

functions of the agency, including whether the information will have practical utility;

(ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) enhance the quality, utility, and clarity of the information to be collected; and

(iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological

collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement: The following burden figures are taken from the currently approved ICR (Attachment A):

Respondent type	Burden hours
First-time respondents	5.0
Update respondents	1.0
No-change respondents	0.5
Nonrespondents	0.25
Total	6.75

Respondents type	Respondents			
	Period one	Period two	Yearly	Total burden hours
First-time respondents	50	50	100	500.0
Update respondents	499	482	931	931.0
No-change respondents	129	139	268	134.0
Nonrespondents	102	110	212	53.0
Total	730	781	1511	1618.0

(First-time respondents fill out a questionnaire for the first time, entering data for a site not previously included in the Bioremediation Field Initiative database. Update respondents receive a questionnaire containing the current record of site data in the Bioremediation Field Initiative database and enter information to make the information current. No-change respondents receive a questionnaire containing the current record of site data in the Bioremediation Field Initiative database, review the information and find that it is current; therefore, they need not modify information to make the site current. Nonrespondents receive the questionnaire, review it, and elect not to respond.)

Each year, the burden figures increase somewhat, as first-time respondents are added to the database. In subsequent years, first-time respondents will be divided among the other respondent types. This growth is offset slightly as sites are removed from the data collection cycle—most typically if the site activity is completed, but for other reasons as well.

For the purposes of this burden estimate, burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purpose

of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information, search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Dated: December 20, 1996.

Robert A. Olexsey,
Director, LRPCD.

[FR Doc. 96-33263 Filed 12-30-96; 8:45 am]
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[FRL-5673-1]

California State Nonroad Engine and Vehicle Pollution Control Standards; Authorization of State Standards; Notice of Decision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice regarding authorization of state standards.

SUMMARY: EPA is authorizing California to enforce regulations for exhaust emission standards and test procedures for nonroad recreational vehicles and engines including: off-road motorcycles, all-terrain vehicles (ATVs), golf carts, go-karts 25 horsepower and above, and specialty vehicles less than 25

horsepower; pursuant to section 209(e) of the Clean Air Act.

ADDRESSES: The Agency's decision document containing an explanation of the Administrator's decision, as well as all documents relied upon in reaching that decision, including those submitted by the California Air Resources Board (CARB), are available for public inspection in the Air and Radiation Docket and Information Center in Docket A-95-17 during the working hours of 8:00 a.m. to 5:30 p.m., at the Environmental Protection Agency, Air Docket (6102), Room M-1500, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460. Copies of the decision can be obtained from EPA's Vehicle Program and Compliance Division by contacting David Dickinson, as noted below.

FOR FURTHER INFORMATION CONTACT: David Dickinson, Attorney/Advisor, Vehicle Program and Compliance Division (6405J), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. Telephone: (202)233-9256. Electronic mail: dickinson.david@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: I have decided to authorize California to enforce regulations for standards and test procedures for nonroad engines and vehicles pursuant to section 209(e) of the Clean Air Act, as amended (Act), 42 U.S.C. 7543. These regulations establish exhaust emission standards and test procedures for off-road motorcycles and

ATVs produced on or after January 1, 1997, establish a zero-emission standard for golf carts produced on or after January 1, 1997, establish exhaust emission standards and test procedures for go-karts 25 horsepower and above produced on or after January 1, 1997, and established that specialty vehicles less than 25 horsepower and under, produced on or after January 1, 1995 (please see the discussion below for when enforcement of standards for such vehicles may take place), comply with the current exhaust emission standards applicable to utility equipment engines in California and further comply with a second tier of standards commencing January 1, 1999. A comprehensive description of these California regulations can be found in the decision document for this authorization and in materials submitted by CARB.

On the basis of the record before me, I cannot make the findings required to deny authorization under section 209(e)(2) of the Act. Therefore, I am authorizing California to enforce these regulations.

On June 21, 1995, EPA published a notice of opportunity for a public hearing and a request for written comments concerning an authorization request received from the California Air Resources Board (CARB).¹ EPA received no request for a hearing and therefore no hearing was held. EPA received written comments from the New York State Department of Environmental Conservation, Toro Company, Ransomes Cushman Ryan, and CARB. Consequently, this determination is based on the written submissions from CARB, the written comments submitted in response to the above-mentioned notice, and all other relevant information.²

Section 209(e) of the Act as amended, 42 U.S.C. 7543(e), addresses state regulation of nonroad engines and vehicles. EPA issued on July 20, 1994 a final regulation to implement section 209(e).³ Section 209(e)(1) preempts states from regulating new engines which are used in construction equipment or vehicles or used in farm equipment or vehicles and which are smaller than 175 horsepower and new locomotives or new engines used in locomotives. The section 209(e) regulation sets forth definitions for these preempted categories of engines.

