

under the governing regulations with each prior lessee and operating rights owner holding an interest when the obligation was accruing.

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[FR Doc. 95-29864 Filed 12-07-95; 8:45 am]

BILLING CODE 4310-MR-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[WA7-1-5542; FRL-5343-2]

Approval and Promulgation of State Implementation Plans: Washington

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: In this action, Environmental Protection Agency (EPA) invites public comment on its proposed granting of a temporary waiver of the attainment date for the Wallula, Washington particulate nonattainment area. This is based on EPA's review of the State implementation plan (SIP) revision submitted by the State of Washington for the purpose of bringing about attainment of the national ambient air quality standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM-10). The implementation plan was submitted by the State to satisfy certain federal Clean Air Act requirements for an approvable moderate nonattainment area PM-10 SIP for a geographic area referred to as Wallula, Washington due on November 15, 1991.

DATES: Comments on this proposed action must be postmarked by January 8, 1996.

ADDRESSES: Written comments should be addressed to: Montel Livingston, SIP Manager, United States Environmental Protection Agency, Air Programs Branch (AT-082), 1200 Sixth Avenue, Seattle, Washington 98101.

Copies of the State's submittals and other information supporting this proposed action are available for inspection during normal business hours at the following locations: United States Environmental Protection Agency, Office of Air, 1200 Sixth Avenue (AT-082), Seattle, Washington 98101, and the State of Washington Department of Ecology, 4450 Third Ave. SE, Lacey, Washington 98504.

FOR FURTHER INFORMATION CONTACT: George Lauderdale, Office of Air (AT-082), US Environmental Protection

Agency, 1200 Sixth Avenue, Seattle, Washington 98101, (206) 553-6511.

SUPPLEMENTARY INFORMATION:

I. Background

The Wallula, Washington, area was designated nonattainment for PM-10 and classified as moderate under sections 107(d)(4)(B) and 188(a) of the Clean Air Act, by operation of law upon enactment of the Clean Air Act Amendments of 1990.¹ See 56 FR 56694 (Nov. 6, 1991) (official designation codified at 40 CFR 81.348). The air quality planning requirements for moderate PM-10 nonattainment areas are set out in subparts 1 and 4 of Part D, Title I of the Act.² The EPA has issued a "General Preamble" describing EPA's preliminary views on how EPA intends to review SIP's and SIP revisions submitted under Title I of the Act, including those State submittals containing moderate PM-10 nonattainment area SIP requirements [see generally 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992)]. Because EPA is describing its interpretations here only in broad terms, the reader should refer to the General Preamble for a more detailed discussion of the interpretations of Title I advanced in this proposal and the supporting rationale. In this rulemaking action on the Washington moderate PM-10 SIP for the Wallula nonattainment area, EPA is proposing to apply its interpretations, taking into consideration the specific factual issues presented. Additional information supporting EPA's action on this particular area is available for inspection at the address indicated above. EPA will consider any timely submitted comments before taking final action on today's proposal.

Those States containing initial moderate PM-10 nonattainment areas (those areas designated nonattainment under section 107(d)(4)(B)) were required to submit, among other things, the following provisions by November 15, 1991:

1. Provisions to assure that reasonably available control measures (RACM) (including such reductions in emissions from existing sources in the area as may

¹The 1990 Amendments to the Clean Air Act made significant changes to the Act. See Pub. L. 101-549, 104 Stat. 2399. References herein are to the Clean Air Act, as amended ("the Act"). The Clean Air Act is codified, as amended, in the U.S. Code at 42 U.S.C. sections 7401, *et seq.*

²Subpart 1 contains provisions applicable to nonattainment areas generally and subpart 4 contains provisions specifically applicable to PM-10 nonattainment areas. At times, subpart 1 and subpart 4 overlap or conflict. EPA has attempted to clarify the relationship among these provisions in the "General Preamble" and, as appropriate, in today's notice and supporting information.

be obtained through the adoption, at a minimum, of reasonably available control technology—RACT) shall be implemented no later than December 10, 1993;

2. Either a demonstration (including air quality modeling) that the plan will provide for attainment as expeditiously as practicable but no later than December 31, 1994, or a demonstration that attainment by that date is impracticable;

3. Quantitative milestones which are to be achieved every 3 years and which demonstrate reasonable further progress (RFP) toward attainment by December 31, 1994; and

4. Provisions to assure that the control requirements applicable to major stationary sources of PM-10 also apply to major stationary sources of PM-10 precursors except where the Administrator determines that such sources do not contribute significantly to PM-10 levels which exceed the NAAQS in the area. See sections 172(c), 188, and 189 of the Act.

