

M048 Automation-Compatible Flats

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2.0 PACKAGE PREPARATION

[Renummer 2.1 as 2.0 and remove the 2.1 section heading; remove 2.2.]

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An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 95-30989 Filed 12-20-95; 8:45 am]

BILLING CODE 7710-12-M

Environmental Protection Agency

40 CFR Part 52

[GA-27-1-7186a; FRL-5320-3]

Approval and Promulgation of Implementation Plans Georgia: Approval of Revisions to Georgia Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving the revision to the Georgia State Implementation Plan (SIP). On May 5, 1994, the Georgia Environmental Protection Division submitted regulations 391-3-21-.01 through .11 establishing a Clean Fuel Fleet program. These rules became effective on May 22, 1994.

DATES: This final rule will be effective February 20, 1996, unless adverse or critical comments are received by January 22, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments on this action should be addressed to Benjamin Franco, at the EPA Regional Office listed below. Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.
Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street NE, Atlanta, Georgia 30365.
Georgia Environmental Protection Division, 4244 International Parkway, Suite 120, Atlanta, GA 30354.

FOR FURTHER INFORMATION CONTACT: Benjamin Franco, Regulatory Planning

and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30365. The telephone number is 404/347-3555 x-4211. Reference file GA27-1-7186a.

SUPPLEMENTARY INFORMATION: Section 246(a) of the 1990 Clean Air Act (CAA) requires ozone nonattainment areas classified serious and above to implement a Clean Fuel Fleet (CFF) program. The program is designed to introduce lower-emitting vehicles into centrally fueled fleets in ozone nonattainment areas classified as serious. By choosing to introduce clean fuel vehicles in centrally fueled fleets, Congress focused on vehicle operators that often have more control over their source of fuel than does the general public. Additionally, the central control which operators maintain over their vehicles simplifies the issues related to vehicle maintenance and refueling. Finally, because fleet vehicles typically travel more miles and are replaced more frequently than non-fleet vehicles, they offer a greater opportunity to improve air quality, on a per-vehicle basis and in a more timely manner, than potentially could be achieved by concentrating on a similar number of non-fleet vehicles.

The Georgia Department of Natural Resources adopted on April 29, 1994, Regulations 391-3-21-.01 through .11 establishing a CFF program. The program will be required in the counties of Cherokee, Clayton, Cobb, Coweta, Dekalb, Douglas, Fayette, Fulton, Forsyth, Gwinnett, Henry, Paulding and Rockdale. Fleets of 10 or more vehicles that are centrally fueled or capable of being centrally fueled and operated in the above counties are required to include in their new vehicle purchases a certain percentage of clean fueled vehicles (CFV). A CFV is one which meets any one of the three sets of exhaust emission standards. The emission standards and the vehicles which meet them are referred to as low emission vehicles (LEV), ultra low emission vehicles (ULEV), and zero emission vehicles (ZEV).

Vehicles weighing 26,000 lbs. or less will count towards the requirement. The purchase must start with 1998 model year vehicles. The phase-in schedule for vehicles weighing up to 8,500 lbs. Gross Vehicle Weight Rating (GVWR) is: 30 percent Model Year 1998, 50 percent Model Year 1999, 70 percent Model Year 2000 and after. The phase-in schedule for vehicles weighing above 8,500 lbs GVWR is: 50 percent Model Year 1998, 50 percent Model Year 1999,

50 percent Model Year 2000 and after. The following vehicles are exempted from these requirements: motor vehicles for lease or rental to the general public, dealer demonstration vehicles that are used solely for the purpose of promoting motor vehicle sales, emergency vehicles, law enforcement vehicles, nonroad vehicles (farm and construction vehicles), vehicles garaged at a personal residence and not being centrally fueled, and vehicles used for motor vehicle manufacturer product evaluations and tests.

Regulation 391-3-21.08 establishes a credit program in order to help fleets meet the CFF program requirements. Credits can be generated by three ways: (1) By purchasing CFVs prior to 1998, (2) by purchasing extra or exempted CFVs, and (3) by purchasing CFVs with stricter emissions standards such as ULEV and ZEV. These credits can only be used in the designated nonattainment area. Credits can be used towards future purchases or can be sold or traded to other operators. The Georgia Environmental Protection Division (GAEPD) will keep, approve and track all credits.

Final action

The EPA is approving 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, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective February 20, 1996, unless, within 30 days of its publication, adverse or critical comments are received.

If the EPA receives such comments, 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 the separate proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective February 20, 1996.

The Agency has reviewed this request for revision of the Federally-approved State Implementation Plan for conformance with the provisions of the 1990 Amendments enacted on November 15, 1990. The Agency has determined that this action conforms with those requirements.

Under Section 307(b)(1) of the Act, 42 U.S.C. 7607 (b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 20, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2) of the Act, 42 U.S.C. 7607 (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 Executive Order 12866 review.

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

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *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 Actions

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. section 7410(a)(2) and 7410(k)(3).

Unfunded Mandates

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 246 of the Clean Air Act. These rules may bind State, local and tribal governments to perform certain actions and also require the private sector to perform certain duties. To the extent that the rules 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.

List of Subjects in 40 CFR Part 52

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

Dated: September 29, 1995.

Patrick M. Tobin,
Acting Regional Administrator.

Part 52 of chapter I, title 40, Code of Federal Regulations, 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 L—Georgia

2. Section 52.570 is amended by adding paragraph (c)(48) to read as follows:

§ 52.570 Identification of plan.

* * * * *

(c) * * *

(48) Clean Fuel Fleet program submitted to EPA by the Georgia Department of Natural Resources on May 5, 1994.

(i) Incorporation by reference.

(A) Addition of Regulations 391-3-21-.01, "Definitions," 391-3-21-.02, "Covered Area," 391-3-21-.03, "Covered Fleet Operators," 391-3-21-.04, "Covered Fleet Vehicles," 391-3-21-.05, "Determination of Capable of Being Centrally Fueled," 391-3-21.06, "Purchase Requirements," 391-3-21.07, "Emission Standards," 391-3-21.08, "Credit Program," 391-3-21.09, "Transportation Control Exemptions," 391-3-21.10, "Requirements for Fuel Providers," 391-3-21-.11, "Enforcement" which became effective on May 22, 1994.

(ii) Other material. None.

[FR Doc. 95-31038 Filed 12-20-95; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 7177

[AK-932-1430-01; A-061697, AA-45553]

Withdrawal of Public Land for the Glacier Loop Administrative Site; Revocation of Secretarial Order dated December 31, 1941; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 22.51 acres of public land from all forms of appropriation under the public land laws, including location and entry under the mining laws, for a period of 20 years for the Department of Agriculture, Forest Service, to protect the Glacier Loop Administrative Site. The land has been and will remain closed to mineral leasing as it is located within an incorporated city (30 U.S.C. 181 (1988)). This order also revokes in its entirety a Secretarial order as it affects 27.06 acres of public land withdrawn for use by the Federal Aviation Administration as Air Navigation Site No. 173. The land is no longer needed for the purpose for which it was withdrawn. The public land that will not be withdrawn for use by the Forest Service will be subject to the terms and conditions of Public Land Order No. 5180, as amended, and any other withdrawal of record.