

Act forbids the EPA to base its actions concerning SIPs on such grounds. (*Union Electric Co. v. USEPA*, 427 U.S. 246, 256-66 (1976; 42 U.S.C. 7410(a)(2)).

Under sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 (Unfunded Mandates Act), signed into law on March 22, 1995, the EPA must assess whether various actions undertaken in association with proposed or final regulations 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.

The EPA's final action will relieve requirements otherwise imposed under the CAA and, hence, does not impose any Federal intergovernmental mandate, as defined in section 101 of the Unfunded Mandates Act. This action also will not impose a 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.

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 29, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purpose 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 CAA).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Conformity, Oxides of nitrogen, Ozone, Transportation conformity.

Dated: February 12, 1996.

Jane N. Saginaw,
Regional Administrator.

40 CFR part 52 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 T—Louisiana

3. Section 52.992 is amended by adding paragraph (c) to read as follows:

§ 52.992 Areawide nitrogen oxides (NO_x) exemptions.

* * * * *

(c) The LDEQ submitted to the EPA on July 25, 1995, a revision to the SIP, pursuant to section 182(b)(1), requesting that the Baton Rouge serious ozone nonattainment area be exempted from the transportation conformity NO_x requirements of the CAA. The Baton Rouge nonattainment area consists of East Baton Rouge, West Baton Rouge, Pointe Coupee, Livingston, Iberville, and Ascension Parishes. The exemption request was based on photochemical grid modeling which shows that additional reductions in NO_x would not contribute to attainment in the nonattainment area. On February 12, 1996, the EPA approved the State's request for an areawide exemption from the transportation conformity NO_x requirements.

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40 CFR Part 52

[MI28-02-7224; FRL-5324-4]

Approval and Promulgation of Implementation Plan; Michigan

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Final rule; correction.

SUMMARY: On July 26, 1994 the USEPA published a final rule approving Michigan's 1990 base year ozone emission inventory for the Grand Rapids and Muskegon nonattainment areas submitted as a revision to the Michigan state implementation plan (58 FR 37944). The supplementary information to the final rule included errors on the totals of volatile organic compounds (VOC) emissions. The intent of this document is to provide the correct VOC emission totals.

Specifically, on page 37946 of the final rule, the table "Daily VOC Emissions From All Sources" incorrectly lists the total VOC emissions in tons per summer weekday (tpd) for the Grand Rapids and Muskegon as 199.29 and 58.53, respectively. The correct total VOC emissions are 203.29 tpd for Grand Rapids, and 59.38 tpd for Muskegon.

EFFECTIVE DATE: This correction is effective February 27, 1996.

FOR FURTHER INFORMATION CONTACT: Charles C. Hatten, Environmental Engineer, Regulation Development Section, Air and Radiation Branch (AT-18J), U.S. Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 886-6031.

List of Subjects in 40 CFR Part 52

Environmental protection, Ozone, Volatile organic compounds.

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

Dated: October 10, 1995.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 96-4394 Filed 2-26-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 799

[OPPTS-421111; FRL-4988-9]

RIN 2070-AB94

Withdrawal of Certain Testing Requirements for Office of Water Chemicals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is amending the final test rule for the Office of Water Chemicals in 40 CFR 799.5075 by rescinding the 90-day and 14-day testing requirements for chloroethane. The testing requirements are being rescinded because the Agency has received data adequate to meet the data needs for which the test rule was promulgated.

DATES: This amendment shall become effective on February 27, 1996. In accordance with 40 CFR 23.5, this rule shall be promulgated for purposes of judicial review at 1 p.m. eastern (daylight or standard as appropriate) time on February 27, 1996.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551; e-mail: TSCA-Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA is amending the final test rule for the Office of Water Chemicals in 40 CFR 799.5075 by rescinding: (1) The 90-day subchronic testing requirement for chloroethane, and (2) the 14-day testing requirement for chloroethane.

I. Background

In the Federal Register of September 21, 1995 (60 FR 48948) (FRL-4972-3), EPA proposed rescinding the 90-day subchronic testing requirement for chloroethane and the 14-day testing requirement for chloroethane. EPA promulgated the rule (FRL-4047-2) establishing these testing requirements pursuant to TSCA section 4(a), and published the final rule in the Federal

Register on November 10, 1993 (58 FR 59667).

