an assigned IMO international number, the official number of the vessel;

(5) Name of the registered owner of the vessel;

(6) Name of the operator of the vessel;

(7) Name of the classification society of the vessel;

(8) Name of the port or place of departure;

(9) Name of the port or place of destination;

(10) Estimated date and time of arrival at this port or place;

(11) Name and telephone number of a 24-hour point of contact;

(12) Location of the vessel at the time of the report;

(13) Name of each of the certain dangerous cargoes carried;

(14) Amount of each of the certain dangerous cargoes carried;

(15) Stowage location of each of the certain dangerous cargoes carried; and

(16) Operational condition of the equipment under § 164.35 of this chapter.

* * * * *

6. In § 160.211(b), paragraph (b) is amended by removing the reference ''(a)(8)'' and adding, in its place, the references ''(a)(4) and (a)(8) through (16)''.

7. In § 160.213, paragraph (a) introductory text and paragraphs (a) (1)–(7) are revised and paragraphs (a) (8)–(15) are added to read as follows:

§ 160.213 Notice of departure: Vessels carrying certain dangerous cargo.

(a) The owner, agent, master, operator, or person in charge of a vessel, except a barge, departing from a port or place in the United States for any other port or place and carrying certain dangerous cargo, shall notify the Captain of the Port or place of departure at least 24 hours before departing, unless this notification was made within 2 hours after the vessel's arrival, of the:

(1) Name of the vessel;

(2) Country of registry of the vessel;

(3) Call sign of the vessel;

(4) International Maritime Organization (IMO) international number or, if the vessel does not have an assigned IMO international number, the official number of the vessel;

(5) Name of the registered owner of the vessel;

(6) Name of the operator of the vessel;

(7) Name of the classification society of the vessel;

(8) Name of the port or place of departure;

(9) Name of the port or place of destination;

(10) Estimated date and time of arrival at this port or place;

(11) Name and telephone number of a 24-hour point of contact;

(12) Name of each of the certain dangerous cargoes carried;

(13) Amount of each of the certain dangerous cargoes carried;

(14) Stowage location of each of the certain dangerous cargoes carried; and

(15) Operational condition of the equipment under § 164.35 of this chapter.

* * * * *

(8) In § 160.213(b), paragraph (b) is amended by removing the reference ''(a)(7)'' and add, in its place, the references ''(a)(4) and (a) (8) through (15)''.

Dated: September 17, 1996.

J.C. Card,

Rear Admiral, U.S. Coast Guard, Chief, Marine Safety and Environmental Protection.

[FR Doc. 96–24422 Filed 9–24–96; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[WA43–7116; FRL–5608–7]

Approval and Promulgation of Air Quality Implementation Plans; Washington; Revision to the State Implementation Plan Vehicle Inspection and Maintenance Programs

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: In this action, EPA is approving the Inspection and Maintenance (I/M) State Implementation Plan (SIP), for Washington State. On August 21, 1995, Washington submitted SIP revision requests to the EPA to satisfy the requirements of sections 182(b)(4) and 182(c)(3) of the Clean Air Act, (1990) and Federal I/M rule 40 CFR part 51, subpart S. These SIP revisions will require vehicle owners to comply with the Washington I/M program in the two Washington ozone nonattainment areas classified as ''marginal'' and in the three carbon monoxide nonattainment areas classified as ''moderate''. This revision applies to the Washington counties of Clark, King, Pierce, Snohomish, and Spokane.

EFFECTIVE DATE: This rule is effective as of September 25, 1996.

ADDRESSES: Copies of material submitted to EPA may be examined during normal business hours at the following locations: EPA, Region 10, Office of Air Quality, 1200 Sixth Avenue (OAQ–107), Seattle, Washington 98101, and the Washington State Department of Ecology, P.O. Box 47600, Olympia, WA 98504–7600.

FOR FURTHER INFORMATION CONTACT: Stephanie Cooper, Office of Air Quality, (OAQ–107), 1200 6th Avenue, Seattle, WA 98101, (206) 553–6917.

SUPPLEMENTARY INFORMATION:

I. Clean Air Act Requirements

The Clean Air Act, as amended in 1990 (CAA or Act), requires States to make changes to improve existing I/M programs or implement new ones. Section 182(a)(2)(B) required any ozone nonattainment area which has been classified as ''marginal'' (pursuant to section 181(a) of the Act) or worse with an existing I/M program that was part of a SIP, or any area that was required by the 1977 Amendments to the Act to have an I/M program, to immediately submit a SIP revision to bring the program up to the level required in past EPA guidance or to what had been committed to previously in the SIP, whichever was more stringent. All carbon monoxide nonattainment areas were also subject to this requirement to improve existing or previously required programs to this level. In addition, any ozone nonattainment area classified as moderate or worse must implement a basic or an enhanced I/M program depending upon its classification, regardless of previous requirements.