Some provisions were due at a date later than November 15, 1991. States with initial moderate PM-10 nonattainment areas were required to submit a permit program for the construction and operation of new and modified major stationary sources of PM-10 by June 30, 1992 (see section 189(a)). Such States also were to submit contingency measures by November 15, 1993 which become effective without further action by the State or EPA, upon a determination by EPA that the area has failed to achieve RFP or to attain the PM-10 NAAQS by the applicable statutory deadline (see section 172(c)(9) and 57 FR 13543-44).

II. Today's Action

Section 110(k) of the Act sets out provisions governing EPA's review of SIP submittals (see 57 FR 13565-66). For PM-10 nonattainment areas Section 188(f), Waivers for Certain Areas, can apply as well.

In this action, EPA is proposing to grant a temporary waiver of the attainment date for the Wallula nonattainment area. Discussion of EPA's requirements for a temporary waiver are detailed in 59 FR 41998-42017 (August 16, 1994). In this guidance EPA provides certain flexibility for areas where the significance of anthropogenic and nonanthropogenic sources is unknown. The Washington Department of Ecology (Ecology) has presented preliminary data, based on a crude emission inventory of eastern Washington, indicating that nonanthropogenic sources may be significant in the Wallula situation. EPA

proposes to accept this preliminary information and grant a temporary waiver of the moderate area attainment date to allow Ecology and EPA to evaluate further the Wallula nonattainment area. Once the evaluation is completed, and/or the temporary waiver expires, EPA will make a final determination on the plan for the Wallula nonattainment area, including the applicability of a permanent waiver for the area.

The preliminary information presented by Ecology to date indicates that windblown dust from both anthropogenic and nonanthropogenic sources are impacting the Columbia Plateau geographic area which includes most of eastern Washington as well as northern Idaho and northeastern Oregon. In addition, the primary sources causing exceedences of the PM-10 standard may be many miles outside of the currently designated nonattainment areas in the Columbia Plateau region. Additional monitoring has been initiated in the region to evaluate further the extent of the problem. Extensive analysis is being done to distinguish anthropogenic sources from nonanthropogenic sources.

If granted, the proposed temporary waiver will extend the attainment date to December 31, 1997. The temporary three-year waiver will provide Ecology and EPA sufficient time to determine conclusively the significance of anthropogenic and nonanthropogenic PM-10 sources that are impacting the area. As required in the EPA guidance, Ecology and EPA are proceeding under a written agreement which sets out the protocol for both technical analysis (emission inventory, emission factor development, dispersion modeling, receptor modeling, etc.) and evaluation of alternative control measures, including Best Available Control Measures. The activities required under the protocol are generally referred to as the Columbia Plateau PM-10 Project funded by EPA, Ecology and USDA. Cooperating agencies include USDA's Agricultural Research Service and Natural Resources Conservation Service, as well as several local conservation districts, Washington State University, the University of Idaho, and others. Once the technical information from this project is finalized, EPA will determine if a permanent waiver of the attainment date is appropriate for the Wallula area or if the area should be reclassified as a serious PM-10 nonattainment area.

The temporary waiver of the attainment date, if finalized by EPA, will defer approval/disapproval actions on several otherwise required elements

of the moderate area plan for Wallula. The submission of the attainment demonstration, emission inventory, and contingency measures will be deferred. EPA will take final action on these elements after the analysis is completed and/or the expiration of the temporary waiver along with a decision on the eligibility of the area for a permanent waiver. EPA's reasoning for this approach is described in more detail under the various SIP element headings of this notice.

The Wallula plan was submitted to EPA on November 15, 1991. Ecology also submitted additional information on May 18, 1993 which further described the control measures being implemented in the area (letter from Joseph R. Williams to Jim McCormick, forwarding a report titled, "Addendum to the State Implementation Plan for the Wallula PM-10 Nonattainment Area, Reasonably Available Control Measure Analysis", undated). Additional information describing the status of the control measures and forwarding an analysis of windblown dust in the area was submitted on June 23, 1994 (letter from Joseph R. Williams to Jim McCormick). In a June 1, 1995, letter Ecology provided information on allowable emissions. Finally, Ecology forwarded a revised emission inventory for point sources within the nonattainment area on September 6, 1995 (letter from Joseph R. Williams to Michael A. Bussell).

