SUMMARY: In 1978, the administration and enforcement responsibility for contractor compliance with equal employment opportunity was transferred from contracting agencies like EPA to the Department of Labor, Office of Federal Contract Compliance Programs. OFCCP promulgated revised regulations governing contractor compliance with equal employment opportunity at 41 CFR part 60. Therefore, it is the opinion of EPA, with the concurrence of OFCCP, that the EPA regulations at 40 CFR part 8 are outdated and no longer necessary.

EFFECTIVE DATE: June 28, 1996.

FOR FURTHER INFORMATION CONTACT: Rodney Cash at (202) 260–4582, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460 (Mail Code 1205).

SUPPLEMENTARY INFORMATION:

A. Background

President Clinton has directed each federal agency to determine which agency regulations can be deleted because they are obsolete, confusing, or unenforceable. This effort is aimed at making our regulations easier to understand by removing those which are no longer necessary. This final rule eliminates an entire part of the CFR which is now outdated and unnecessary.

The purpose of the EPA regulations at 40 CFR Part 8 was to fulfill EPA's responsibilities under Executive Order 11246. Executive Order 11246 requires that employers holding covered Federal contracts and federally assisted construction contracts comply with non-discrimination and affirmative action requirements to ensure equal employment opportunities without regard to race, color, religion, sex or national origin.

The basis for repealing these regulations is that the regulatory scheme has since been vested in another set of regulations promulgated by the Office of Contractor Compliance Programs (OFCCP) at the Department of Labor. EPA, as a contracting agency, formerly had the responsibility for administration and enforcement of equal employment opportunity obligations of its contractors. In 1978, however, that authority was removed from EPA and transferred to OFCCP by Executive Order 12086. The original EPA regulations only serve to mislead and confuse the regulated entities and those who might seek redress through enforcement. For these reasons, EPA is ''housecleaning'' and removing these outdated, unnecessary regulations from the CFR. The pertinent regulations governing these contractor compliance issues are now handled exclusively by OFCCP.

B. Executive Order 12866

This rule is not a significant regulatory action as defined in Executive Order 12866; therefore, no review is required at the Office of Information and Regulatory Affairs within OMB.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this rule does not propose any information collection requirements which would require the approval of OMB under 44 U.S.C. 3501, *et seq.*

D. Regulatory Flexibility Act

This rule does not have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

E. Unfunded Mandates

This final rule does not impose unfunded mandates on state and local entities or others. No new compliance mandates would be created by the removal of these regulations.

List of Subjects in 40 CFR Part 8

Environmental protection.

Dated: June 21, 1996.

Carol M. Browner,

Administrator.

PART 8—[REMOVED]

For the reasons set out in the preamble, under authority of section 201, Executive Order 11246, 30 FR 12319, and 41 CFR 60–1.6(c), EPA is removing 40 CFR Part 8.

[FR Doc. 96–16586 Filed 6–27–96; 8:45 am]

BILLING CODE 6560–50–P

---

40 CFR Part 52

[KY86–2–6933a; FRL–5456–4]

Approval and Promulgation of Implementation Plans Kentucky: Approval of Revisions to the Kentucky State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the Kentucky State Implementation Plan (SIP) submitted on December 29, 1994, by the Commonwealth of Kentucky through the Natural Resources and Environmental Protection Cabinet (Cabinet). The revisions pertain to Kentucky regulations 401 KAR 59:101 New Bulk Gasoline Plants and 401 KAR 61:056 Existing Bulk Gasoline Plants. The revisions were the subject of a public hearing held on July 26, 1994, and became state effective September 28, 1994. The intended effect of these revisions is to clarify certain provisions and ensure consistency with requirements of the Clean Air Act.

DATES: This final rule is effective August 27, 1996 unless notice is received by July 29, 1996 that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be addressed to: Scott M. Martin, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW., Washington DC 20460.

Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street, Atlanta, Georgia 30365.

Natural Resources and Environmental Protection Cabinet, Department for Environmental Protection, Division for Air Quality, 803 Schenkel Lane, Frankfort, Kentucky 40601–1403.

FOR FURTHER INFORMATION CONTACT: Mr. Scott M. Martin, Regulatory Planning and Development Section, Air Programs Branch, Air Pesticides and Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365. The telephone number is (404) 347–3555 ext. 4216.

