

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).

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 Part D 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. The rules being [proposed for approval/approved] by this action will impose no new requirements because affected sources are already subject to these regulations under State law. Therefore, no additional costs to State, local, or tribal governments or to the private sector result from this action. EPA has also determined that this [proposed or 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.

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.

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.

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

Dated: March 26, 1996.

Felicia Marcus,

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

2. Section 52.220 is amended by adding paragraphs (c)(198)(i)(E)(2) and (i)(J)(2), (207)(i)(B)(4), (i)(C)(4) and (i)(D)(2), (215)(i)(B)(3) and (i)(D)(1), (216)(i)(A)(4), (220)(i)(B)(2) and (225)(i)(B)(5) and (i)(C)(2) to read as follows:

§ 52.220 Identification of plan.

- * * * * *
- (c) * * *
- (198) * * *
- (i) * * *
- (E) * * *
- (2) Rule 1117 adopted June 22, 1994.
- * * * * *
- (J) * * *
- (2) Rule 74.30 adopted May 17, 1994.
- * * * * *
- (207) * * *
- (i) * * *
- (B) * * *
- (4) Rules 225 and 230 adopted September 27, 1994.
- (C) * * *
- (4) Rule 2.13 adopted May 25, 1994.
- (D) * * *
- (2) Rule 1104 adopted September 28, 1994.
- * * * * *
- (215) * * *
- (i) * * *
- (B) * * *
- (3) Rule 74.18 adopted December 13, 1994.
- * * * * *
- (D) * * *
- (I) Rule 2.26 adopted November 9, 1994.
- * * * * *
- (216) * * *
- (i) * * *
- (A) * * *
- (4) Rule 1114 adopted February 22, 1995.
- * * * * *
- (220) * * *
- (i) * * *
- (B) * * *
- (2) Rule 236 adopted on February 9, 1995.
- * * * * *
- (225) * * *

(i) * * *

(B) * * *

(5) Rule 216 adopted on June 8, 1995.

(C) * * *

(2) Rule 235 adopted on June 27, 1995.

* * * * *

[FR Doc. 96–10563 Filed 4–29–96; 8:45 am]

BILLING CODE 6560–50–W

40 CFR Part 70

[TN–KNOX–95–01; FRL–5464–1]

Clean Air Act Final Full Approval of Operating Permits Program; Knox County Department of Air Pollution Control, Knox County, Tennessee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final full approval.

SUMMARY: The EPA is promulgating full approval of the title V operating permits program submitted by the State of Tennessee on behalf of the Department of Air Pollution Control ("Knox County" or "the County"), located in the geographic area of Knox County. The County's program was submitted for the purpose of complying with Federal requirements which mandate that states or local authorities develop, and submit to EPA, programs for issuing operating permits to all major stationary sources, and to certain other sources.

EFFECTIVE DATE: May 30, 1996.

ADDRESSES: Copies of the Knox County submittal and other supporting information used in developing the final full approval are available for inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 4, 345 Courtland Street NE, Atlanta, Georgia 30365, on the 3rd floor of the Tower Building. Interested persons wanting to examine these documents, contained in EPA docket number TN-KNOX–95–01, should make an appointment at least 24 hours before the visiting day.

FOR FURTHER INFORMATION CONTACT:

Gracy R. Danois, Title V Program Development Team, Air Programs Branch, Air, Pesticides & Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 345 Courtland Street, NE, Atlanta, Georgia 30365, (404) 347–3555, Ext. 4150.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

A. Introduction

Title V of the 1990 Clean Air Act Amendments (sections 501–507 of the

Clean Air Act ("the Act")), and implementing regulations at 40 Code of Federal Regulations (CFR) part 70 require that states or authorized local agencies develop and submit operating permits programs to EPA by November 15, 1993, and that EPA act to approve or disapprove each program within one year after receiving the submittal. EPA's program review occurs pursuant to section 502 of the Act and the part 70 regulations, which together outline criteria for approval or disapproval. Where a program substantially, but not fully, meets the requirements of part 70, EPA may grant the program interim approval for a period of up to two years. If EPA has not fully approved a program by November 15, 1995, or by the end of an interim program, it must establish and implement a Federal program.