EPA is proposing to approve the exclusion from precursor controls as described in part II. 5 below. EPA invites public comment on the proposed action described in this section.

A. Analysis of State Submission

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.³ 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). The EPA's completeness criteria for SIP submittals

are set out at 40 CFR Part 51, Appendix V (1992). The EPA attempts to make completeness determinations within 60 days of receiving a submission. However, a submittal is deemed complete by operation of law if a completeness determination is not made by EPA six months after receipt of the submission.

Ecology held a public hearing to receive public comment on the Wallula implementation plan on October 23, 1991. WDOE adopted the implementation plan for the area on November 14, 1991 and the plan was submitted to EPA on November 15, 1991. The SIP submittal was reviewed by EPA to determine completeness in accordance with the completeness criteria set out at 40 CFR Part 51, Appendix V. A letter dated May 5, 1992, was forwarded to the WDOE indicating the completeness of the submittal and the next steps to be taken in the review process.

2. PM-10 Emissions Inventory

Section 172(c)(3) of the Act requires that nonattainment plan provisions include a comprehensive, accurate, current inventory of actual emissions from all sources of relevant pollutants in the nonattainment area. Because the submission of the emissions inventory is a necessary adjunct to an area's attainment demonstration (or demonstration that the area cannot practicably attain) the emissions inventory must be received with the demonstration (see 57 FR 13539).

In the 1991 plan Ecology submitted an emissions inventory of estimated actual emissions for the base year of 1990 and the attainment year of 1994, and the 3-year maintenance year of 1997. Ecology sent a letter to EPA on September 6, 1995, partially amending that 1991 inventory. The amended inventory adds an additional point source and revises emission from one area source. EPA considers the changes as minor and they do not significantly impact the overall inventory for the area. Based on the 1995 letter the base year (1990) inventory the major source of particulate matter impacting the area was wind blown dust (98%, an average of 1,553,334 kilograms/day). The remainder of the emission inventory included point sources (less than 1%, 693 kilograms/day) and other area sources (less than 1%, 1215 kilograms/day).

A report titled "An Analysis of the Impact of Biogenic PM-10 Sources on the Spokane PM-10 Nonattainment Area", prepared by the Washington State Department of Ecology, February 1992, presents the most recent

³ Section 172(c)(7) of the Act requires that plan provisions for nonattainment areas meet the applicable provisions of section 110(a)(2).

information on the emission sources in the Columbia Plateau region of eastern Washington (which includes both the Spokane and Wallula nonattainment areas). The report attempts to determine gross annual emissions from anthropogenic and nonanthropogenic sources of PM-10. Preliminary information is presented indicating that about 40% of the annual emissions in eastern Washington are from anthropogenic sources and 60% from nonanthropogenic sources. No attempt was made to estimate the highest 24-hour emissions which, depending on the location, is expected to vary greatly. As discussed previously, the emission inventory information suggests, but does not conclusively show, that nonanthropogenic sources contribute significantly to the Wallula nonattainment area.

The emissions inventory estimating actual emissions generally appears to be accurate and comprehensive consistent with the requirements of section 172(c)(3) of the Clean Air Act and national guidance.⁴ Although, recent information from studies being conducted in eastern Washington indicate that the emission factors used for wind blown dust in the SIP revision are probably inappropriate, EPA thinks that the assumptions were the best available at the time the plan was prepared. The Columbia Plateau PM-10 Project will include the development of emission factors specifically for eastern Washington and preparation of regional emission inventories that will be used to update the Wallula plan.

One additional emission inventory issue relates to the actual and allowable emissions from stack sources. Ecology used highest actuals in the 1991 SIP submission. For one of the point sources, a papermill, allowable emissions are much greater (by a factor of 9) from the actual emissions used in the plan. However, by using the higher allowable emission estimates submitted in the September 6, 1995, letter, the papermill still only represents less than 1% of the emission inventory.

EPA proposes to take no approval or disapproval action on the emission inventory at this time. EPA is requiring, as well as participating in, the development of a detailed emission inventory as part of the Columbia Plateau project. When completed the detailed emission inventory will be used to supplement the current one.

