

medium-duty vehicles. California also amended its corresponding regulations.

ADDRESSES: A copy of the above standards and test procedures, the decision document containing an explanation of the Administrator's determination, and the record of those documents used in arriving at this decision, are available for public inspection during normal working hours of 8 a.m. to 5:30 p.m., Monday through Friday, at: U.S. Environmental Protection Agency, Air Docket (Docket #A-90-28), room M1500, Waterside Mall, 401 M Street, S.W., Washington, DC 20460. The telephone number is (202) 260-7548 and the facsimile number is (202) 260-4400. A reasonable fee may be charged by EPA for copying docket material.

FOR FURTHER INFORMATION CONTACT: David J. Dickinson, Attorney/Advisor, Vehicle Programs and Compliance Division (6405J), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460. Telephone: (202) 233-9256 or Internet e-mail at "dickinson.david@epamail.epa.gov."

SUPPLEMENTARY INFORMATION: I have decided to grant California a waiver of Federal preemption pursuant to section 209(b) of the Clean Air Act, as amended (Act), 42 U.S.C. 7543(b), for amendments to its exhaust emission standards and test procedures which establish new and/or more stringent monitoring requirements of OBD systems on 1994 and later model year passenger cars, light-duty trucks, and medium-duty vehicles and also requires certain tampering protections on such OBD systems. A comprehensive description of California's OBD II program can be found in the decision document for this waiver and in materials submitted to the Docket by the California Air Resources Board (CARB).

Section 209(b) of the Act provides that, if certain criteria are met, the Administrator shall waive Federal preemption for California to enforce new motor vehicle emission standards and accompanying enforcement procedures. As explained more fully in the decision document, EPA finds CARB's OBD II regulations to be a standard under section 202 and thus to require full waiver review. The criteria of such a waiver 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 the applicable Federal standards; whether California needs State standards to meet compelling and extraordinary conditions; and whether

California's amendments are consistent with section 202(a) of the Act.

CARB determined that these standards and accompanying enforcement procedures do not cause California's standards, in the aggregate, to be less protective to public health and welfare than the applicable Federal standards. Information presented to me by parties opposing California's waiver did not demonstrate that California arbitrarily or capriciously reached this protectiveness determination. Therefore, I cannot find California's determination to be arbitrary and capricious.

CARB has continually demonstrated the existence of compelling and extraordinary conditions justifying the need for its own motor vehicle emission control program, which includes the subject standards and procedures. Information presented to me by parties opposing California's waiver request did not demonstrate that California no longer has a compelling and extraordinary need for its own program. Therefore, I agree that California continues to have compelling and extraordinary conditions which require its own program, and, thus, I cannot deny the waiver on the basis of the lack of compelling and extraordinary conditions.

CARB has submitted information that its emission standards and test procedures are technologically feasible and present no inconsistency with Federal requirements and are, therefore, consistent with section 202(a) of the Act. Additionally, EPA agrees with CARB's statement that any vehicle that satisfies California's requirements can be presumed to meet the Federal requirements (assuming the manufacturer monitors, at minimum, the catalytic converter, the oxygen sensor, and engine misfire, and complies with requirements for standardizing certain aspects of the OBD system such as diagnostic connectors and computer communication protocols) through the 1998 model year. Thereafter CARB's regulations state that CARB will accept EPA certification data. Information presented to me by parties opposing California's waiver request did not satisfy the burden of persuading EPA that the standards are not technologically feasible within the available lead time, considering costs. Accordingly, I hereby grant the waiver requested by California.

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 motor vehicles for sale in California. For this reason, I hereby determine and find that

this 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 December 10, 1996. 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 in the Regulatory Flexibility Act, 5 U.S.C. 601(2). Therefore, EPA has not prepared a supporting regulatory flexibility analysis addressing the impact of this action on small business entities.

Dated: October 2, 1996.

Mary D. Nichols,

Assistant Administrator for Air and Radiation.

[FR Doc. 96-26192 Filed 10-10-96; 8:45 am]

BILLING CODE 6560-50-P

[ER-FRL-5473-8]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564-7167 OR (202) 564-7153. Weekly receipt of Environmental Impact Statements Filed September 30, 1996 Through October 04, 1996 Pursuant to 40 CFR 1506.9.

EIS No. 960460, Final EIS, FRC, ME, Penobscot River Basin Hydroelectric Project, Ripogenus (FERC No. 2572) and Penobscot Mills (FERC No. 2458) Operation Changes and Minor Construction, Licenses Renewal, Piscataquis and Penobscot Counties, ME, Due: November 12, 1996, Contact: Edward R. Meyer (202) 208-7998.

EIS No. 960461, Draft Supplement, FHW, HI, Makai Boulevard Concept/Nimitz Highway Improvements, Updated Information, Construction from Keehi Interchange to Pier 16 (Awa Street) in the Kalihi-Palama District, Funding, US Coast Guard and COE Section 404 Permits, City of Honolulu and Honolulu County, HI, Due: December 13, 1996, Contact: Abraham Wong (808) 541-2700.

EIS No. 960462, Final EIS, COE, CA, Norco Bluffs Bank Stabilization Measures, Implementation, Riverside County Flood Control and Water Conservation District, National Economic Development, Santa Ana River, City of Norco, Riverside County, CA, Due: November 12, 1996, Contact: Alex Watt (213) 452-3860.

EIS No. 960463, Draft EIS, NPS, ME, Saint Croix Island International Historic Site, General Management Plan, Implementation, Calais, Washington County, ME, Due: November 25, 1996, Contact: David Clark (617) 223-5141.