Congress directed the EPA in section 182(a)(2)(B) to publish updated guidance for State I/M programs, taking into consideration findings of the Administrator's audits and investigations of these programs. The States were to incorporate this guidance into the SIP for all areas required by the Act to have an I/M program. Ozone nonattainment areas classified as ''serious'' or worse with populations of 200,000 or more, and CO nonattainment areas with design values above 12.7 ppm and populations of 200,000 or more, and metropolitan statistical areas with populations of 100,000 or more in the northeast ozone transport region, were required to meet EPA guidance for enhanced I/M programs.

The EPA has designated two areas as ozone nonattainment in the State of Washington. The Puget Sound ozone nonattainment area is classified as marginal and contains King, Pierce, and Snohomish counties. The Vancouver Air Quality Maintenance Area is classified as marginal and contains Clark county. Additionally, three areas in Washington state are designated as CO nonattainment areas. Both the Spokane Carbon Monoxide Nonattainment area (Spokane County) and the Puget Sound Carbon Monoxide

Nonattainment area (King, Pierce, and portions of Snohomish Counties) have design values greater than 12.7 ppm and are designated as ''moderate plus''. The Vancouver Air Quality Maintenance Area is a ''moderate'' carbon monoxide nonattainment area, with a design value below 12.7 ppm. The central Puget Sound has an urbanized area population of 1,793,612, and Spokane has an urbanized area population of 266,709. Based on these nonattainment designations and populations, a basic I/M program is required in the Vancouver and Puget Sound ozone nonattainment area, while enhanced I/M programs are required in the Puget Sound and Spokane carbon monoxide nonattainment areas.

By this action, the EPA is approving the submittal of the Washington I/M SIP. The EPA has reviewed the State submittal against the statutory requirements and for consistency with the EPA regulations. A summary of the EPA's analysis is provided below. In addition, a history and a summary to support approval of the State submittal is contained in a TSD, dated May 10, 1996, which is available from the Region 10 Office (address provided above).

II. I/M Regulation General SIP Submittal Requirements

The original I/M regulation was codified at 40 CFR part 51, Subpart S, and required States to submit an I/M SIP revision which includes all necessary legal authority and the items specified in 40 CFR 51.372 (a)(1) through (a)(8) by November 15, 1993. On September 18, 1995, the EPA published a final regulation establishing the ''low enhanced'' I/M requirements, pursuant to section 182 and 187 of the Act (40 CFR part 51). These low enhanced I/M requirements superseded the former enhanced I/M requirements. The State has met the low enhanced I/M requirements established by the September 18, 1995 rulemaking.

III. State Submittal

On August 21, 1995, the State of Washington submitted the I/M SIP for its five carbon monoxide and ozone nonattainment areas. Public hearings for the submittal were held in Vancouver, Bellevue, and Spokane on June 6, 7, and 8, 1995, respectively.

The submittals provide for the continued implementation of I/M programs in the Puget Sound, Spokane, and Vancouver areas. Inspection and Maintenance programs have been running in the Puget Sound area since 1982, in Spokane since 1985, and in Vancouver since 1993. Washington's centralized, test only, biennial program meets the requirements of EPA's low enhanced performance standard and other requirements contained in the Federal I/M rule in the applicable nonattainment counties. Testing will be overseen by the Washington State Department of Ecology and its I/M contractor, Systems Control. Other aspects of the Washington I/M program include: testing of 1968 and later light duty vehicles and trucks and heavy duty trucks, a test fee to ensure the State has adequate resources to implement the program, enforcement by registration denial, a repair effectiveness program, contractual requirements for testing convenience, quality assurance, data collection, reporting, test equipment and test procedure specifications, public information and consumer protection, and inspector training and certification. In addition, the low enhanced I/M programs will include: a two-speed (2500 and idle) test or a loaded idle test, and a program to evaluate on-road testing. An analysis of how the Washington I/M program meets the EPA's I/M regulation was provided in 61 FR 38086, published on July 23, 1996.

The criteria used to review the submitted SIP revision are based on the requirements stated in Section 182 of the CAA and the most recent Federal I/M regulations (September 18, 1995). EPA has reviewed the Washington I/M SIP revision. The Washington regulations and accompanying materials contained in the SIP represent an acceptable approach to the I/M requirements and meet the criteria required for approvability.

