

are treated differently and clarify what is required to be demonstrated if four feet of cover is not proposed.

(2) At 10 CSR 40-3.110(6)(B), by requiring, for previously mined areas, an operator to identify the best suited material available for topsoil replacement and to segregate that material for later use as a topsoil substitute.

(3) At 10 CSR 40-8.010(1)(A)(71), by furnishing a definition for "previously mined area" that is no less effective than the Federal definition.

(4) At 10 CSR 40-8.030(7)(A), by removing the phrase "in accordance with 10 CSR 40-8.040" or by providing the proper citation to the State rule that addresses extension of time for abatement of NOV's.

(5) At 10 CSR 40-8.040(9), by removing 10 CSR 40-8.040(9) regarding habitual violators.

[FR Doc. 93-29752 Filed 12-3-93; 8:45 am]

BILLING CODE 4310-05-M

30 CFR Part 938

Pennsylvania Regulatory Program; Bonding

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule; partial approval and deferral of amendment.

SUMMARY: OSM is announcing the approval, with certain exceptions, of a proposed amendment to the Pennsylvania permanent regulatory program (hereinafter referred to as the Pennsylvania program) approved under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment provides the permittee with additional financial instrument options for posting the performance bond that is required to be submitted and approved by the regulatory authority before the permit is issued or mining initiated.

EFFECTIVE DATE: December 6, 1993.

FOR FURTHER INFORMATION CONTACT: Robert J. Biggi, Director, Harrisburg Field Office, Office of Surface Mining Reclamation and Enforcement, Harrisburg Transportation Center, Third Floor, suite 3C, 4th and Market Streets, Harrisburg, Pennsylvania 17101. Telephone: (717) 782-4036.

SUPPLEMENTARY INFORMATION:

- I. Background on the Pennsylvania Program.
- II. Submission of Amendment.
- III. Director's Findings.
- IV. Summary and Disposition of Comments.
- V. Director's Decision.
- VI. Procedural Determinations.

I. Background on the Pennsylvania Program

The Secretary of the Interior conditionally approved the Pennsylvania program on July 31, 1982. Information on the background of the Pennsylvania program including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Pennsylvania program can be found in the July 30, 1982 Federal Register (47 FR 33050).

Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 938.11, 938.12, 938.15 and 938.16.

II. Submission of Amendment

By letter dated March 9, 1993 (Administrative Record Number PA 822.00), Pennsylvania submitted a State program amendment to allow for the use of additional bonding instruments.

OSM announced receipt of the proposed amendment in the June 7, 1993, Federal Register (58 FR 31925), and, in the same notice, opened the public comment period and provided opportunity for a public hearing on the adequacy of the proposed amendment. The comment period closed on July 7, 1993. The public hearing scheduled for July 2, 1993, was not held as no one requested an opportunity to testify.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal Regulations at 30 CFR 732.17, are the Director's findings concerning the proposed amendment to the Pennsylvania program. Any revisions not specifically addressed below are found to be no less stringent than SMCRA and no less effective than the Federal rules.

Section 4(d) of Pennsylvania's Surface Mining Conservation and Reclamation Act requires that the permit applicant file a performance bond with the Pennsylvania Department of Environmental Resources (PADER) before a permit can be issued or mining initiated. The financial instruments that may be used for the performance bond are: Surety bonds; cash; automatically renewable irrevocable bank letters of credit; or negotiable bonds of the United States Government or the Commonwealth of Pennsylvania, the Pennsylvania Turnpike Commission, the General State Authority, the State Public School Building Authority, or any municipality within the Commonwealth. On December 18, 1992, Pennsylvania's Governor Robert P. Casey signed House Bill 78 (Act 173) amending the Pennsylvania Surface

Mining Conservation and Reclamation Act, including section 4(d). Section 4(d) was amended to provide the permit applicant with additional financial instrument options for posting the performance bond. These proposed bonding instruments include a life insurance policy; an annuity or trust fund; or other financial instruments authorized by the Environmental Quality Board by regulation.