For those pieces of equipment or vehicles other than those a State is

permanently preempted from regulating under section 209(e)(1), the State of California may promulgate standards regulating such equipment or vehicles provided California complies with section 209(e)(2). The section 209(e) rule provides that if certain criteria are met, the Administrator shall authorize California to adopt and enforce standards and other requirements relating to the control of emissions from such vehicles or equipment. The criteria include consideration of whether California arbitrarily and capriciously determined that its standards are, in the aggregate, at least as protective of public health and welfare as applicable Federal standards; whether California needs state standards to meet compelling and extraordinary conditions; and whether California's standards and accompanying enforcement procedures are consistent with section 209.

California determined that its standards and test procedures would not cause California emission standards, in the aggregate, to be less protective of public health and welfare as the applicable Federal standards. Information presented to me by parties opposing California's authorization request did not demonstrate that California arbitrarily or capriciously reached this protectiveness determination. Therefore, I cannot find California's determination to be arbitrary or capricious.

CARB has continually demonstrated the existence of compelling and extraordinary conditions justifying the need for its own motor vehicle pollution control program. In addition, CARB provided information regarding actions taken by the California Legislature in an effort to address the current air quality conditions in California, directing CARB to consider adopting regulations for off-road engines. No information has been submitted to demonstrate that California no longer has a compelling and extraordinary need for its own program. Based on previous showings in the context of nonroad authorizations and CARB's submissions to the record regarding the status of air quality in the state, I agree that compelling and extraordinary conditions warrant the need for California's own emissions program. Thus, I cannot deny the waiver on the basis of the lack of compelling and extraordinary conditions.

CARB has submitted information that the requirements of its emission standards and test procedures do not violate the permanent preemption provisions of section 209(e)(1), do not violate the motor vehicle preemption provisions of section 209(a), and are technologically feasible and present no

inconsistency with Federal requirements and are, therefore, consistent with section 209 of the Act.

No information has been submitted to demonstrate that California did not satisfy its burden of demonstrating that its emission standards and test procedures do not violate section 209(e)(1). No information has been submitted to demonstrate that California's emission standards and test procedures violate section 209(a). Information submitted to me by parties opposing California's authorization request did not satisfy the burden of persuading EPA that the standards are not technologically feasible within the available lead time, considering costs. In addition, no information has been submitted to demonstrate that California's certification test procedures are inconsistent with Federal certification test procedures. Accordingly, I cannot make the determinations required for a denial of this authorization request under section 209(e) of the Act, and therefore, I authorize the State of California to enforce these regulations.

As explained in the decision document noted above and by the section 209(e) regulation, California can not enforce its standards and test procedures for recreational vehicles until it receives authorization from EPA. Therefore, California is now authorized to enforce its standards and test procedures for specialty vehicles below 25 horsepower and to enforce its standards and test procedures for other recreational vehicles according to the enforcement dates set forth within the recreational vehicle regulation.

My decision will affect not only persons in California but also the manufacturers outside the State who must comply with California's requirements in order to produce nonroad vehicle engines for sale in California. For this reason, I hereby determine and find that this is a final action of national applicability.

Under section 307(b)(1) of the Act, judicial review of this final action may be sought only in the United States Court of Appeals for the District of Columbia Circuit. Petitions for review must be filed by March 3, 1997. Under section 307(b)(2) of the Act, judicial review of this final action may not be obtained in subsequent enforcement proceedings.

As with past waiver decisions, this action is not a rule as defined by Executive Order 12866. Therefore, it is exempt from review by the Office of Management and Budget as required for rules and regulations by Executive Order 12866.

¹ 60 FR 32314 (June 21, 1995).

² This information is contained in Docket A-95-17.

³ See 59 FR 36969 (July 20, 1994) codified at 40 C.F.R. Part 85, Subpart Q, §§ 85.160-85.1606.

In addition, this action is not a rule as defined in the Regulatory Flexibility Act, 5 U.S.C. 6601(2). Therefore, EPA has not prepared a supporting regulatory flexibility analysis addressing the impact of this action on small business entities.

Finally, the Administrator has delegated the authority to make determinations regarding authorizations under section 209(e) of the Act to the Assistant Administrator for Air and Radiation.