3. RACM (Including RACT)

As noted, the initial moderate PM-10 nonattainment areas must submit provisions to assure that RACM (including RACT) are implemented no later than December 10, 1993 (see sections 172(c)(1) and 189(a)(1)(C)). The General Preamble contains a detailed discussion of EPA's interpretation of the RACM (including RACT) requirement (see 57 FR 13539-45 and 13560-61).

The current Wallula emission inventory identified wind blown dust as the dominant contributor of PM-10 emissions. There are two principal sources of windblown dust: Undisturbed land and agricultural fields. Ecology submitted an analysis of RACM for agricultural sources of PM-10 based on soil conservation measures required by the federal government's implementation of the United States Department of Agriculture's (USDA) Food Security Act (FSA) of 1985, in the Wallula nonattainment area and surrounding areas. EPA Title I preamble guidance suggests states "rely upon the soil conservation requirements (e.g. conservation plans, conservation reserve) of the Food Security Act to reduce emissions from agricultural operations" (see 57 FR 18072).

EPA proposes to accept Ecology's RACM analysis and concludes that RACM is being applied to agricultural sources not only in the nonattainment area but throughout the region surrounding Wallula. Ecology did not evaluate the application of reasonable controls on undisturbed lands. This analysis will be accomplished as part of the Columbia Plateau PM-10 Project.

The 1991 SIP revision contained a commitment from Ecology to adopt provisions of the FSA into state regulation. Ecology has not developed such a regulation. EPA proposes to determine that Ecology need not develop, adopt and submit state regulations that accomplish the same results as the current federal law and regulations. Such action would be unnecessary since the federal government (USDA) has the primary responsibility for implementation, and enforcement, of provisions of the FSA.

Where sources of PM-10 contribute insignificantly to the PM-10 problem in the area, EPA's policy is that it would be unreasonable (and would not constitute RACM) to require the implementation of potentially available control measures. 57 FR 13540. Further, EPA has indicated that for some sources in areas which demonstrate attainment, RACM does not require the implementation of otherwise available control measures that are not

"reasonably" available because their implementation would not expedite attainment (See 57 FR 13543).

In the Wallula situation, RACM for agricultural windblown dust is necessary and all other sources combined do not meet the de minimus guidance for requiring RACM. Even though not required under PM-10 SIP development guidance, Ecology did justify that RACM (including RACT) requirements were being met for two additional sources in the Wallula nonattainment area. Boise Cascade paper mill and the Simplot Feeders Limited Partnership cattle feedlot were evaluated by Ecology and found to be implementing RACM.

The only major (greater than 100 tons per year) stationary source facility within the nonattainment area, the Boise Cascade paper mill, was evaluated in the 1991 SIP submittal. Ecology concluded and documented that RACT is being applied to all stack sources in the facility. The SIP revision does not include any additional control of stack emissions. However, Ecology's RACT analysis did note that one unpaved road needed paving to meet RACT for fugitive dust sources within the facility. Ecology's June 23, 1994 letter documented that the road was paved, thus meeting the final RACT requirement. EPA proposes to accept Ecology's determination and considers the papermill to be at RACT.

The second source, the cattle feedlot, was determined by Ecology as meeting RACM in the 1991 SIP submittal. In 1992, new owners of the feedlot implemented an additional dust abatement measure, a sprinkler system to further reduce fugitive emissions. EPA proposes to accept Ecology's determination of RACM being applied at the feedlot.

EPA is proposing to grant a temporary waiver of the attainment date to December 31, 1997, which will allow Ecology and EPA to determine conclusively the significance of anthropogenic and nonanthropogenic sources impacting Wallula. This action does not relieve the area from the requirement to implement RACM. In the Wallula situation EPA thinks the significant source, as well as the two less significant sources, of PM-10 in the area have been reasonably controlled. Thus, EPA thinks it would be unreasonable to require other smaller sources of PM-10 in the area to implement potentially available control measures or technology. Further, EPA believes implementation of such additional controls in this area would not expedite attainment.

⁴The EPA issued guidance on PM-10 emissions inventories prior to the enactment of the Clean Air Act Amendments in the form of the 1987 PM-10 SIP Development Guideline. The guidance provided in this document appears to be consistent with the Act.

A more detailed discussion of the individual source contributions, their associated control measures and an explanation as to why certain available control measures were not implemented, can be found in the TSD. EPA has reviewed the State's explanation and associated documentation and is proposing to conclude that it adequately justifies the control measures to be implemented.