The Federal regulations at 30 CFR 800.5(b) define collateral bond to include such things as cash, certificates of deposit, bonds, letters of credit, first-lien security interests in real property, and other investment-grade securities. The Federal regulations at 30 CFR 800.21 do not expressly include a life insurance policy or an annuity or trust fund as an acceptable form of collateral. While the use of such instruments as a form of collateral bond may be approvable, the State has not submitted supporting procedures and safeguards for the Secretary to make determination that the use of such alternative bonding mechanisms is not inconsistent with SMCRA and no less effective than the Federal Regulations found at 30 CFR part 800. The Director is, therefore, only approving the language in section 4(d) that was previously approved and incorporated in that section and which is no less effective than the Federal requirements at 30 CFR 800.21. The Director is deferring action on that part of the amendment proposing the use of a life insurance policy or an annuity or trust fund as collateral for performance bond.

Pennsylvania is also proposing the use of other financial instruments or combinations of bonding instruments which may be authorized by the Environmental Quality Board by regulation. This amendment is approved so long as PADER submits any such proposed rules to the OSM for approval as a program amendment in accordance with 30 CFR 732.17(g). Changes to the State regulations are not allowed to become effective until they are approved by the OSM.

IV. Summary and Disposition of Comments

Public Comments

The public comment period and opportunity to request a public hearing announced in the June 7, 1993, Federal Register ended on July 7, 1993. No public comments were received and the scheduled public hearing was not held as no one requested an opportunity to provide testimony.

Agency Comments

Pursuant to section 503(b) of SMCRA and the implementing regulations at 30 CFR 732.17(h)(ii)(i), comments were solicited from various Federal and State agencies with an actual or potential interest in the Pennsylvania program. The Department of Labor, Mine Safety and Health Administration, Districts 1 and 2; the Department of Interior, Bureau of Mines; the Department of Agriculture, Soil Conservation Service; and the U.S. Army Corps of Engineers responded that they had no comments on the proposed amendment.

V. Director's Decision

Based on the findings discussed above, the Director is approving Pennsylvania's pre-existing language on financial instruments that may be used for performance bond and the use of other financial instruments or combinations of bonding instruments which may be authorized by the Environmental Quality Board by regulation. The Director is deferring his decision on that part of the amendment concerning Pennsylvania's proposal to use a life insurance policy or an annuity or trust fund as bonding instruments, as submitted by Pennsylvania on March 9, 1993, until such time as Pennsylvania submits proper procedures and safeguards.

The Federal regulations at 30 CFR part 938 codifying decisions concerning the Pennsylvania program are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to conform their programs with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

Effect of the Director's Decision

Section 503 of SMCRA provides that a State may not exercise jurisdiction under SMCRA unless the State program is approved by the Secretary. Similarly, 30 CFR 732.17(a) requires that any alteration of an approved State program be submitted to OSM for review as a program amendment. Thus any changes to the State program are not enforceable until approved by OSM. The Federal regulations at 30 CFR 732.17(g) prohibit any unilateral changes to approved State programs. In the oversight of the Pennsylvania program, the Director will recognize only the statutes, regulations and other materials approved by him, together with any consistent implementing policies, directives and other materials, and will require the

enforcement by Pennsylvania of only such provisions.

EPA Concurrence

Under 30 CFR 732.17(h)(11)(ii), the Director is required to obtain the written concurrence of the Administrator of the Environmental Protection Agency (EPA) with respect to any provisions of a State program amendment which relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) of the Clean Air Act (42 U.S.C. 7401 *et seq.*). The Director has determined that this amendment contains no such provisions and that EPA concurrence is, therefore, unnecessary.

VI. Procedural Determinations

Executive Order 12866

This final rule is exempted from review by the Office of Management and Budget under Executive Order 12866.

Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15 and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR parts 730, 731 and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act, 42 U.S.C. 4332(2)(C).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under the

Paperwork Reduction Act, 44 U.S.C. 3507 *et seq.*

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Hence, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

List of Subjects in 30 CFR Part 938

Intergovernmental relations, Surface mining, Underground mining.

Dated: November 24, 1993.

Ronald C. Recker,

Acting Assistant Director, Eastern Support Center.