SUPPLEMENTARY INFORMATION: On December 29, 1994, the Commonwealth of Kentucky through the Cabinet, submitted revisions to the Kentucky SIP. The revisions pertain to Kentucky regulations 401 KAR 59:101 New Bulk Gasoline Plants and 401 KAR 61:056 Existing Bulk Gasoline Plants. The revisions were the subject of a public hearing held on July 26, 1994, and became state effective September 28,

1994. The intended effect of these revisions is to clarify certain provisions and ensure consistency with requirements of the Clean Air Act. The following revisions apply to both 401 KAR 59:101 New Bulk Gasoline Plants and 401 KAR 61:056 Existing Bulk Gasoline Plants.

1. Section 1. Applicability. This section was revised and contains language that details which facilities must comply with this regulation. These revisions do not relax the applicability requirements. Additionally, this section was renumbered to be section 2.

2. Section 2. Definitions. This section was renumbered as Section 1.

3. Section 3. VOCs. Paragraph 4, which reads as follows, ''The vapor balance system must be equipped with interlocking devices which prevent transfer of gasoline until the vapor return hose is connected'' was deleted. This regulation was deleted because new technology has been developed which deems it obsolete.

4. Section 6. Compliance Timetable. This section, which outlines the timeframe for compliance with this regulation, is being added.

5. Section 7. Exemptions. is being added. It reads as follows: ''An affected facility shall be exempt from this administrative regulation if the throughput is less than 4,000 gal/day. A rolling thirty (30) day average shall be allowed for determining applicability.'' This exemption is consistent with EPA policy.

Final Action

EPA is approving the above referenced revisions to the Kentucky SIP because they meet the requirements of the EPA and the Clean Air Act (CAA). This action is being taken without prior proposal because the EPA views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective on August 27 1996 unless, by July 29, 1996 adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective August 27, 1996.

Under Section 307(b) (1) of the CAA, 42 U.S.C. 7607(b) (1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 27, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for 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) of the CAA, 42 U.S.C. 7607(b) (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 E.O. 12866 review.

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a 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 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. Section 603 and Section 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. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. Section 7410(a)(2) and 7410(k)(3).

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 section 110 of the CAA. These rules may bind State, local and tribal governments to perform certain duties. EPA has examined whether the rules being approved by this action will impose any mandate upon the State, local or tribal governments either as the owner or operator of a source or as a regulator, or would impose any mandate upon the private sector. EPA's 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. Therefore, 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.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by Reference, Intergovernmental relations, Particulate Matter, Reporting and Recordkeeping requirements, Sulfur Oxides.

Dated: March 12, 1996.

Phyllis Harris,

Acting Regional Administrator.

Part 52 of chapter I, title 40, *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 S—Kentucky

2. Section 52.920 is amended by adding paragraph (c) (84) to read as follows:

§ 52.920 Identification of plan.

* * * * *

(c) * * *

(84) Revisions to the Kentucky State Implementation Plan submitted by the Natural Resources and Environmental Protection Cabinet on December 29, 1994. The regulations being revised are 401 KAR 59:101 New Bulk Gasoline Plants and 401 KAR 61:056 Existing Bulk Gasoline Plants.

(i) Incorporation by reference. Division for Air Quality regulations 401 KAR 59:101 New bulk gasoline plants, and 401 KAR 61:056 Existing bulk gasoline plants, effective September 28, 1994.

(ii) Additional material. None.

[FR Doc. 96–16154 Filed 6–27–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[AK13–7101a; FRL–5523–7]

Clean Air Act Attainment Extension for the Municipality of Anchorage Area Carbon Monoxide Nonattainment Area: Alaska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: This action grants a one (1) year attainment date extension for the Municipality of Anchorage (MOA), Alaska carbon monoxide (CO) nonattainment area. The MOA area failed to attain the National Ambient Air Quality Standard (NAAQS) for CO by the December 31, 1995 deadline pursuant to the 1990 Clean Air Act Amendments (CAAA). CO attainment is based on eight (8) consecutive quarters (two years) of clean air quality data. There were two (2) exceedances of the CO NAAQS recorded in the nonattainment area in 1994, and no exceedances in 1995. Due to no exceedances in 1995 and the State's compliance with all requirements and commitments pertaining to the MOA area in the Alaska State Implementation Plan (SIP), an extension to meet the standards by December 31, 1996 is granted. This action is based on 1994 and 1995 monitored air quality data for the CO NAAQS.

DATES: This action is effective on August 27, 1996 unless adverse or critical comments are received by July 29, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Comments should be addressed to Tamara Langton, Environmental Protection Specialist, Office of Air Quality (OAQ–107), EPA, Seattle, Washington 98101.

Copies of the State's request and other information supporting this action are available for inspection during normal business hours at the following locations: EPA, Office of Air Quality (OAQ–107), 1200 Sixth Avenue, Seattle, Washington 98101; the Alaska Department of Environmental Conservation, 410 Willoughby, Suite 105, Juneau, Alaska, 99801–1795.

FOR FURTHER INFORMATION CONTACT: Tamara Langton, Environmental Protection Specialist, Office of Air Quality (OAQ–107), EPA, Seattle, Washington 98101, (206) 553–2709.

SUPPLEMENTARY INFORMATION:

I. Background

A. CAAA Requirements and EPA Actions Concerning Designation and Classification

The 1990 CAAA created a new classification structure for CO nonattainment areas which was based upon the severity of the nonattainment problem. For moderate CO nonattainment areas with a design value between 9.1–16.4 parts per million (ppm), the attainment date was to be as expeditious as practicable but no later than December 31, 1995.

The air quality planning requirements for moderate CO nonattainment areas are set out in sections 186–187 of the CAAA which pertain to the classification of CO nonattainment areas and submission of SIP requirements for these areas, respectively. The EPA issued a ''General Preamble'' which stated EPA's preliminary views concerning how EPA intended to review SIP's and SIP revisions submitted as required under Title I of the Act, [See generally 57 FR 13489 (April 16, 1992) and 57 FR 18070 (April 28, 1992)]. States containing CO moderate nonattainment areas with design values of 9.1–16.4 ppm were required to submit SIP's for these areas on or before November 15, 1992 which would provide for attainment by December 31, 1995.

B. Attainment Determinations

The EPA has the responsibility for determining whether a nonattainment area has attained the CO NAAQS by the applicable attainment date.[1] The EPA has the responsibility of making attainment determinations for moderate CO nonattainment areas by no later than six (6) months after the December 31, 1995 attainment date for these areas.

The EPA will be making attainment determinations for CO nonattainment areas based upon whether an area has 8 consecutive quarters (2 years) of clean air quality data. No special or additional SIP submittal is required from the State for this determination. Section 179(c)(1) of the Act provides that the attainment determination is to be based upon an area's ''air quality as of the attainment date.'' The EPA will make the determination of whether an area's air quality is meeting the CO NAAQS by the applicable attainment date based upon the most recent 2 years of data gathered from air quality monitoring sites which have been entered into the Aerometric Information Retrieval System (AIRS) data base.

A CO nonattainment area's air quality status is determined in accordance with 40 CFR Part 50.8, and in accordance with EPA policy as stated in a memorandum from William G. Laxton, Director Technical Support Division, entitled ''Ozone and Carbon Monoxide Design Value Calculations'', June 18, 1990. CO design values are discussed in terms of the 8-hour CO NAAQS. The 1-hour CO design value should be computed in the same manner as the 8-hour NAAQS.

The CO NAAQS requires that not more than 1, 8-hour average per year can exceed 9.0 ppm (9 greater than or equal to 9.5 ppm to adjust for rounding). CO attainment is evaluated by reviewing 8 quarters or a total of 2 consecutive and complete years of data. If an area has a design value greater than 9.0 ppm, this serves as an indication that a monitoring site in the area, where the second-highest (non-overlapping) 8-hour average was measured, had CO concentrations measured at levels greater than 9.0 ppm in at least 1 of the 2 years. This indicates that there were at least 2 values above the standard (9.0 ppm) during 1 of the 2 years (1994) being reviewed at a particular monitoring site, thus the standard was not met.

C. Application for a 1-year Extension of the Attainment Date

If the State does not have the 2 consecutive clean years of data to show attainment of the NAAQS, a State may apply for an extension of the attainment date. Pursuant to section 186(a)(4) of the Act, a State may apply for and EPA may grant a 1-year extension of the attainment date if the State has: (1) complied with the requirements and commitments pertaining to the

[1] See sections 179(c) and 186(b)(2) of the Act.