EPA proposed rescinding the testing requirements for chloroethane because it received a 14-day single oral dose study from the Dow Chemical Company on May 1, 1995. This study, entitled "Ethyl Chloride Palatability and 14-day Drinking Water Toxicity Study in Fischer 344 Rats", concluded that there were no toxicological effects from the drinking water administration of chloroethane to the treated rats at the level of practical saturation. After submission of additional information requested by the Agency (Refs. 2, 2a, 3, and 4), EPA reviewed the study and concluded that the study was adequate to meet the data needs for which the test rule was prepared, to establish a Health Advisory for chloroethane for EPA's Office of Water (Ref. 5). Therefore, EPA is rescinding the 90-day and 14-day testing requirements for chloroethane. The final test rule for Drinking Water Contaminants Subject to Testing ("the Office of Water Chemicals test rule"), which EPA is now amending, is codified in 40 CFR 799.5075.

II. Public Comments

EPA received one public comment from the Dow Chemical Company, the test sponsor for chloroethane, which agreed with the Agency proposal.

III. Amended Testing Requirements

The Office of Water Chemicals test rule at 40 CFR 799.5075 is amended to delete the 14-day and the 90-day subchronic testing requirement for chloroethane. Specifically, parties subject to the test rule will no longer have to comply with 40 CFR 799.5075 (a)(1), (c)(1)(i)(A), and (c)(2)(i)(A).

IV. Economic Analysis

Eliminating these testing requirements will reduce testing costs. Therefore, this amendment should not cause adverse economic impact.

V. Rulemaking Record

EPA has established a docket for this rulemaking (docket number OPPTS-42111I). This docket contains the basic information considered by EPA in developing this rule, appropriate Federal Register notices, and the comment received on the proposal. The rulemaking record includes the following:

(1) Letter from Annette L. Hayes of Latham Watkins to Amber L. Aranda, U.S.E.P.A. transmitting April 28, 1995 Dow Chemical Study (May 1, 1995) (with attachment:).

(a) Dow Chemical Company. Study titled "Ethyl Chloride: Palatability and 14-Day

Drinking Water Toxicity Study in Fischer 344 Rats" (April 28, 1995).

(2) Facsimile note from Roger A. Nelson, USEPA to Dr. Lynn Pottenger, The Dow Chemical Company requesting information (June 7, 1995) (with attachment:).

(a) Memorandum from Jennifer Orme-Zavaleta, U.S.E.P.A. to Frank Kover, U.S.E.P.A. requesting additional data (June 5, 1995).

(3) Letter from Lynn Pottenger, The Dow Chemical Company to Roger Nelson, U.S.E.P.A., RE: Questions on Chloroethane Study Report (June 9, 1995).

(4) The Dow Chemical Company. Report Addendum to Ethyl Chloride: Palatability and 14-Day Drinking Water Toxicity Study in Fischer 344 Rats (June 9, 1995).

(5) Memorandum from Jennifer Orme-Zavaleta, U.S.E.P.A. to Frank Kover, U.S.E.P.A. Office of Water Review (July 14, 1995).

(6) The Dow Chemical Company. Comment on docket number OPPTS-42111H (FRL-4972-3) (October 16, 1995).

VI. Public Docket

The docket for this rulemaking is available for inspection from 12 noon to 4 p.m., Monday through Friday, except legal holidays. The TSCA Public Docket Office is located in Room B-607 Northeast Mall, 401 M Street SW., Washington, DC 20460.

VII. Other Regulatory Requirements

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. Under section 3(f), the order defines a "significant regulatory action" as an action that is likely to result in a rule (1) having an annual effect on the economy of \$100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also referred to as "economically significant"); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, it has been determined

that this rule is not "significant" and is therefore not subject to OMB review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), I certify that this test rule would not have a significant impact on a substantial number of small businesses because the amendment would relieve a regulatory obligation to conduct certain chemical tests.

C. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

Today's rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, or tribal governments or the private sector. This rule reduces enforceable duties on any of these governmental entities or the private

sector by revoking rules requiring testing.

D. Paperwork Reduction Act

OMB has approved the information collection requirements contained in this test rule under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, and has assigned OMB Control number 2070-0033. This rule would reduce the public reporting burden associated with the testing requirement under the final test rule. A complete discussion of the reporting burden is contained at 58 FR 59680, November 10, 1993.

List of Subjects in 40 CFR Part 799

Environmental protection, Chemicals, Chemical export, Hazardous substances, Health effects, Laboratories, Provisional testing, Reporting and recordkeeping requirements, Testing, Incorporation by reference.

Dated: February 11, 1996.

Lynn R. Goldman,

Assistant Administrator for Prevention, Pesticides, and Toxic Substances.

Therefore, 40 CFR, chapter I, subchapter R, is amended as follows:

PART 799—[AMENDED]

1. The authority citation for part 799 would continue to read as follows:

Authority: 15 U.S.C. 2603, 2611, 2625.

2. Section 799.5075 is amended by revising paragraphs (a)(1), (c)(1)(i)(A), (c)(2)(i)(A), and (d)(1) to read as follows:

§ 799.5075 Drinking water contaminants subject to testing.