For the reasons set forth in the preamble, title 30, chapter VII, subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 938—PENNSYLVANIA

1. The authority citation for part 938 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. In Section 938.15, a new paragraph (aa) is added to read as follows:

§ 938.15 Approval of regulatory program amendments.

(aa) The following amendment to the Pennsylvania regulatory program, as submitted to OSM on March 9, 1993, is approved, except as noted herein, effective December 6, 1993: Revisions to the Pennsylvania Surface Mining Conservation and Reclamation Act at section 4(d) concerning financial instruments that may be used for the performance bond and the use of other financial instruments or combinations of bonding instruments which may be authorized by the Environmental Quality Board by regulation. Action is being deferred on the proposed additional bonding instruments which include a life insurance policy or an

annuity or trust fund pending receipt from Pennsylvania of supporting procedures and safeguards.

[FR Doc. 93-29754 Filed 12-3-93; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 66

[CGD 93-047]

RIN 2115-AE64

Private Aids to Navigation; Conformance Deadline

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending 33 CFR part 66 to allow owners of marine private aids to navigation one additional year to bring previously authorized, but nonconforming, private aids to navigation into conformance with the U.S. Aids to Navigation System. This rule extends the private aid conformance deadline from December 31, 1993 to December 31, 1994.

DATES: This rule is effective on January 5, 1994.

FOR FURTHER INFORMATION CONTACT: LTJG Michael Peterson, Project Manager, Coast Guard Headquarters, Short Range Aids to Navigation Division, (202) 267-0411.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are LTJG Michael C. Peterson, Project Manager, and Mr. Nicholas Grasselli, Project Counsel, Office of Chief Counsel.

Background and Purpose

On November 6, 1987, a final rule was published modifying 33 CFR part 60, 62, 66, and 100 (52 FR 42640). These modifications made the U.S. Aids to Navigation System more consistent with the International Association of Lighthouse Authorities (IALA) Maritime Buoyage System. While all Coast Guard maintained aids have been modified to conform with these changes, all private aids to navigation in the Western Rivers Marking System have not yet been brought into conformance.

In the final rule, 33 CFR 66.01-10 was amended by requiring owners of previously authorized, but nonconforming, private aids to navigation to bring such aids to

navigation into conformance with the U.S. Aids to Navigation System no later than December 31, 1993.

Due to natural disasters in the Western Rivers region, the Coast Guard believes that some owners of private aids to navigation will be unable to bring such aids to navigation into conformance with the U.S. Aids to Navigation System by the current deadline. As a result, the Coast Guard is extending the private aid conformance deadline one additional year. Additionally, the Coast Guard has determined that good cause exists for promulgating this final rule without prior notice.

Discussion of Amendments

The Coast Guard is amending 33 CFR part 66 to allow owners of marine private aids to navigation one additional year to bring previously authorized, but nonconforming, private aids to navigation into conformance with the U.S. Aids to Navigation System. The private aid conformance deadline imposed by 33 CFR 66.01-10 is being extended one year to December 31, 1994.

Regulatory Evaluation

This proposal is not significant regulatory action under Executive Order 12866 and is not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11040, February 26, 1979). Because this rule only extends the private aid conformance deadline one year, the Coast Guard expects the economic impact of this proposal to be so minimal that further regulatory evaluation is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal would have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632).

Because the Coast Guard expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This proposal contains no collection of information requirements under the

Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposal in accordance with the principles and criteria contained in Executive Order 12612, and it has determined that this proposal does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment. These aids to navigation requirements are a matter for which regulations should be developed on the national level, to avoid unreasonably burdensome variances and confusion. These regulations which provide uniform aids to navigation requirements are intended to preempt States from adopting similar requirements.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded, under sections 2.B.2.c and 2.B.2.1 of Commandant Instruction M16475.1B, that this proposal is categorically excluded from further environmental documentation. This proposal is made to enhance the safety of personnel at sea and is expected to have no environmental impact. A Categorical Exclusion Determination is available in the docket for examination and copying where indicated under "ADDRESSES."