IV. Response to Comments

Comment: One commenter, which is an entity of the Federal government, objected to an aspect of the I/M program regarding emission inspections by fleet operators. Operators who chose to utilize the fleet vehicle self-testing program must purchase certificate forms by paying a fee of $12 per vehicle. The state regulation that establishes vehicle testing requirements at WAC § 173–422–160 waives the payment of fees for state and local government fleets. The Federal entity commented that the state requirements are impermissibly discriminatory and an unconstitutional tax of the Federal government by the state. The commenter also wrote that the $12 fee per vehicle certificate is impermissible because the fee exceeds the state's administrative costs.

Response: The EPA does not agree that the state fee structure which requires payment of a fee by Federal fleet operators impermissibly discriminates against the Federal government or that the fee of $12 is impermissibly high. The Ecology regulations at WAC 173–422–160 establish requirements for all fleet operators, including the requirement for fleet operators to submit certificate forms of emission self-testing for each vehicle, at a cost of $12 for each certificate. The regulation specifically waives the payment for fleet forms only for state and local government fleets.

The EPA interprets section 118 of the CAA requirement that Federal agencies comply with air pollution requirements ''in the same manner and to the same extent as any nongovernmental entity'' to mean that Federal entities must comply with any air pollution rule established under the Act to no less an extent than nongovernmental entities. In this case, the state regulation applies to all fleet operators, both governmental and nongovernmental, and waives the fee requirement only for state and local governments. Therefore, the EPA views the state as requiring payment of fees by Federal entities in the same manner as nongovernmental entities. The EPA believes that Congress has consented to the imposition of the state fees on Federal entities in a situation such as this by enacting section 118 of the CAA. In addition, EPA notes that this is consistent with the result in *U.S.* v. *South Coast Air Quality Management District*, 748 F.Supp. 732 (C.D. Calif. 1990), where the Court wrote that a state permit fee requirement applying to both Federal and private entities that exempts local and state government agencies is consistent with section 118 of the CAA.

Under section 118(a) of the CAA, a Federal entity is required to comply with ''any requirement to pay a fee or charge imposed by a State or local agency to defray the costs of its air pollution regulatory program.'' The fee of $12 per vehicle has been established by Ecology under the authority of RCW 70.120.170(4), which requires Ecology to set fees at an amount ''required to (i) compensate the contractor or inspection facility owner, and (ii) offset the general fund appropriate to the department to cover the administrative costs of the motor vehicle emission inspection program.'' Ecology has written that it established fleet self-testing fees to recoup the costs associated with implementing the emission testing program, including the cost of equipment audits, travel expenses, training and continued education, printing and storing of forms, and the certification of the self-testing fleet inspection personnel. The commenter has not submitted any data to indicate

that the fee of $12 per vehicle is unreasonable and EPA concludes that on its face the fee does not appear to be unreasonable. EPA is approving the fee structure because the State has established the fee consistent with the CAA and state law. Under section 110(k)(3) of the CAA, EPA must approve any SIP revision submitted by a state that meets all of the applicable requirements of the Act.

Comment: One Federal government entity commented that Ecology is improperly requiring annual inspection of its fleet.

Response: Legislation enacted by the State of Washington at RCW 70.120.170(5) requires ''all units of local government and agencies of the state'' to test the emissions of their vehicles annually. In discussions with the Ecology about this comment, Ecology has agreed that Federal entities are not subject to this requirement, and need only meet the requirement to test emissions biennially, as required by RCW 70.120.170(1).

V. Today's Action

The EPA is approving the Washington I/M SIP as meeting the requirements of the CAA and the Federal I/M rule. All required SIP items have been adequately addressed as discussed in this Federal Register action.

Pursuant to Section 553(d)(3) of the Administrative Procedures Act (APA), this final notice is effective upon the date of publication in the Federal Register. Section 553(d)(3) of the APA allows EPA to waive the requirement that a rule be published 30 days before the effective date if EPA determines there is ''good cause'' and publishes the grounds for such a finding with the rule. Under section 553(d)(3), EPA must balance the necessity for immediate federal enforceability of these SIP revisions against principles of fundamental fairness which require that all affected persons be afforded a reasonable time to prepare for the effective date of a new rule. *United States* v. *Gavrilovic*, 551 F 2d 1099, 1105 (8th Cir., 1977). The purpose of the requirement for a rule to be published 30 days before the effective date of the rule is to give all affected persons a reasonable time to prepare for the effective date of a new rule.

EPA is making this rule effective upon September 25, 1996 to provide necessary rulemaking for the forthcoming Puget Sound Ozone and Carbon Monoxide Redesignations. The State relies on the existence of an approved I/M program as part of the carbon monoxide maintenance demonstration. The WDOE will discontinue implementation of the oxygenated fuel program in the Seattle-Tacoma-Everett Consolidated Metropolitan Statistical Area (CMSA) once approval of the carbon monoxide maintenance plan becomes effective. As much time as possible needs to be provided for State and local air authorities to notify fuel distributors so that distribution plans can be modified in response to these changes.