(a) *Identification of test substance.* (1) 1,1,2,2-tetrachloroethane (CAS No. 79-34-5), and 1,3,5-trimethylbenzene (CAS No. 108-67-8) shall be tested as appropriate in accordance with this section.

* * * * *

(c) *Health effects testing—(i) Required testing.* (A) An oral 14-day repeated dose toxicity test shall be conducted with 1,1,2,2-tetrachloroethane, and 1,3,5-trimethylbenzene in accordance with § 798.2650 of this chapter except for the provisions in § 798.2650 (a), (b)(1), (c), (e)(3), (e)(4)(i), (e)(5), (e)(6), (e)(7)(i), (e)(7)(iv), (e)(7)(v), (e)(8)(vii), (e)(9)(i)(A), (e)(9)(i)(B), (e)(11)(v), and (f)(2)(i). Each substance shall be tested in one mammalian species, preferably a rodent, but a non-rodent may be used. The species and strain of animals used in this test should be the same as those used in the 90-day subchronic test required in paragraph (c)(2)(i) of this

section. The tests shall be performed using drinking water. However, if, due to poor stability or palatability, a drinking water test is not feasible for a given substance, that substance shall be administered either by oral gavage, in the diet, or in capsules.

* * * * *

(2) *Subchronic toxicity—(i) Required testing.* (A) An oral 90-day subchronic toxicity test shall be conducted with 1,3,5-trimethylbenzene in accordance with § 798.2650 of this chapter except for the provisions in § 798.2650 (e)(3), (e)(7)(i), and (e)(11)(v). The tests shall be performed using drinking water.

However, if, due to poor stability or palatability, a drinking water test is not feasible for a given substance, that substance shall be administered either by oral gavage, in the diet, or in capsules.

* * * * *

(d) *Effective date.* (1) This section is effective on December 27, 1993, except for paragraphs (a)(1), (c)(1)(i)(A), (c)(1)(ii)(A), (c)(1)(ii)(B), (c)(2)(i)(A), and (c)(2)(ii)(A). The effective date for paragraphs (a)(2), (c)(1)(ii)(A), (c)(1)(ii)(B), and (c)(2)(ii)(A) is September 29, 1995. Paragraphs (a)(1), (c)(1)(i)(A), and (c)(2)(i)(A) are effective February 27, 1996.

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[FR Doc. 96-4254 Filed 2-26-96; 8:45 am]

BILLING CODE 6560-50-F

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 7185

[ID-933-1430-01; IDI-08955-01, IDI-08932-02, IDI-14647-02]

Public Land Order No. 7157, Correction; Partial Revocation of Public Land Order Nos. 1992 and 2588, and Bureau of Land Management Order Dated January 28, 1952; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order will correct an error in the land description in Public Land Order No. 7157.

EFFECTIVE DATE: February 27, 1996.

FOR FURTHER INFORMATION CONTACT: Larry R. Lievsay, BLM Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83706-2500, 208-384-3166.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and

Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

The land description in Public Land Order No. 7157, 60 FR 45372-45373, August 31, 1995, is hereby corrected as follows:

On page 45372, third column, second line from the top of the page which reads "S¹/₂NW¹/₄ and E¹/₂SE¹/₄" is hereby corrected to read "S¹/₂NW¹/₄ and E¹/₂SW¹/₄."

Dated: February 13, 1996.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 96-4331 Filed 2-26-96; 8:45 am]

BILLING CODE 4310-GG-P

43 CFR Public Land Order 7186

[ID-933-1430-01; IDI-05280 01]

Partial Revocation of Public Land Order No. 1374; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a public land order insofar as it affects 152.60 acres of National Forest System land withdrawn by the Department of Agriculture, Forest Service, for the Johnson Park Administrative Site in the Payette National Forest. The land is no longer needed for the purpose for which it was withdrawn. This action will open the land to surface entry and mining, and will permit the Forest Service to dispose of the land by exchange. The land has been and will remain open to mineral leasing.

EFFECTIVE DATE: March 28, 1996.

FOR FURTHER INFORMATION CONTACT: Larry R. Lievsay, BLM Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83706-2500, 208-384-3166.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Public Land Order No. 1374, which withdrew National Forest System land for the Forest Service's Johnson Park Administrative Site, is hereby revoked insofar as it affects the following described land:

Boise Meridian

T. 17 N., R. 2 W.,

Sec. 30, lots 3 and 4, and E¹/₂SW¹/₄.

The area described contains 152.60 acres in Washington County.

2. At 9 a.m. on March 28, 1996, the land shall be opened to such forms of disposition as may by law be made of National Forest System land, including