List of Subjects in 33 CFR Part 66

Intergovernmental relations, Navigation (water), Reporting and recordkeeping requirements.

For the reasons set out in the preamble, the Coast Guard amends title 33, part 66 of the Code of Federal Regulations as follows:

1. The authority citation for part 66 continues to read as follows:

Authority: 14 U.S.C. 83, 85; 43 U.S.C. 1333; 49 CFR 1.46.

PART 66—PRIVATE AIDS TO NAVIGATION

2. In § 66.01-10, paragraph (b) is amended to read as follows:

§ 66.01-10 Characteristics.

(a) * * *

(b) Owners of previously authorized, but nonconforming, private aids to navigation must bring such aids to navigation into conformance with the U.S. Aids to Navigation System not later than December 31, 1994.

Dated: November 8, 1993.

W.J. Ecker,

Chief, Office of Navigation Safety and
Waterway Services.

[FR Doc. 93-29731 Filed 12-3-93; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Parts 1, 2 and 10

[Docket No. 920671-3225]

RIN 0651-AA55

Changes in Signature and Filing Requirements for Correspondence Filed in the Patent and Trademark Office

AGENCY: Patent and Trademark Office,
Commerce.

ACTION: Final rule; correction.

SUMMARY: The Patent and Trademark Office (Office) is correcting errors in the final rule which appeared in the *Federal Register* on Friday, October 22, 1993 (58 FR 54494). The regulations related to changes in signature and filing requirements for correspondence filed in the Patent and Trademark Office contained in parts 1, 2, and 10.

EFFECTIVE DATE: November 22, 1993.

FOR FURTHER INFORMATION CONTACT: Abraham Herskovitz by telephone at (703) 305-9282, or by facsimile transmission at (703) 305-8825, or by mail marked to his attention and addressed to Office of the Assistant Commissioner for Patents, Box DAC, Washington, DC 20231.

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections, make changes to the rules of practice relating to signatures and filing requirements for correspondence filed in the Patent and Trademark Office.

Need for Correction

As published, the final regulations contain errors, which may be misleading and are in need of clarification. Several sections relating to receipt of facsimile transmissions in certain trademark documents were omitted.

Correction of Publication

Accordingly, the publication on October 22, 1993, of the final regulations (Docket No. 920671-3225), which were the subject of FR Doc. 93-25864, is corrected as follows:

1. On page 54494, in the second column, at the end of the first partial paragraph, the following sentence should be added: "This final rulemaking also expands the acceptability of facsimile transmissions to certain trademark documents which were not part of the proposed rulemaking."

2. On page 54495, in the second column, after the first full paragraph, the following paragraphs should be added:

"This final rulemaking also expands the acceptability of facsimile transmissions to certain trademark documents, not included in the proposed rulemaking. These additional documents are:

(1) An affidavit showing that a mark is still in use or containing an excuse for nonuse under section 8 (a) or (b) or section 12(c) of the Trademark Act, 15 U.S.C. 1058(a), 1058(b), 1062(c);

(2) An application for renewal of a registration under section 9 of the Trademark Act, 15 U.S.C. 1059;

(3) In an application under section 1(b) of the Trademark Act, 15 U.S.C. 1051(b), the filing of an amendment to allege use in commerce under section 1(c) of the Trademark Act, 15 U.S.C. 1051(c); or the filing of a statement of use under section 1(d)(1) of the Trademark Act, 15 U.S.C. 1051(d)(1).

The Certificate of Mailing or Transmission provisions of § 1.8 do not apply to correspondence listed in (1) through (3) above, nor to the filing of correspondence in an international application before the U.S. Receiving Office, the U.S. International Searching Authority, or the U.S. International Preliminary Examining Authority or to the filing, in an application under section 1(b) of the Trademark Act, 15 U.S.C. 1051(b), of a request under section 1(d)(2) of the Trademark Act, 15 U.S.C. 1051(d)(2), for an extension of time to file a statement of use under section 1(d)(1) of the Trademark Act, 15 U.S.C. 1051(d)(1). See § 1.8(a) (v), (viii), (ix), (xi) and (xii). If the transmission of any of these documents is completed after midnight (Eastern time) of the due date, the papers are untimely."

