

Dated: March 21, 1995.

Stanley L. Laskowski,

Acting Regional Administrator, Region III.

[FR Doc. 95-10707 Filed 5-1-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Parts 52 and 81

[OH50-1-6077b; FRL-5183-6]

Approval And Promulgation Of Implementation Plans And Designation Of Areas For Air Quality Planning Purposes: State Of Ohio

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: The USEPA proposes to approve the redesignation request and maintenance plan for Toledo, Ohio as a revision to Ohio's State Implementation Plan (SIP) for ozone. In the final rules section of this **Federal Register**, the USEPA is approving the State's redesignation request and maintenance plan as a direct final rule without prior proposal because USEPA views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If USEPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on the proposed rule. USEPA will not institute a second comment period on this notice. Any parties interested in commenting on this notice should do so at this time.

DATES: Comments on this action must be received by June 1, 1995.

ADDRESSES: Written comments should be mailed to:

William MacDowell, Chief, Regulation Development Section, Air Enforcement Branch (AE-17J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604
Copies of the State submittal and USEPA's analysis of it are available for inspection at:

Regulation Development Section, Air Enforcement Branch (AE-17J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604

FOR FURTHER INFORMATION CONTACT: Angela Lee, (312) 353-5142, Regulation Development Section, Air Enforcement Branch (AE-17J), United States

Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule published in the final rules section of this **Federal Register**.

Dated: March 14, 1995.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 95-10694 Filed 5-1-95; 8:45 am]

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40 CFR Part 82

[FRL-5199-5]

Reconsideration of the Significant New Alternatives Policy Rule

AGENCY: United States Environmental Protection Agency.

ACTION: Proposed stay.

SUMMARY: On December 8, 1994 EPA announced a 3-month administrative stay (59 FR 63255) based on EPA's decision to reconsider the Significant New Alternative Policy (SNAP) rule as it applies to substitutes manufactured solely for export (59 FR 13044, March 18, 1994). This action stays the effectiveness of the SNAP rule as it applies to substances produced solely for export, including the applicable compliance dates, until EPA takes final action reconsidering the SNAP rule. At that time, EPA will also take final action, as appropriate, establishing the effective date of the rule for such substances.

DATES: Comments on this proposal must be received by June 1, 1995 at the address below. A public hearing, if requested, will be held in Washington, D.C. Requests for a hearing should be submitted to Robert Waugh by June 1, 1995 at the address below. If a hearing is requested, EPA will publish notice of such hearing in the **Federal Register**.

ADDRESSES: Written comments on this proposed action should be addressed to Robert Waugh, Substitutes Analysis and Review Branch, Stratospheric Protection Division, Office of Air and Radiation, (6205-J) 401 M Street, SW, Washington, DC 20460. Comments should be strictly limited to the subject matter of this proposal, the scope of which is discussed below.

DOCKET: Pursuant to section 307(d)(1) of the CAA, 42 U.S.C. 7607(d)(1), this action is a public docket for this action, A-91-42, which is available for public inspection and copying between 8 a.m. and 4 p.m., Monday through Friday, at the following address. A reasonable fee

may be charged for copying. U.S. Environmental Protection Agency, Docket No. A-91-42, Air Docket (6102), Room M1500, Waterside Mall, 401 M Street SW., Washington, DC 20460 (202) 245-3639.

FOR FURTHER INFORMATION CONTACT:

Robert Waugh at (202) 233-9152 or Fax (202) 233-9577.

SUPPLEMENTARY INFORMATION:

I. Background

On December 8, 1994, EPA announced that, pursuant to CAA section 307(d)(7)(B), 42 U.S.C. 7607(d)(7)(B), it was convening a proceeding for reconsideration of the SNAP rule as it applies to substances manufactured for export (59 FR 63255). In that notice, USEPA also announced a 3-month administrative stay of the SNAP rule as it applies to substitutes produced solely for export. However, USEPA will be unable to complete reconsideration (including any appropriate regulatory revision) of the rule within the 3-month period expressly provided by CAA section 307(d)(7)(B). Therefore, EPA is proposing to temporarily extend the stay of the SNAP rule as it applies to substitute use for export until EPA completes its reconsideration and final rulemaking action. If USEPA takes final action to impose this stay, the stay would extend until the effective date of USEPA's final action following reconsideration of the SNAP rule.

II. Authority for Stay and Reconsideration

This notice proposes, pursuant to CAA section 110(c), 301(a)(1) and 307(d)(1)(B), 42 U.S.C. 7410(c), 7601(a)(1) and 7607(d)(1)(B), to temporarily stay the elements of the rule that apply to substitutes manufactured solely for export, as well as applicable compliance dates beyond the three months expressly provided in section 307(d)(7)(B). This stay is only effective if and as long as it is necessary to complete reconsideration (including any appropriate regulatory action) of the referenced elements of the rule. Pursuant to the rulemaking procedures set forth in CAA section 307(d), 42 U.S.C. 7607(d), USEPA hereby requests public comment on this proposed temporary extension of the three-month stay.