Dated: December 23, 1996.

Richard D. Wilson,
Acting Assistant Administrator for Air and Radiation.

[FR Doc. 96-33260 Filed 12-30-96; 8:45 am]

BILLING CODE 6560-50-P

[FRL-5672-9]

Proposed Settlement Agreement; Ozone Nonattainment Areas; 15% VOC FIPs for Washington, D.C., Baltimore MD, and Philadelphia PA

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed settlement agreement.

SUMMARY: In accordance with Section 113(g) of the Clean Air Act ("Act"), as amended, 42 U.S.C. 7413(g), notice is hereby given of a proposed settlement agreement concerning litigation instituted against the Environmental Protection Agency ("EPA") by the Sierra Club Legal Defense Fund, et. al. The lawsuit concerns EPA's alleged failure to perform a nondiscretionary duty with

respect to promulgating a federal implementation plan ("FIP") to reduce volatile organic compound ("VOC") emissions by fifteen percent [15%] from 1990 levels, under Act section 182(b)(1), in the Washington, D.C., Baltimore MD, and Philadelphia ozone nonattainment areas.

For a period of thirty [30] days following the date of publication of this notice, the Agency will receive written comments relating to the settlement agreement. EPA or the Department of Justice may withhold or withdraw consent to the proposed settlement agreement if the comments disclose facts or circumstances that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act.

Copies of the settlement agreement are available from Phyllis Cochran, Air and Radiation Division (2344), Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460, (202) 260-7606. Written comments should be sent to Howard J. Hoffman at the above address and must be submitted on or before January 30, 1997.

Dated: December 24, 1996.

Scott C. Fulton,

Acting General Counsel.

[FR Doc. 96-33266 Filed 12-30-96; 8:45 am]

BILLING CODE 6560-50-M

ENVIRONMENTAL PROTECTION AGENCY (EPA)

[FRL-5672-4]

Gulf of Mexico Program's Joint Policy Review Board and Management Committee Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting of the Joint Policy Review Board and Management Committee of the Gulf of Mexico Program.

SUMMARY: The Gulf of Mexico Program's Joint Policy Review Board and Management Committee will hold a meeting at the Doubletree Hotel, New Orleans, Louisiana.

FOR FURTHER INFORMATION CONTACT:

James D. Giattina, Director, Gulf of Mexico Program Office, Building 1103, Room 202, John C. Stennis Space Center, Stennis Space Center, MS 39529-6000, at (601) 688-3726.

SUPPLEMENTARY INFORMATION: A meeting of the Joint Policy Review Board and Management Committee of the Gulf of Mexico Program will be held at the Doubletree Hotel, 300 Canal Street, New Orleans, LA. The committee will meet from 10:00 a.m. to 3:00 p.m. on January 29. Agenda items will include: Overview of the GMP Process Model; Management Committee Organizational Recommendations; Hypoxia; Shellfish; and Education and Outreach. The meeting is open to the public.

James D. Giattina,

Director, Gulf of Mexico Program.

POLICY REVIEW BOARD & MANAGEMENT COMMITTEE MEETING—AGENDA JANUARY 29, 1997

	Topic	Lead	Desired outcome
Tuesday, January 29:			
10:00–10:15 am	Welcome—Review of the Meeting Objectives and Agenda	Jan Saginaw Jimmy Palmer	Official opening of the meeting and identification of any final adjustments to the meeting agenda.
10:15–10:30 am	Overview of the GMP Process Model	Jim Giattina	Consensus agreement between the partners on a formal workflow process model for the GMP.
10:30–11:00 am	Presentation of the MC Organizational Recommendations	Roxane Dow Stan Meiberg	Comprehensive understanding of the recommendations.
11:00–11:45 am	Discussion—Organizational Recommendations	Roxane Dow Stan Meiberg	Consensus agreement between the partners on a final organizational structure for the GMP.
11:45–12:00 noon	Break (Set-up Time for Working Lunch)		
12:00–12:45 pm	"Hypoxia" —Discussion of Current Plans and Activities for FY 97	Hiram Boone—IMT (Natural Resources Conservation Service)	Consensus agreement between the partners to move ahead on plans and activities presented.
12:45–1:15 pm	"Shellfish" —Discussion of Current Plans and Activities for FY 97	Tom Herrington—IMT (Food & Drug Administration)	Consensus agreement between the partners to move ahead on plans and activities presented.
1:15–1:30 pm	Break		