3. On page 54495, second column, in the first sentence of the second full paragraph, "2.51, 2.52 or 2.72" should be revised to read "or 2.21".

4. On page 54495, second column, at the end of the third full paragraph, the following sentence should be added: "This final rulemaking also expands the acceptability of specimens filed in conjunction with amendments to allege use under section 1(c); statements of use under section 1(d); affidavits of use or excusable nonuse under section 8 (a) or (b) or 12(c); and applications for

renewal under section 9 of the Trademark Act, 15 U.S.C. 1051 (c) and (d); 1058 (a) and (b); 1062(c) and 1059."

5. On page 54495, third column, in item numbered (2) at the bottom of the column, "§§ 2.51, 2.52, or 2.72" should be revised to read "§ 2.21".

6. On page 54495, third column, the item numbered "(3)" at the bottom of the column, should be removed.

7. On page 54495, third column, the item numbered "(4)" at the bottom of the column, should be removed.

8. On page 54495, third column, the item numbered "(5)" should be redesignated as "(3)".

9. On page 54495, the item numbered "(6)" should be removed.

10. On page 54496, top of the first column, the item numbered "(7)" should be redesignated as "(4)".

11. On page 54496, top of the first column, the item numbered "(8)" should be redesignated as "(5)".

12. On page 54498, in lines 16 and 17 from the top of the third column, to read "2.51, 2.52, or 2.72" should be revised to read "or 2.21".

13. On page 54498, in the third column, at the end of the first partial paragraph, the following sentence should be added: "However, the suggestion has been adopted to the extent that the Office will accept, via facsimile transmission, an affidavit showing that a mark is still in use or containing an excuse for nonuse under section 8 (a) or (b) or section 12(c) of the Trademark Act, 15 U.S.C. 1058(a), 1058(b), 1062(c); and application for renewal of a registration under section 9 of the Trademark Act, 15 U.S.C. 1059; and in application under section 1(b) of the Trademark Act, 15 U.S.C. 1051(b), the filing of an amendment to allege use in commerce under section 1(c) of the Trademark Act, 15 U.S.C. 1051(c); or the filing of a statement of use under section 1(d)(1) of the Trademark Act, 15 U.S.C. 1051(d)(1)."

14. On page 54502, in § 1.6(d)(3), lines 4 and 5, "§ 1.8(a)(2) (i) through (iv), (vi) through (xi) and (xii)" should be revised to read "§ 1.8(a)(2)(i) (A) through (D) and (F); 1.8(a)(2)(ii) (A) and (D); and 1.8(a)(2)(iii)(A)".

15. On page 54502, in 31.8(a)(2) introductory text, the comma in the last line between "on" and "the" should be removed.

Dated: November 27, 1993.

Bruce A. Lehman,

Assistant Secretary of Commerce and
Commissioner of Patents and Trademarks.

[FR Doc. 93-29598 Filed 12-3-93; 8:45 am]

BILLING CODE 3510-16-M

37 CFR Parts 1, 5 and 10

[Docket No. 920779-3226]

RIN 0651-AA34

Miscellaneous Changes in Patent Practice; Correction

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Final rule; correction.

SUMMARY: The Patent and Trademark Office (Office) is correcting errors in the final rule which appeared in the *Federal Register* on Friday, October 22, 1993 (58 FR 54504). The regulations related to miscellaneous changes in patent practice contained in parts 1, 5 and 10.

EFFECTIVE DATE: January 3, 1994.

FOR FURTHER INFORMATION CONTACT:

Abraham Herschkovitz by telephone at (703) 305-9282, or by facsimile transmission at (703) 305-8825, or by mail marked to his attention and addressed to: Office of the Assistant Commissioner for Patents, Box DAC, Washington, DC 20231.

SUPPLEMENTARY INFORMATION:**Background**

The final regulations that are the subject of these corrections, make miscellaneous changes to the rules of practice in patent cases.

