consistent with part 70 permitting procedures) to incorporate those terms of a variance that are consistent with applicable requirements. A part 70 permit may also incorporate, via part 70 issuance or modification procedures, the schedule of compliance set forth in a variance. However, EPA reserves the right to pursue enforcement of applicable requirements notwithstanding the existence of a compliance schedule in a permit to operate. This is consistent with 40 CFR 70.5(c)(8)(iii)(C), which states that a schedule of compliance ''shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements in which it is based.''

The District's title V program submittal and TSD are available for review for more detailed information. The aforementioned TSD contains the detailed analysis of the District's program and describes the manner in which the program meets all of the operating permit program requirements of 40 CFR part 70.

3. Permit Fee Demonstration

Section 502(b)(3) of the Act requires that each permitting authority collect fees sufficient to cover all reasonable direct and indirect costs required to develop and administer a title V operating permits program. Each title V program submittal must contain either a detailed demonstration of fee adequacy or a demonstration that aggregate fees collected from title V sources meet or exceed $25 per ton per year (tpy), as adjusted annually for inflation. The $25 per ton amount is presumed, for program approval, to be sufficient to cover all reasonable program costs and is thus referred to as the ''presumptive minimum.''

The District has elected to assess the annual presumptive minimum fee as adjusted by the CPI each year beginning in the year of program approval by EPA. The total assessed fee will be calculated by multiplying the presumptive minimum amount by the total actual emissions of a source. For the fiscal year of 1996 (July 1, 1995, through June 30, 1996) a presumptive amount of $37.70 shall be used to calculate emissions fees. A maximum of 4,000 tpy of actual emissions of a single pollutant will be counted toward the total emissions of a source. EPA has determined that the District's assessed fees will adequately fund the anticipated cost of the program consistent with the requirements of 40 CFR 70.9.

4. Provisions Implementing the Requirements of Other Titles of the Act

a. Authority and/or Commitments for Section 112 Implementation. In its program submittal, the District has demonstrated adequate legal authority to implement and enforce section 112 requirements through the title V permit. The District has also committed to ''adopt Federal rule or standard when the Federal rule is promulgated.'' EPA has determined that this commitment, in conjunction with the District's broad statutory and regulatory authority, adequately assures compliance with all section 112 requirements. For further rationale on this interpretation, please refer to the TSD.

b. Implementation of Section 112(g) Upon Program Approval. EPA issued an interpretive notice on February 14, 1995 (60 FR 8333), which outlines EPA's revised interpretation of section 112(g) applicability. The notice postpones the effective date of section 112(g) until after EPA has promulgated a rule addressing that provision. The notice sets forth in detail the rationale for the revised interpretation.

The section 112(g) interpretative notice explains that EPA is considering whether the effective date of section 112(g) should be delayed beyond the date of promulgation of the Federal rule so as to allow states and local agencies time to adopt rules implementing the Federal rule, and that EPA will provide for any such additional delay in the final section 112(g) rulemaking. Unless and until EPA provides for such an additional postponement of section 112(g), the District must have a Federally enforceable mechanism for implementing section 112(g) during the period between promulgation of the Federal section 112(g) rule and adoption of the implementing District regulations.

EPA is aware that the District lacks a program designed specifically to implement section 112(g). However, the District currently has a preconstruction program that can serve as an adequate implementation vehicle during the transition period because it would allow the District to select control measures that would meet the maximum achievable control technology (MACT), as defined in section 112, and incorporate these measures into a Federally enforceable preconstruction permit.

For this reason, EPA proposes to approve the use of the District's preconstruction program found in Regulation 2.03 under the authority of title V and part 70, solely for the purpose of implementing section 112(g) to the extent necessary during the transition period between section 112(g) promulgation and adoption of a District rule implementing EPA's section 112(g) regulations. Although section 112(l) generally provides authority for approval of state and local air programs to implement section 112(g), title V and section 112(g) provide for this limited approval because of the direct linkage between the implementation of section 112(g) and title V. The scope of this approval is narrowly limited to section 112(g) and does not confer or imply approval for purposes of any other provision under the Act (e.g., section 110). This approval will be without effect if EPA decides in the final section 112(g) rule that sources are not subject to the requirements of the rule until District regulations are adopted. The duration of this approval is limited to 18 months following promulgation by EPA of the section 112(g) rule to provide adequate time for the District to adopt regulations consistent with the Federal requirements.