On November 8, 1995, EPA proposed full approval, or in the alternative, interim approval of the operating permits program for Knox County. See 60 FR 56281. The November 8, 1995, Federal Register document also proposed approval of the County's interim mechanism for implementing section 112(g) and for delegation of section 112 standards as promulgated. EPA did not receive any comments on the proposal. On March 6, 1996, the State of Tennessee submitted on behalf of Knox County a package containing revisions to the operating permits program, which addressed the deficiencies discussed in the full/interim approval document. As required in the November 8, 1995, Federal Register document, the County made the following revisions to the Knox County Air Pollution Control (K.C.A.P.C.) regulations:

1. K.C.A.P.C. section 25.70.7.e.2.i.B was amended to include the following language: "Notwithstanding paragraphs e.2.i.A and e.3.i. of this section, minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by EPA. The Department may establish additional requirements for such permit conditions."

2. K.C.A.P.C. section 30.1.D was amended to include the following statement: "These penalties shall be recoverable in a maximum amount of \$25,000 per day per violation as provided by state law."

3. K.C.A.P.C. section 30.1.G was amended to include the following

language: "The Director has the authority to restrain or enjoin immediately and effectively any person, by order or by suit in court, from engaging in any activity in violation of a permit or the Knox County Air Pollution Control Regulations that is presenting an imminent and substantial endangerment to the public health or welfare, or the environment."

4. K.C.A.P.C. section 30.1.F was amended to include the following statement at the end of the section: "Such actions may be taken by the Director without the necessity of a prior revocation of any permit."

These changes and other minor revisions to the County's title V program became locally effective on January 10, 1996.

In this action, EPA is promulgating full approval of the Knox County title V operating permits program, and approving the section 112(g) and section 112(l) mechanisms noted above.

II. Final Action and Implications

A. Title V Operating Permits Program

The EPA is promulgating full approval of the title V operating permits program submitted by the State of Tennessee, on behalf of Knox County, on November 12, 1993, and supplemented on August 24, 1994; January 6 and 19, 1995; February 6, 1995; May 23, 1995; September 18 and 25, 1995; and March 6, 1996. The November 8, 1995, Federal Register notice established that Knox County would receive full approval of its program if the changes to the County's regulations described in the previous section were adopted prior to final promulgation. Knox County has demonstrated that the program is adequate to meet the minimum elements of a state or local operating permits program as specified in 40 CFR part 70.

The scope of the County's part 70 program approved in this document applies to all part 70 sources (as defined in the approved program) within Knox County, except any sources of air pollution over which an Indian Tribe has jurisdiction. See, e.g., 59 FR 55813, 55815-18 (Nov. 9, 1994). The term "Indian Tribe" is defined under the Act as "any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village, which is Federally recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians." See section 302(r) of the CAA; see also 59 FR 43956, 43962 (Aug. 25, 1994); 58 FR 54364 (Oct. 21, 1993).

B. Preconstruction Permit Program Implementing Section 112(g)

EPA is approving the use of Knox County's preconstruction review program found in K.C.A.P.C. section 25.1 as a mechanism to implement section 112(g) during the transition period between promulgation of EPA's section 112(g) rule and the County's adoption of rules specifically designed to implement section 112(g). This approval is limited to the implementation of the 112(g) rule and is effective only during any transition time between the effective date of the 112(g) rule and the adoption of specific rules by Knox County to implement section 112(g). The duration of this approval is limited to 18 months following promulgation by EPA of section 112(g) regulations, to provide the County with adequate time to adopt regulations consistent with Federal requirements.

C. Program for Delegation of Section 112 Standards as Promulgated

Requirements for approval, specified in 40 CFR 70.4(b), encompass section 112(l)(5) requirements for approval of a program for delegation of section 112 standards as promulgated by EPA as they apply to part 70 sources. Section 112(l)(5) requires that the County's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under part 70. Therefore, the EPA is also promulgating approval under section 112(l)(5) and 40 CFR 63.91 of Knox County's program for receiving delegation of section 112 standards and programs that are unchanged from Federal rules as promulgated. In addition, EPA is approving the delegation of all existing standards and programs under 40 CFR parts 61 and 63. This program for delegation applies to both part 70 sources and non-part 70 sources.