4. Demonstration

As noted, the initial moderate PM-10 nonattainment areas must submit a demonstration (including air quality modeling) showing that the plan will provide for attainment as expeditiously as practicable but no later than December 31, 1994 (see section 189(a)(1)(B) of the Act). The General Preamble sets out EPA's guidance on the use of modeling for moderate area attainment demonstrations (57 FR 13539). Alternatively, if the State does not submit a demonstration of attainment, the State must show that attainment by December 31, 1994 is impracticable (section 189(a)(1)(B)(ii)).

In the 1991, Wallula SIP submission, Ecology demonstrated attainment of the annual and 24-hour PM-10 standards by 1994. The SIP utilized simple rollback modeling for the demonstration. As with the emission inventory discussion above, EPA finds the attainment evaluation is inadequate. The emission inventory does not adequately document the anthropogenic and nonanthropogenic mix in the dominant emission source, windblown dust. However, since EPA is proposing to grant a temporary, three year, waiver of the attainment date, the approval or disapproval of the attainment demonstration will be deferred until after expiration of the temporary waiver. EPA proposes to make a final decision on the attainment status and classification of the area soon after the temporary waiver expires on December 31, 1997. The alternative decisions include reclassifying the area to a serious PM-10 nonattainment area or granting the area a permanent waiver. EPA invites comments on this approach.

5. PM-10 Precursors

The control requirements which are applicable to major stationary sources of PM-10, also apply to major stationary sources of PM-10 precursors unless EPA determines such sources do not contribute significantly to PM-10 levels in excess of the NAAQS in that area (see section 189(e) of the Act). The General Preamble contains guidance addressing how EPA intends to implement section

189(e) (see 57 FR 13539-40 and 13541-42).

Ecology submitted the emission inventory for PM-10 from the one major stationary source and several small sources. Due to the small contribution of stationary sources to the Wallula nonattainment area, EPA believes that stationary sources of precursors provide an insignificant contribution to the Wallula, Washington, ambient PM-10 concentration and EPA is proposing to grant the area an exclusion from PM-10 precursor control requirements authorized under section 189(e) of the act. Note that while EPA is proposing to make a general finding for this area, this proposed finding is based on the current character of the area including, for example, the existing mix of sources in the area. It is possible, therefore, that future growth could change the significance of precursors in the area. EPA intends to issue future guidance addressing such potential changes in the significance of precursor emissions in an area.

6. Quantitative Milestones and Reasonable Further Progress (RFP)

The PM-10 nonattainment area plan revisions demonstrating attainment must contain quantitative milestones which are to be achieved every three (3) years until the area is redesignated attainment and which demonstrate RFP, as defined in section 171(1), toward attainment by December 31, 1994 (see section 189(c) of the Act). Reasonable further progress is defined in section 171(1) as such annual incremental reductions in emissions of the relevant air pollutant as are required by Part D or may reasonably be required by the Administrator for the purpose of ensuring attainment of the applicable NAAQS by the applicable date.

As stated earlier, EPA is proposing to grant a temporary waiver of the attainment date for the Wallula area. If granted, the area would not be required to meet RFP because in 1998 EPA would determine if the area would receive a permanent waiver or be reclassified to serious.

7. Enforceability Issues

All measures and other elements in the SIP must be enforceable by Ecology and EPA (see sections 172(c)(6), 110(a)(2)(A) and 57 FR 13556). EPA criteria addressing the enforceability of SIP's and SIP revisions were stated in a September 23, 1987 memorandum (with attachments) from J. Craig Potter, Assistant Administrator for Air and Radiation, et al. (see 57 FR 13541). Nonattainment area plan provisions must also contain a program that

provides for enforcement of the control measures and other elements in the SIP (see section 110(a)(2)(C)).

WDOE's control measures and regulations for control of Particulate Matter, which are contained in the SIP, are addressed above under the section headed "RACM (including RACT)." These control measures apply to the types of activities identified in that discussion including, for example, fugitive emissions from agricultural sources. The SIP provides that the affected activities will be controlled throughout the entire nonattainment area.

The SIP requires that all the applicable SIP provisions be implemented by December 10, 1993 (section 189(a)(1)(C)). In addition to the applicable control measures, this includes the applicable record-keeping requirements which are addressed in the supporting technical information document (TSD).

