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).

If the conditional approval is converted to a disapproval under Section 110(k), based on the Commonwealth's failure to meet the commitment, it will not affect any existing State requirements applicable to small entities. Federal disapproval of the State submittal does not affect its State-enforceability. Moreover, EPA's disapproval of the submittal does not impose a new federal requirement. Therefore, EPA certifies that this disapproval action does not have a significant impact on a substantial number of small entities because it does not remove existing State requirements nor does it substitute a new federal requirement.

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 revision, the State and any affected local or tribal governments have elected to adopt the program provided for under Sections 182(b) 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.

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(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 review under Executive Order 12866.

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

Under 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 October 28, 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 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).)

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Ozone.

Dated: July 22, 1996.

John P. DeVillars,

Regional Administrator, Region I.

Part 52 of chapter I, title 40 of the 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 W—Massachusetts

2. Section 52.1119 is amended by adding paragraph (a)(2) to read as follows:

§ 52.1119 Identification of plan-conditional approval.

* * * * * *

(a) * * *

(2) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on January 11, 1995 and March 29, 1995.

(i) Incorporation by reference.

(A) Letters from the Massachusetts Department of Environmental Protection dated January 11, 1995 and March 29, 1995 submitting a revision to the Massachusetts State Implementation Plan.

(B) 310 CMR 7.24(8) ''Marine Vessel Transfer Operations'' effective in the Commonwealth of Massachusetts on January 27, 1995.

(C) Definitions of ''combustion device,'' ''leak,'' ''leaking component,'' ''lightering or lightering operation,'' ''loading event,'' ''marine tank vessel,'' ''marine terminal,'' ''marine vessel,'' ''organic liquid,'' and ''recovery device'' in 310 CMR 7.00 ''Definitions'' effective in the Commonwealth of Massachusetts on January 27, 1995.

(ii) Additional materials.

(A) Letter from the Massachusetts Department of Environmental Protection dated February 1, 1996 committing to address the outstanding issues associated with 310 CMR 7.24(8) as identified by EPA in a letter dated September 19, 1995.

(B) Nonregulatory portions of the submittal.

[FR Doc. 96–21692 Filed 8–26–96; 8:45 am]

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40 CFR Part 52

[CA 014–0014; FRL–5553–5]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, El Dorado County Air Pollution Control District, Kern County Air Pollution Control District, Placer County Air Pollution Control District, Santa Barbara County Air Pollution Control District, and the South Coast Air Quality Management District; Withdrawal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Due to an adverse comment, EPA is withdrawing the direct final rule

for the approval of revisions to the California State Implementation Plan. EPA published the direct final rule on June 12, 1996 (61 FR 29659), approving revisions to rules from the following air pollution control districts: El Dorado County Air Pollution Control District (EDCAPCD), Kern County Air Pollution Control District (KCAPCD), Placer County Air Pollution Control District (PCAPCD), Santa Barbara County Air Pollution Control District (SBCAPCD), and the South Coast Air Quality Management District (SCAQMD). As stated in that Federal Register document, if adverse or critical comments were received by July 12, 1996, the effective date would be delayed and notice would be published in the Federal Register. EPA subsequently received adverse comments on that direct final rule. EPA will address the comments received in a subsequent final action in the near future. EPA will not institute a second comment period on this document.

EFFECTIVE DATE: Withdrawal of the direct final rule is effective on August 27, 1996.

FOR FURTHER INFORMATION CONTACT: Erik Beck, Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Internet: beck.erik@epamail.epa.gov Telephone: (415) 744–1202.

SUPPLEMENTARY INFORMATION: See the information provided in the direct final rule located in the final rules section of the June 12, 1996 Federal Register, and in the Federal Register document located in the proposed rule section of the June 12, 1996 (61 FR 29725) Federal Register.

List of Subjects in 40 CFR Part 52

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

Dated: August 8, 1996.

Alexis Strauss,

Acting Regional Administrator.

Subpart F of part 52, chapter I, title 40 of the 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 F—California

§ 52.220 [Amended]

2. Section 52.220 is amended by removing paragraphs (c)(185)(i)(A)(*9*), (194)(i)(G), (198)(i)(K), (207)(i)(B)(*2*), and (225)(i)(B)(*3*).

[FR Doc. 96–21691 Filed 8–26–96; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 20 and 22

[CC Docket No. 94–54; FCC 96–284]

Provision of Roaming Services by Commercial Mobile Radio Service Providers

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Communications Commission adopts a *Second Report and Order and Third Notice of Proposed Rulemaking* regarding the offering of roaming services by commercial mobile radio service providers. The *Third Notice of Proposed Rulemaking* portion of this decision is summarized elsewhere in this edition of the Federal Register. The *Second Report and Order* expands the scope of the Commission's existing ''manual'' roaming rule. As a result of this action, cellular, broadband personal communications services and certain specialized mobile radio licensees must, as a condition of their licenses, provide service upon request to any individual roamer whose handset is technically capable of accessing their networks. This decision is needed to ensure that customers of all providers competing in the mass market for two-way, real-time, interconnected switched voice service have an equal opportunity to obtain manual roaming service if they are using technically compatible equipment, thus promoting competition.

EFFECTIVE DATE: October 28, 1996.

FOR FURTHER INFORMATION CONTACT: Jeffrey Steinberg, Wireless Telecommunications Bureau, (202) 418–1310.

SUPPLEMENTARY INFORMATION: This is a summary of the *Second Report and Order (Second R&O)* portion of the Commission's *Second Report and Order and Third Notice of Proposed Rulemaking* in CC Docket No. 94–54, FCC 96–284, adopted June 27, 1996, and released August 13, 1996. The summary of the *Third Notice of Proposed Rulemaking* portion of this decision may be found elsewhere in this edition of the Federal Register. The complete text of this *Second R&O* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC, 20037.

Synopsis of the Second Report and Order

1. In this *Second R&O,* the Commission extends its existing rule under which cellular licensees are required to provide manual roaming service upon request to subscribers in good standing of any cellular carrier.

2. ''Roaming'' occurs when the subscriber of one commercial mobile radio service (CMRS) provider utilizes the facilities of another CMRS provider with which the subscriber has no direct pre-existing service or financial relationship to place an outgoing call, to receive an incoming call, or to continue an in-progress call. Typically, although not always, roaming occurs when the subscriber is physically located outside the service area of the provider to which he or she subscribes. Under § 22.901 of the Commission's rules, cellular system licensees ''must provide cellular mobile radiotelephone service upon request to all cellular subscribers in good standing, including roamers, while such subscribers are located within any portion of the authorized cellular geographic service area * * * where facilities have been constructed and service to subscribers has commenced.''

3. The Commission initiated this proceeding in a *Notice of Proposed Rulemaking and Notice of Inquiry*, 59 FR 35664, July 13, 1994, which requested comment regarding whether the obligation to permit roaming should be extended to all CMRS, what regulatory standards are appropriate to promote roaming, and what technical issues or requirements are implicated. In the *Second Notice of Proposed Rulemaking* (*Second NPRM*), 60 FR 20949, April 28, 1995, the Commission tentatively concluded that roaming service is important to the development of a seamless CMRS ''network of networks.'' The *Second NPRM* also tentatively concluded that uncertainties concerning the technological development of non-cellular CMRS and the likelihood that market forces would adequately promote the availability of roaming counseled regulatory caution. Therefore, the Commission proposed, in lieu of a rule, to monitor the development of roaming service and to intercede as appropriate. In addition,