Need for Correction

As published, the final regulations contain errors, including the effective date, which may be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication on October 22, 1993, of the final regulations (Docket No. 920779-3226), which were the subject of FR Doc. 93-25865, is corrected as follows:

1. On page 54504, in the second column, the Effective Date: should read "January 3, 1994."

2. On page 54505, first column, the second to last line of the first full paragraph, the "§ 029" should be removed.

Dated: November 29, 1993.

Bruce A. Lehman,

Assistant Secretary of Commerce and
Commissioner of Patents and Trademarks.
[FR Doc. 93-29599 Filed 12-3-93; 8:45 am]

BILLING CODE 3510-16-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[W138-01-6031; FRL-4809-5]

Approval and Promulgation of Wisconsin Implementation Plan; Emission Statements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The U.S. EPA is approving a revision to Wisconsin's State Implementation Plan (SIP) submitted by the State of Wisconsin to implement an emission statement program for stationary sources throughout the State. The implementation plan was submitted by the State to satisfy the Federal requirements for an emission statement program in ozone nonattainment areas.

EFFECTIVE DATE: This action will be effective February 4, 1994, unless notice is received on or before January 5, 1994, that someone wishes to submit adverse comments. If the effective date is delayed, timely notice will be published in the *Federal Register*.

ADDRESSES: Written comments should be sent to: Carlton T. Nash, Chief, Regulation Development Section, Air Toxics and Radiation Branch (AT-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the SIP revision and U.S. EPA's analysis are available for inspection at the U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Megan Beardsley at (312) 886-0669 before visiting the Region 5 Office.)

A copy of this Wisconsin section 182 SIP revision is available for inspection from Jerry Kurtzweg (ANR-443), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Megan Beardsley, Air Toxics and Radiation Branch, Regulation Development Section (AT-18J), U.S. Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 353-6680.

SUPPLEMENTARY INFORMATION:**I. Background**

The SIP requirements for ozone nonattainment areas are set out in subparts I and II of part D of title I of the Clean Air Act, as amended by the Clean Air Act Amendments of 1990 ("the Act").

Section 182 of the Act sets out a graduated control program for ozone nonattainment areas. Paragraph 182(a) sets out requirements applicable in marginal nonattainment areas, which are also made applicable in paragraphs (b), (c), (d), and (e) to all other ozone nonattainment areas.

Paragraph 182(a)(3) requires that States implement rules that require stationary sources to submit to the State annual emission statements showing actual emissions of volatile organic compounds (VOC) and nitrogen oxides (NO_x). These rules were to be submitted as a revision to the SIP by November 15, 1992. When Wisconsin failed to submit complete rules by this deadline, U.S. EPA began a sanctions process against the State. On July 2, 1993, Wisconsin submitted the current emission statement SIP revision. On August 4, 1993, U.S. EPA sent Wisconsin a letter notifying the State that this submittal was complete and that the completeness finding ended the sanctions process for the emission statement SIP revision.

II. Evaluation of State Submission**A. Procedural Background**

The Act requires States to observe certain procedural requirements in developing its SIP, of which the emission statement program will become a part. Section 110(a)(2) of the Act provides that each implementation plan submitted by a State must be adopted after reasonable notice and public hearing.¹ Section 110(l) similarly provides that each revision to an implementation plan submitted by a State under the Act must have been adopted by such State after reasonable notice and public hearing.

The State of Wisconsin held public hearings on December 8, 10 and 11, 1992, to solicit public comment on the emission statement rule, "Air Contaminant Emission Inventory Reporting Requirements," chapter NR 438 of the Wisconsin Administrative Code. Following the public hearing, the rule was adopted by the State and became effective June 1, 1993. The rule was submitted to U.S. EPA on July 2, 1993, as a proposed revision to the SIP.

The proposed SIP revision was reviewed by the U.S. EPA to determine completeness shortly after its submittal, in accordance with the completeness criteria set out at 40 CFR part 51, appendix V (1991), as amended by 57 FR 42216 (August 26, 1991). The submittal was found to be complete, and a letter indicating the completeness of

¹ Also, section 172(c)(7) of the Act requires that plan provisions for nonattainment areas meet the applicable provisions of section 110(a)(2).