c. Program for Delegation of Section 112 Standards as Promulgated. The requirements for part 70 program approval, specified in 40 CFR 70.4(b), encompass section 112(l)(5) requirements for approval of a program for delegation of section 112 standards as promulgated by EPA as they apply to title V sources. Section 112(l)(5) requires that the District's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under part 70. Therefore, EPA also proposes to grant approval, under section 112(l)(5) and 40 CFR 63.91, of the District's program for receiving delegation of future section 112 standards and programs that are unchanged from the Federal requirements as promulgated. In addition, EPA proposes delegation of all existing standards and programs under 40 CFR parts 61 and 63 for part 70 sources and non-part 70 sources.[1]

[1] The radionuclide National Emission Standards for Hazardous Air Pollutant (NESHAP) is a section 112 regulation and therefore, also an applicable requirement under the District's operating permits program for part 70 sources. There is not yet a Federal definition of ''major'' for radionuclide sources. Therefore, until a major source definition for radionuclide is promulgated, no source would be a major section 112 source solely due to its

The District has informed EPA that it intends to accept the delegation of future section 112 standards using the mechanisms of adoption-by-reference and case-by-case delegation. The details of the District's use of these delegation mechanisms are set forth in a letter dated August 9, 1995, submitted by the District as a title V program addendum.

d. Commitment to Implement Title IV of the Act. On June 21, 1995, the District's acid rain rule for the Phase II permitting of acid rain sources became District-effective. The District incorporated by reference 40 CFR part 72 into Regulation 6.47 and 7.82, which was submitted to EPA on July 11, 1995. The District has also committed to the incorporation of amendments or additions to the Federal Acid Rain rule as promulgated by EPA.

B. Proposed Actions

1. Full Approval

EPA proposes to fully approve the operating permits program submitted to EPA by the Jefferson County, Kentucky Air Pollution Control District, if appropriate revisions consistent with 40 CFR 70.6(g) are incorporated into the District's Regulation 1.07, sections 2.1 & 2.2, and adopted prior to the final promulgation of this rulemaking. EPA has determined that the District's program is otherwise adequate to meet the minimum elements of the part 70 requirements for an operating permits program in a partial geographic area.

2. Interim Approval

Alternatively, EPA is proposing to grant interim approval under 40 CFR 70.4(d) to the District's operating permits program if the changes required for full approval, as described above, are not made prior to final promulgation of this rulemaking. EPA can grant interim approval because the District's program substantially meets the requirements of part 70 as discussed in section II(A) of this notice. The interim approval issues noted above will not prevent the District from issuing permits that are consistent with the part 70 program.

If EPA grants interim approval to the District's program, the interim approval would extend for two years following the effective date of final interim approval, and could not be renewed. During the interim approval period, the District would be protected from sanctions, and EPA would not be obligated to promulgate, administer and enforce a Federal permits program for the District. Permits issued under a program with interim approval are fully effective with respect to part 70. The 12-month time period for submittal of permit applications by sources subject to part 70 requirements and the three-year time period for processing the initial permit applications begin upon the effective date of final interim approval.

Following the granting of final interim approval, if District fails to submit a complete corrective program for full approval by the date six months before expiration of the interim approval, EPA would start an 18-month clock for mandatory sanctions. If the District then fails to submit a corrective program that EPA finds complete before the expiration of that 18-month period, EPA is required to apply one of the sanctions in section 179(b) of the Act, which will remain in effect until EPA determines that the District has corrected the deficiencies by submitting a complete corrective program.

3. Other Actions

EPA proposes to approve the District's preconstruction review program found in Regulation 2.03, under the authority of title V and part 70 solely for the purpose of implementing section 112(g) to the extent necessary during the transition period between 112(g) promulgation and adoption of the District's regulation implementing EPA's section 112(g) regulations.

As discussed above in section II.A.4.c, EPA is proposing to grant approval under section 112(l)(5) and 40 CFR 63.91, to the District's program for receiving delegation of section 112 standards and programs that are unchanged from Federal rules as promulgated. In addition, EPA proposes to delegate existing standards and programs under 40 CFR parts 61 and 63 for both part 70 sources and non-part 70 sources.