The TSD contains further information on enforceability requirements including enforceable emission limitations; a description of the rules contained in the SIP and the source types subject to them; test methods and compliance schedules; malfunction provisions; excess emission provisions; correctly cited references of incorporated methods/rules; and reporting and recordkeeping requirements. Ecology has the primary responsibility for implementing the measures in the plan. Ecology has compliance inspectors and EPA considers the staffing level adequate to assure that the RACM provision in the Wallula attainment plan are fully implemented. As a necessary adjunct of its enforcement program, Ecology also has broad powers to adopt rules and regulations, issue orders, require access to records and information, and receive and disburse funds.

8. Contingency Measures

As provided in section 172(c)(9) of the Act, all moderate nonattainment area SIP's that demonstrate attainment must include contingency measures (see generally 57 FR 13543-44). These measures must be submitted by November 15, 1993 for the initial moderate nonattainment areas. Contingency measures should consist of other available measures that are not part of the area's control strategy. These measures must take effect without further action by the State or EPA, upon a determination by EPA that the area has failed to make RFP or attain the PM-10 NAAQS by the applicable statutory deadline. Since the action proposed in this Federal Register notice

allows for a temporary extension of the attainment date, EPA proposes to take no action on the contingency measures until after the temporary waiver has elapsed and EPA has determined the eligibility of the area for a permanent waiver.

III. Implications of Today's Action

EPA is proposing to grant a temporary waiver of the December 31, 1994, attainment date to December 31, 1997. If granted, the Washington Department of Ecology will proceed with determining the significance of anthropogenic and nonanthropogenic sources impacting the Wallula PM-10 nonattainment area. When Ecology has completed its analysis, and/or the temporary waiver expires, EPA will make a final determination of the status of the Wallula nonattainment area. EPA is proposing to approve the control measures submitted by Ecology as meeting RACM and as having been fully implemented by December 10, 1993. Finally, EPA is also proposing to grant an exclusion from precursor control requirements as described in part II. 5 of this notice.

IV. Request for Public Comments

EPA is requesting comments on all aspects of today's proposal. As indicated at the beginning of this notice, EPA will consider any comments postmarked by January 8, 1996.

V. Administrative Review

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, Part D of the CAA do not create any new requirements, but simply approve requirements that the state is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds.

Union Electric Co. v. U.S.E.P.A., 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

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

EPA has determined that the proposed action promulgated 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.

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 any SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2224), 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 in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Particulate matter, and Reporting and recordkeeping requirements.

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

Dated: November 7, 1995.
Chuck Clarke,
Regional Administrator.
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BILLING CODE 6560-50-P

DEPARTMENT OF DEFENSE

48 CFR Part 15

Federal Acquisition Regulation; Contracting by Negotiation (FAR Part 15 Rewrite)

AGENCY: Department of Defense (DoD).
ACTION: Notice of public meeting.

SUMMARY: The Director of Defense Procurement, in concert with the Federal Acquisition Regulations Council, is sponsoring an initiative to rewrite the Federal Acquisition Regulation (FAR) Part 15, Contracting by Negotiation. The intent is to make Part 15 easier to understand and to eliminate policies, procedures, or requirements that impose unnecessary burdens on contractors or contracting officers. Regulatory requirements that are not required by statute, required to ensure adequately standardized government business practices, or required to protect the public interest will be considered for elimination. Innovative means of simplifying the procurement process and enhancing its efficiency will be considered for incorporation into the regulation. The rewrite team will use a number of fora to facilitate the exchange of ideas and information. Comments are solicited from both government and industry personnel, and notices of public meetings will be published in the Federal Register. To initiate the rewrite effort, interested parties are invited to present statements or provide suggestions on how to improve FAR Part 15 at a public meeting.

DATES: Public Meeting: A public meeting will be conducted at the address shown below from 1 p.m. to 3 p.m., Eastern standard time, on January 23, 1996.

Statements: Statements from interested parties for presentation at the public meeting should be submitted to the address below on or before January 16, 1996.

ADDRESSES: Public Meeting: The location of the public meeting is the General Services Administration auditorium, 18th and F Streets NW., Washington, D.C. 20405. Individuals wishing to attend the meeting, including individuals wishing to make presentations on the topic scheduled for discussion should contact the Part 15 Rewrite Committee Chair, Ms. Melissa