III. Administrative Requirements

It has been determined that this notice is not a "significant regulatory action" under the terms of Executive Order 12866 (58 FR 51735; October 4, 1993)

and is therefore not subject to OMB review.

List of Subjects in 40 CFR Part 82

Environmental protection, Air pollution control.

Dated: April 24, 1995.

Carol M. Browner,
Administrator.

40 CFR part 82 is amended as follows:

PART 82—PROTECTION OF STRATOSPHERIC OZONE

1. The authority citation of part 82 continues to read as follows:

Authority: 42 U.S.C. 7414, 7601, 7671–7671q.

2. Section 82.174 is amended by adding paragraph (e) to read as follows:

§ 82.174 Prohibitions.

* * * * *

(e) *Rules Stayed for Reconsideration.* Notwithstanding any other provision of this subpart, the effectiveness of subpart G is stayed from May 2, 1995 to until the effective date of USEPA's final action following reconsideration of the SNAP rule only as applied to use of substitutes for export.

[FR Doc. 95–10624 Filed 5–1–95; 8:45 am]

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40 CFR Part 300

[FRL–5200–3]

National Priorities List for Uncontrolled Hazardous Waste Sites

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (“CERCLA” or “the Act”), as amended, requires that the National Oil and Hazardous Substances Pollution Contingency Plan (“NCP”) include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. The National Priorities List (“NPL”) which is appendix B to 40 CFR part 300 constitutes this list.

In this document, the Environmental Protection Agency (EPA) is withdrawing its proposal to list the Texas Eastern Kosciusko Compressor Station site on the NPL. Because of the unique circumstances surrounding this site, NPL listing has been deemed unnecessary. The rationale supporting this action are explained further in the

Supplementary Information section below.

DATES: This withdrawal is effective May 2, 1995.

FOR FURTHER INFORMATION CONTACT: June Wiaz, Hazardous Site Evaluation Division, (703) 603–8864, Office of Emergency and Remedial Response (5204G), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC, 20460, or the Superfund Hotline, phone (800) 424–9346, or (703) 412–9810 in the Washington DC, metropolitan area.

SUPPLEMENTARY INFORMATION: In this document, EPA is withdrawing its proposal to list Texas Eastern's Kosciusko, Mississippi, Compressor Station Site on the National Priorities List (NPL). EPA proposed to add the Kosciusko site to the NPL on August 23, 1994 (59 FR 43314).

Texas Eastern's comments on the proposal and other information submitted to the Agency have led EPA to withdraw it. EPA's reasons for withdrawal are multi-faceted. First, this is a site unique among those on the NPL or proposed for NPL listing. The Kosciusko site is just one of 89 along the company's pipeline (which extends from the Gulf of Mexico to New York). Second, Texas Eastern currently is addressing all of the affected sites under a federally enforceable Consent Decree negotiated with the United States pursuant to the Toxic Substances Control Act (TSCA). Texas Eastern is expected to spend approximately \$750 million over the next 10 years complying with the Consent Decree.

Under the Consent Decree, dated June 1988 and amended March 1995, there is an agreed-upon schedule of characterization for the 89 sites. Texas Eastern maintains that it was their expectation, when they entered into the consent agreement, that it would shield them from inclusion on the NPL and action under CERCLA. The Agency accepts that Texas Eastern has acted in good faith to carry out the provisions of that agreement.

Texas Eastern has nominated the Kosciusko site as one of 10 of its pipeline sites scheduled for remediation in 1996. This represents an accelerated schedule for the Kosciusko site which will be fully characterized during 1995. EPA and Texas Eastern have negotiated modifications to the Consent Decree requiring that the company address all significant off-site contamination attributable to the Kosciusko Compressor Station. Texas Eastern's efforts at characterizing the site include a five-year fish study. The study which has been going on for more than two

years, will help determine the nature and extent of the PCB contamination. This characterization of downstream effects will be useful in remedy selection.

Allowing the Consent Decree process to govern cleanup of the Kosciusko site stems from a desire to avoid a fragmented approach to Texas Eastern's 89 sites. The alternative—trying to address all sites under various Federal statutes with different requirements and cleanup levels—would result in inconsistent cleanups and a much slower process. In negotiating the Consent Decree, the United States and Texas Eastern sought to develop an orderly process by which response work would proceed. Listing the site on the NPL arguably violates this process.

For these reasons EPA, at this time, elects to withdraw its proposal to list the Kosciusko compressor station site on the NPL. However, should conditions change (i.e. insufficient progress toward cleanup) such that placing the site on the NPL would effect a more thorough and timely cleanup, EPA reserves the right to re-propose the site.

List of Subjects in 40 CFR Part 300

Air pollution control, Chemicals, Environmental protection, Hazardous materials, Hazardous substances, Incorporation by reference, Intergovernmental relations, Natural resources, Occupational safety and health, Oil pollution, Reporting and recordkeeping requirements, Superfund, Waste treatment and disposal, Water pollution control, Water supply.

Dated: April 24, 1995.

Elliott P. Laws,

Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 95–10751 Filed 5–1–95; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 625

[Docket No. 950421111–5111–01; I.D. 022895B]

Summer Flounder Fishery; Dealer Reporting Requirements

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.