IV. Administrative Requirements

A. Request for Public Comments

EPA requests comments on all aspects of this proposed full/interim approval. Copies of the District's submittal and other information relied upon for the proposed full/interim approval are contained in docket number KY–JEFF–95–01 maintained at the EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this proposed full/interim approval. The principal purposes of the docket are:

To allow interested parties a means to identify and locate documents so that they can effectively participate in the approval process; and

To serve as the record in case of judicial review. EPA will consider any comments received by December 26, 1995.

B. Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

C. Regulatory Flexibility Act

EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

D. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to state, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the proposed approval action promulgated today does not include a Federal 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. This Federal action approves pre-existing requirements under state or local law, and imposes no new Federal requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7671q.

radionuclide emissions. However, a radionuclide source may, in the interim, be a major source under part 70 for another reason, thus requiring a part 70 permit. EPA will work with the District in the development of its radionuclide program to ensure that permits are issued in a timely manner.

Dated: November 8, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 95–28489 Filed 11–22–95; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 95–170; RM–8721]

Radio Broadcasting Services; Campton, KY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by James P. Wagner proposing the allotment of Channel 279A at Campton, Kentucky, as the community's first local aural transmission service. Channel 279A can be allotted to Campton in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel 279A at Campton are North Latitude 37–44–06 and West Longitude 83–32–48.

DATES: Comments must be filed on or before January 5, 1996 and reply comments on or before January 22, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: James P. Wagner, P.O. Box 201, Alexandria, Kentucky 41001 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 95–170, adopted October 31, 1995, and released November 14, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC 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 contractor, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 95–28610 Filed 11–22–95; 8:45 am]

BILLING CODE 6712–01–F

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 85–15; Notice 18]

RIN 2127 AB87

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices and Associated Equipment; Performance-Oriented Roadway Illumination Headlighting Compliance Alternative

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Termination of rulemaking.

SUMMARY: This notice terminates rulemaking action on the effort known as the Vehicle-Based Roadway Illumination Performance Requirement. It was begun as an attempt to move toward a more performance-oriented, less design-restrictive regulatory solution for assuring safe roadway environment illumination. The agency has not been able to adequately explore the myriad solutions to this problem to the extent necessary to satisfy the public's demand for achieving an objective decision on performance. As a consequence, the agency has decided to temporarily cease rulemaking in this area.

FOR FURTHER INFORMATION CONTACT: Mr. Richard L. Van Iderstine, 400 Seventh Street, SW, Washington, DC 20590. Mr. Van Iderstine's telephone number is: (202) 366–5275. His facsimile number is (202) 366–4329.

SUPPLEMENTARY INFORMATION: On May 9, 1989 (54 FR 20084) the Agency published a proposal to establish an alternative means of compliance with headlighting safety regulations. This proposal was known as the Vehicle-Based Roadway Illumination Performance Requirement or Performance-Oriented Roadway Illumination. The goal was to achieve a more performance-oriented, less design-restrictive regulatory solution for assuring safe roadway environment illumination. Because the outcome of this action had the potential to be so different from any known means of specifying headlighting performance, commenters to the proposal were skeptical that any solution would be usable and that even if it were, the perceived regulatory burdens of it would not be commensurate with the uncertain potential benefits to public safety. This concern occurred because the proposal had the effect of requiring substantially more illumination than was available from contemporary headlighting systems. It was viewed as not practicable by many of the commenters. As a consequence, commenters suggested that all the assumptions underlying the proposal be justified to assure that the significant increase in illumination would at least maintain safety, and that any solution (that might someday be mandated) would be practicable and cost-beneficial. If these criteria could not be achieved, then any solution, even if it were at the manufacturer's option, would have little likelihood of being used on motor vehicles.

The challenge of responding to these comments led NHTSA on a path to attempt to develop a computer-based methodology for quickly solving hundreds of mutually exclusive illumination conditions that occur every second of nighttime driving. Trade-offs are necessary to resolve these mutually exclusive illumination conditions. These conflicting needs exist because, for example, providing the high levels of light that may be needed to see pedestrians on the right side of a straight stretch of road may create glare for oncoming drivers around the next right hand curve in the road. Should the standard require that sufficient light be provided to ensure every pedestrian can be seen, that all glare to other drivers be eliminated, or that some more mutually satisfactory (or unsatisfactory) shared risk solution be achieved? Safety must be achieved both by balancing and by reducing the risks that occur in driving. It must be done in a cost-effective manner. A computer-based tool for