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

VI. Administrative Requirements

A. Executive Order 12866

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 E.O. 12866 review.

B. Regulatory Flexibility Act

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. *E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

Redesignation of an area to attainment under section 107(d)(3)(E) of the CAA does not impose any new requirements on small entities. Redesignation is an action that affects the status of a geographical area and does not impose any regulatory requirements on sources. I certify that the approval of the redesignation request will not affect a substantial number of small entities.

C. Unfunded Mandates

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 approval 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.

D. Submission to Congress and the General Accounting Office

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).

E. Petitions for Judicial Review

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 November 25, 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), 42 U.S.C. 7607(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Nitrogen dioxide, Ozone, Volatile organic compounds.

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

Dated: September 6, 1996.

Chuck Clarke,

Regional Administrator.

PART 52—[AMENDED]

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart WW—Washington

2. Section 52.2470 is amended by adding paragraph (c)(61) to read as follows:

§ 52.2470 Identification of plan.

* * * * *

(c) * * *

(61) SIP revisions received from WDOE on August 21, 1995, requiring vehicle owners to comply with its I/M program in the two Washington ozone nonattainment areas classified as ''marginal'' and in the three carbon monoxide nonattainment areas classified as ''moderate''. This revision applies to the Washington counties of Clark, King, Pierce, Snohomish, and Spokane.

(i) Incorporation by reference.

(A) July 26, 1995 letter from Director of WDOE to the Regional Administrator of EPA submitting revisions to WDOE's SIP consisting of the July 1995 *Washington State Implementation Plan for the Motor Vehicle Inspection and Maintenance Program* (including Appendices A through F), adopted August 1, 1995, and a supplement letter and ''Tools and Resources'' table dated May 10, 1996.

[FR Doc. 96–24523 Filed 9–24–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Parts 52 and 81

[LA–34–1–7300; FRL–5615–1]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of Louisiana; Correction of Classification; Approval of the Maintenance Plan; Redesignation of Pointe Coupee Parish to Attainment for Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of final rule.

SUMMARY: The EPA published without prior proposal a Federal Register notice approving a request from the State of Louisiana to remove Pointe Coupee Parish, Louisiana, from the Baton Rouge serious ozone nonattainment area, to reclassify the parish from serious to marginal, and to redesignate it to attainment for ozone. The direct final approval was published on July 22, 1996 (61 FR 37833).

The EPA subsequently received adverse comments on the action. Accordingly, the EPA is withdrawing its direct final approval. All public comments received will be addressed in a subsequent final rule.

EFFECTIVE DATE: This withdrawal is effective on September 25, 1996.

ADDRESSES: Copies of the State's petition and other information relevant to this action are available for inspection during normal hours at the following locations:

Environmental Protection Agency, Region 6, Air Planning Section (6PD–L), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

Louisiana Department of Environmental Quality, Office of Air Quality, 7290 Bluebonnet Boulevard, Baton Rouge, Louisiana 70810.

Anyone wishing to review this petition at the EPA office is asked to contact the person below to schedule an appointment 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Lt. Mick Cote, Air Planning Section (6PD–L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 665–7219.

List of Subjects

40 CFR Part 52

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

40 CFR Part 81

Air pollution control, Designation of areas for air quality planning purposes.

Authority: 42 U.S.C. 7401–7671q.

Therefore, the final rule appearing at 61 FR 37833, July 22, 1996, which was to become effective September 20, 1996, is withdrawn.

Dated: September 18, 1996.

Carol M. Browner,

Administrator.

[FR Doc. 96–24522 Filed 9–20–96; 9:44 am]

BILLING CODE 6560–50–P

40 CFR PART 261

[SW–FRL–5615–5]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is granting a petition submitted by the Texas Eastman Division of Eastman Chemical Company (Texas Eastman) to exclude from hazardous waste control (or delist), certain solid wastes. The wastes being delisted consists of ash generated from the incineration of waste water treatment sludge at its facility. This action responds to Texas Eastman's petition to delist these wastes on a ''generator specific'' basis from the lists of hazardous wastes. After careful analysis, EPA has concluded that the petitioned waste is not hazardous waste when disposed of in Subtitle D landfills. This exclusion applies only to the fluidized bed incinerator (FBI) ash generated at Texas Eastman's Longview, Texas, facility. Accordingly, this final rule excludes the petitioned waste from the requirements of hazardous waste regulations under the Resource Conservation and Recovery Act (RCRA) when disposed of in Subtitle D landfills.

EFFECTIVE DATE: September 25, 1996.

ADDRESSES: The public docket for this final rule is located at the Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas,