

(2) No suppliers from countries or areas included in the authorized geographic code are able to provide the required services.

(3) Persuasive political considerations.

(4) Procurement of locally available services would best promote the objectives of the foreign assistance program.

(5) Such other circumstances as are determined to be critical to the achievement of project objectives.

#### **§ 228.54 Suppliers of services—foreign government-owned organizations.**

A waiver to make foreign government-owned organizations, described in § 228.33, eligible for financing by USAID must be justified on the basis of the following criteria:

(a) The competition for obtaining a contract will be limited to cooperating country firms/organizations meeting the criteria set forth in § 228.31 or § 228.32.

(b) The competition for obtaining a contract will be open to firms from countries or areas included in the authorized geographic code and eligible under the provisions of § 228.31 or § 228.32, and it has been demonstrated that no U.S. firm is interested in competing for the contract.

(c) Services are not available from any other source.

(d) Foreign policy interests of the United States outweigh any competitive disadvantage at which United States firms might be placed or any conflict of interest that might arise by permitting a foreign government-owned organization to compete for the contract.

#### **§ 228.55 Delivery services.**

(a) *Ocean transportation.* A waiver to expand the flag eligibility requirements to allow the use of vessels under flag registry of the cooperating country, Geographic Code 941, 899 or 935 countries may be authorized when:

(1) It is necessary to assure adequate competition in the shipping market in order to obtain competitive pricing, particularly in the case of bulk cargoes and large cargoes carried by liners;

(2) Eligible vessels provide liner service, only by transshipment, for commodities that cannot be containerized, and vessels under flag registry of countries to be authorized by the waiver provide liner service without transshipment;

(3) Eligible vessels are not available, and cargo is ready and available for shipment, provided it is reasonably evident that delaying shipment would increase costs or significantly delay receipt of the cargo;

(4) Eligible vessels are found unsuitable for loading, carriage, or

unloading methods required, or for the available port handling facilities;

(5) Eligible vessels do not provide liner service from the port of loading stated in the procurement's port of export delivery terms, provided the port is named in a manner consistent with normal trade practices; or

(6) Eligible vessels decline to accept an offered consignment.

(b) *Air transportation.* The preferences for use of United States flag air carriers or for use of United States, other Geographic Code 941 countries, or cooperating country flag air carriers are not subject to waiver. Other free world air carriers may be used only as provided in § 228.05(b).

#### **§ 228.56 Authority to approve waivers.**

The authority to approve waivers of established policies on source, origin and nationality are delegated authorities within USAID, as set forth in its Handbooks.

Dated: December 6, 1995.

Michael D. Sherwin,

*Deputy Assistant Administrator for Management.*

[FR Doc. 96-2288 Filed 2-2-96; 8:45 am]

BILLING CODE 6116-01-M

## **NATIONAL LABOR RELATIONS BOARD**

### **29 CFR Part 103**

#### **Appropriateness of Requested Single Location Bargaining Units in Representation Cases**

**AGENCY:** National Labor Relations Board.

**ACTION:** Notice of extension of time for filing comments to proposed rulemaking.

**SUMMARY:** The National Labor Relations Board gives notice that it is extending the time for filing comments on the proposed rulemaking on the appropriateness of requested single location bargaining units in representation cases.

**DATES:** The comment period which presently ends at the close of business on February 8, 1996, is extended to the close of business on March 15, 1996.

**ADDRESS:** Comments on the proposed rulemaking should be sent to: Office of the Executive Secretary, 1099 14th Street NW., Room 11600, Washington, DC 20570.

**FOR FURTHER INFORMATION CONTACT:** John J. Toner, Executive Secretary, Telephone: (202) 273-1940.

**SUPPLEMENTARY INFORMATION:** The Board's notice of proposed rulemaking

on the appropriateness of requested single location bargaining in representation cases was published in the Federal Register on September 28, 1995 (60 FR 50146). The notice provided that all responses to the notice of proposed rulemaking must be received on or before November 27, 1995. On November 20, 1995 the Board extended the time to January 22, 1996. Because of the recent shutdown of operations due to lack of appropriated funds, the Board extended the time to February 8, 1996. In view of public interest, the Board has decided to further extend the period for filing responses to the notice of proposed rulemaking until the close of business on Friday March 15, 1996.

By direction of the Board.

John J. Toner,

*Executive Secretary.*

[FR Doc. 96-2360 Filed 2-2-96; 8:45 am]

BILLING CODE 7545-01-M

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 52**

[WV035-6001; FRL-5416-5]

#### **Approval and Promulgation of Implementation Plans; West Virginia: Approval of PM-10 Implementation Plan for the Follansbee Area**

**AGENCY:** U.S. Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** On November 22, 1995, the State of West Virginia submitted to EPA a revised attainment demonstration for the Follansbee, West Virginia nonattainment area for particulate matter with an aerodynamic diameter less than or equal to 10 micrometers (PM-10). West Virginia submitted these revisions to address deficiencies identified by EPA in a final limited disapproval of the particulate matter plans published in the Federal Register on July 25, 1994 (59 FR 37696). Today, EPA is proposing to approve West Virginia's demonstration. By separate notice today, EPA is making an interim final determination that the revised demonstration remedies the deficiencies identified in the rulemaking of July 25, 1994. As a result, the sanctions which could have resulted from the July 1994 rulemaking shall not apply.

**DATES:** Comments on this proposed action must be received by March 6, 1996.

**ADDRESSES:** Comments may be mailed to Marcia L. Spink, Associate Director, Air

Programs, Mailcode 3AT00, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania and the West Virginia Department of Environmental Protection, Office of Air Quality, 1558 Washington Street, East, Charleston, West Virginia.

**FOR FURTHER INFORMATION CONTACT:**

Thomas A. Casey, (215) 597-2746, at the EPA Region III address above (Mailcode 3AT22) or via e-mail at [casey.thomas@epamail.epa.gov](mailto:casey.thomas@epamail.epa.gov).

While information may be requested via e-mail, comments must be submitted in writing to the EPA Region III address above.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

*Requirements for PM-10 Nonattainment Areas*

The air quality planning requirements for moderate PM-10 nonattainment areas are set out in subparts 1 and 4 of Title I of the Clean Air Act (Act). EPA has issued a "General Preamble" describing EPA's preliminary views on how EPA intends to review SIP's and SIP revisions submitted under Title I of the Act, including those State submittals containing moderate PM-10 nonattainment area SIP requirements (see generally 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992)).

Upon enactment of the Clean Air Act Amendments of 1990, all Group I areas (and Group II areas that had monitored violations before January 1, 1989) were designated nonattainment by operation of law. A list of these initial nonattainment areas, including the Follansbee area in Brooke County, West Virginia and the adjacent Steubenville area in neighboring Jefferson County, Ohio, was published on March 15, 1991 (56 FR 11101) with corrections on May 20, 1991 (56 FR 23105).<sup>1</sup>

Those States containing initial moderate PM-10 nonattainment areas were required to submit to EPA, among other things, the following by November 15, 1991:

1. Provisions to assure that reasonably available control measures (RACM) (including such reductions in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology—RACT) shall be implemented no later than December 10, 1993;

2. Either a demonstration (including air quality modeling) that the plan will provide for attainment as expeditiously as practicable but no later than December 31, 1994 or a demonstration that attainment by that date is impracticable;

3. Quantitative milestones which are to be achieved every 3 years and which demonstrate reasonable further progress (RFP) toward attainment by December 31, 1994; and

4. Provisions to assure that the control requirements applicable to major stationary sources of PM-10 also apply to major stationary sources of PM-10 precursors except where the Administrator determines that such sources do not contribute significantly to PM-10 levels which exceed the national ambient air quality standards (NAAQS) in the area. See sections 172(c), 188, and 189 of the Act.

Some provisions were due at later dates. States with initial moderate PM-10 nonattainment areas were required to submit permit programs for the construction and operation of new and modified major stationary sources of PM-10 by June 30, 1992 (see section 189(a)). Such States also must submit contingency measures by November 15, 1993 which become effective without further action by the State or EPA, upon a determination by EPA that the area has failed to achieve RFP or to attain the PM-10 NAAQS by the applicable statutory deadline. See section 172(c)(9) and 57 FR 13543-44.

*West Virginia's 1991 Submittal*

Pursuant to these requirements, West Virginia submitted a SIP revision request for the Follansbee area on November 15, 1991. The submittal contained bilateral consent orders between the State of West Virginia and six companies requiring reductions in PM-10 emissions from six sources in the Follansbee area; an air quality modeling analysis intended to demonstrate that West Virginia's SIP, once revised to include the consent orders, would be sufficient to attain the PM-10 NAAQS in the Follansbee area; and other supporting information, such as RACT analyses and an analysis of PM-10 precursors.

On July 25, 1994, EPA took final limited approval and limited

disapproval actions on West Virginia's 1991 submittal (59 FR 37696). EPA approved the six consent orders for incorporation into the SIP and determined, among other things, that the revised SIP provided for RACM. EPA disapproved certain elements of the attainment demonstration because of technical inadequacies. Specifically, there were errors in estimates of emissions from coke oven batteries; there was no analysis of intermediate terrain (terrain between stack height and plume height); and the demonstration included non-guideline use of the Gaussian-Plume Multiple Source Air Quality Algorithm (RAM) dispersion model in a meteorologically rural area. The notice of proposed rulemaking (59 FR 988) and Technical Support Document to that rulemaking provides detailed descriptions of these deficiencies and documents other deficiencies that are more directly related to sources in Ohio, such as the underestimation of emissions from basic oxygen furnaces.

EPA took no action on the contingency measures contained in the 1991 SIP submittal with respect to the requirements of 179(c)(9) of the Act. The General Preamble to Title I of the Clean Air Act Amendments of 1990 established a November 15, 1993 deadline for State submittal of contingency plans. EPA will take action on the contingency measures in a separate rulemaking.

*West Virginia's 1995 Submittal*

On November 22, 1995, West Virginia submitted to EPA additions to its 1991 attainment demonstration and emissions inventory for the Follansbee area. While the revised demonstration and inventory rest largely on the same data as the 1991 submittal, several changes were made. Specifically, coke oven battery emission estimates were corrected; the entire emissions inventory was remodeled using EPA's newly available ISC3 (Industrial Source Complex) model (incorporating an intermediate terrain analysis and a revised area source algorithm); the meteorological data were reprocessed using the Meteorological Processor for Regulatory Models (MPRM); the coordinates of several sources, which were in error in the original submittal, were corrected; and certain annual emission rate estimates were refined.

The result of the revised modeling is that West Virginia's SIP (as revised in 1991), along with Ohio's SIP, is sufficient to attain the NAAQS. The analysis shows that, even if all sources emit at their maximum allowable emission rates, the 24-hour PM-10

<sup>1</sup> The Follansbee, West Virginia nonattainment area was defined in this notice as the area bounded on the north by the Market Street Bridge, on the east by West Virginia Route 2, on the south by the extension of the southern boundary of Steubenville Township, Jefferson County, Ohio, and on the West by the Ohio/West Virginia border.

concentration will not exceed 150 µg/m<sup>3</sup> more than once per year in any location in the area. Similarly, the demonstration shows that, in the attainment year, the annual PM-10 concentration will not exceed the annual PM-10 NAAQS of 50 µg/m<sup>3</sup>. The analysis is also sufficient to demonstrate that the PM-10 NAAQS will be maintained in future years because the population the area not increasing. The analysis was performed in a manner that is consistent with the Guideline on Air Quality Models (40 CFR 51 Appendix W). For more details regarding the attainment demonstration, see the Technical Support Document.

These revisions correct the deficiencies that resulted in EPA's limited disapproval of the attainment demonstration and emissions inventory.

## II. Today's Proposal

Today, EPA is proposing to approve West Virginia's November 22, 1995 additions to its attainment demonstration and to approve the demonstration as meeting the requirements of section 189(a)(1)(B) for an attainment demonstration and the 172(c)(3) requirement for an accurate emissions inventory. By separate notice today, EPA is making an interim final determination that the revised demonstration remedies the deficiencies identified in the rulemaking of July 25, 1994. As a result, the sanctions which could have resulted from the July 1994 rulemaking shall not apply.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for 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.

SIP approvals under section 110 and subchapter I, part D of the Clean Air Act 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, the Administrator certifies 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 flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

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.

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 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 proposed/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.

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.

The Administrator's decision to approve or disapprove West Virginia's PM-10 attainment demonstration and emissions inventory for the Follansbee area will be based on whether it meets the requirements of section 110(a)(2)(A)-(K) and part D of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51.

## List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Particulate matter.

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

Dated: January 25, 1996.

W. Michael McCabe,

*Regional Administrator, Region III.*

[FR Doc. 96-2250 Filed 2-2-96; 8:45 am]

BILLING CODE 6560-50-P

## 40 CFR Part 70

[AD-FRL-5417-4]

### Approval and Promulgation of Implementation Plans; State of Missouri;

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of extension of the public comment period.

**SUMMARY:** EPA is giving notice that the public comment period for a notice of proposed rulemaking published December 15, 1995 (60 FR 64404), has been extended 30 days. The December 15, 1995, notice proposed interim approval of the operating permits program and delegation 112(l) authority for the state of Missouri. EPA is extending the comment period based on an extension request by a Missouri industry. The request is based on the fact that EPA was unavailable, during the government shutdown, to provide necessary information to the public.

**DATES:** Comments are now due on or before February 13, 1996.

**ADDRESSES:** Comments may be mailed to Joshua A. Tapp, Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

**FOR FURTHER INFORMATION CONTACT:** Joshua Tapp at (913) 551-7606 or at the aforementioned address.

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

Dated: January 29, 1996.

Dennis Grams,

*Regional Administrator.*

[FR Doc. 96-2354 Filed 2-2-96; 8:45 am]

BILLING CODE 6560-50-P