III. Administrative Requirements

A. Docket

Copies of the Knox County submittal and other information relied upon for the final full approval are contained in docket number TN-KNOX-95-01 maintained at the EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this final full approval. The docket is available for public inspection at the location listed under the ADDRESSES section of this document.

B. Executive Order 12866

The Office of Management and Budget has exempted this action from Executive Order 12866 review.

C. Regulatory Flexibility Act

The EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: April 19, 1996.

A. Stanley Meiburg,
Acting Regional Administrator.

Part 70, title 40 of the Code of Federal Regulations is amended as follows:

PART 70—[AMENDED]

1. The authority citation for part 70 continues to read as follows:

Authority: 42 U.S.C. 7401, et seq.

2. Appendix A to part 70 is amended by adding paragraph (c) to the entry for Tennessee to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

* * * * *

Tennessee

* * * * *

(c) The Knox County Department of Air Pollution Control; submitted on November 12, 1993, and supplemented on August 24, 1994; January 6 and 19, 1995; February 6, 1995; May 23, 1995; September 18 and 25, 1995; and March 6, 1996; full approval effective on May 30, 1996, in the Federal Register.

* * * * *

[FR Doc. 96-10657 Filed 4-29-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 300

[FRL-5461-3]

National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Deletion Amnicola Dump Superfund Site Chattanooga, Tennessee from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region 4 announces the deletion of the Amnicola Dump Superfund Site from the National Priorities List (NPL), Appendix B of 40 CFR Part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). EPA and the State have determined that all appropriate Fund-financed responses under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, have been implemented and that no further cleanup is appropriate. Moreover, EPA and the State have determined that remedial actions conducted at the site to date have been protective of public health, welfare and the environment. This deletion does not preclude future action under Superfund.

EFFECTIVE DATE: May 15, 1996.

FOR FURTHER INFORMATION CONTACT: Robert West, Remedial Project Manager, U.S. Environmental Protection Agency, Region 4, North Superfund Remedial Branch, 345 Courtland Street, N.E., Atlanta, Georgia 30365, (404) 347-7791, extension 2033.

SUPPLEMENTARY INFORMATION: The Site to be deleted from the NPL is: Amnicola Dump Superfund Site in Chattanooga, Tennessee.

A Notice of Intent to Delete for this site was published on February 22, 1996, (FR-5436-5). The closing date for comments on the Notice of Intent to Delete was March 22, 1996. EPA received no comments.

EPA identifies sites that appear to present a significant risk to the public health, welfare and the environment and it maintains the NPL as the list of those sites. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the future. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous Waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, and Water supply.

Dated: April 4, 1996

Phyllis P. Harris,

Acting Deputy Regional Administrator, U.S. EPA Region 4.

For reasons set out in the preamble, 40 CFR Part 300 is amended as follows:

PART 300—[AMENDED]

The authority citation for Part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR 1991 Comp., p 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

Appendix B—[Amended]

2. Table 1 of Appendix B to Part 300 is amended by removing the Amnicola Dump Superfund Site, Chattanooga, Tennessee.

[FR Doc. 96-10104 Filed 4-29-96; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 76**

[CS Docket No. 96-85, FCC 96-154]

Telecommunications Act of 1996

AGENCY: Federal Communications Commission.

ACTION: Interim and final rules.

SUMMARY: This Order implements sections of the Telecommunications Act of 1996 ("1996 Act"). The Order establishes rules conforming the Commission's rules to statutory mandates that became effective upon enactment of the 1996 Act. Although all rules promulgated pursuant to this Order are "final," the Commission recognizes that some rules, apart from those implementing the explicit language of the 1996 Act, should be viewed as "interim" rules subject to revision in the near future based on comments and information received in an associated Notice of Proposed Rulemaking ("NPRM") that has been released concurrently with this Order and published in this issue of the Federal Register. This Order implements rules related to the 1996 Act's cable reform provisions, including the definition of effective competition, the cable rate complaint process, the sunset of cable programming service tier regulation, small cable operators, uniform rate requirements, subscriber notice of service and rate changes, technical standards, cable system buy out restrictions, program access, the definitions of cable system and cable