EIS No. 960464, Draft EIS, USA, MO, US Army Chemical School and US Army Military Police School Relocation to Fort Leonard Wood (FWL) from Fort McClellan, Alabama, Implementation, Cities of St. Robert, Waynesville, Richland, Dixon, Crocker, Rolla, Houston and Lebanon; Pulaski, Texas, Phelps and Laclede Counties, MO, Due: November 25, 1996, Contact: Alan Gehrt (816) 426-3358.

EIS No. 960465, Final EIS, COE, LA, Programmatic EIS-Marsh Management Project, Hydrologic Manipulation, COE Section 10 and 404 Permit Issuance, Coastal Wetland of Louisiana a part of the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA) River Basins, LA, Due: November 12, 1996, Contact: Robert Bosenberg (504) 862-2522.

EIS No. 960466, Final EIS, COE, IN, Indianapolis North Flood Damage Reduction Feasibility Study, Construction of Floodwalls and Levees, White River, Marion County, IN, Due: November 12, 1996, Contact: William Ray Haynes (502) 582-6475.

EIS No. 960467, Final EIS, BLM, AZ, Morenci Land Exchange, Implementation, Exchange of Federal Lands for Private Lands, Safford District, Greenlee, Graham, Cochise and Pima Counties, AZ, Due: November 12, 1996, Contact: Scott Evans (520) 428-4040.

EIS No. 960468, Final EIS, COE, CA, Kaweah River Basin Investigation Feasibility Study, Flood Protection of Terminus Dam, Increase Storage Space in Lake Kaweah for Irrigation of Water Supply, Construction, Modification and Operation, San Joaquin Valley, Tulare and King Counties, CA, Due: November 12, 1996, Contact: Jane Rinck (916) 557-6715.

EIS No. 960469, Final EIS, FHW, CA, Alternatives to Replacement of the Embarcadero Freeway and the Terminal Separator Structure, (Formerly CA-480) Implementation, Permit Approvals and Funding, San Francisco County, CA, Due: November 12, 1996, Contact: John R. Schultz (916) 498-5011.

EIS No. 960470, Draft EIS, COE, IL, Chicagoland Underflow Plan, McCook Reservoir Construction and Operation for Temporary Retention of Floodwaters in Metropolitan Chicago, Implementation, Cook County, IL, Due: December 9, 1996, Contact: Keith Ryder (312) 353-6400 ext. 2020.

EIS No. 960471, Draft EIS, NPS, WA, OR, ID, MT, Nez Perce National Historical Park and Big Hole National Battelfield General Management Plan, Implementation, Asotin and Okanogan Counties, WA; Wallowa County, OR; Idaho, Lewis, Nez Perce, Clearwater and Clank Counties, ID; and Blaine, Yellowstone and Beaverhead Counties, MT, Due: December 9, 1996, Contact: Clifford Hawkes (303) 969-2262.

EIS No. 960472, Draft EIS, AFS, AZ, Eastern Roosevelt Lake Watershed Analysis Area Grazing Strategy and Associated Range Improvements Management Plan, Development and Implementation, Tonto National Forest, Tonto Basin Ranger District, Gila County, AZ, Due: November 30, 1996, Contact: Linny Warren (520) 467-3200.

EIS No. 960473, Draft EIS, COE, LA, Westwego to Harvey Canal Hurricane Protection Project, Implementation, Lake Cataouatche Area, Jefferson Parish, LA, Due: November 25, 1996, Contact: Bill Wilson (504) 862-2527.

EIS No. 960474, Draft EIS, BLM, MT, SD, ND, Standards for Rangeland Health and Guidelines for Livestock Grazing Management on Bureau of Land Management Administered Lands, Implementation, MT, ND and SD, Due: January 13, 1997, Contact: Dan Lechefsky (406) 255-2919.

EIS No. 960475, Draft Supplement, USN, PA, Former Naval Hospital Philadelphia, Pennsylvania Disposal and Reuse, New Information concerning Additional Alternatives, Implementation, City of Philadelphia, PA, Due: November 25, 1996, Contact: Tina A. Deininger (610) 565-0761.

EIS No. 960476, Final EIS, FRC, MI, WI, Menominee River Basin Multiple Project, Application for New Licenses and (Relicense) for Four Existing Projects, FERC Nos. 2536, 2357, 2394 and 2433, Menominee and Dickerson Cos., MI and Michigan and Marinette Cos., WI, Due: November 13, 1996, Contact: Jim Haimes (202) 219-2780.

EIS No. 960477, Draft EIS, USN, CA, Oakland Naval Medical Center, Disposal and Reuse, Implementation, in the City of Oakland, Alameda County, CA, Due: November 25, 1996, Contact: Gary Munekawa (415) 244-3022.

EIS No. 960478, Final EIS, FRC, NY, Felts Mills Hydroelectric Project (FERC No. 4715-006), Issuance of Original License, Construction, Operation and Maintenance, Site Specific, Black River, Jefferson County, NY, Due: November 12, 1996, Contact: Edward R. Meyer (202) 208-7998.

Dated: October 8, 1996.

William D. Dickerson,
Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 96-26210 Filed 10-10-96; 8:45 am]

BILLING CODE 6560-50-U

[FRL-5635-8]

Regulatory Reinvention (XL) Pilot Projects

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of Weyerhaeuser Project XL Final Project Agreement.

SUMMARY: EPA is today requesting comment on a proposed Project XL Final Project Agreement (FPA) for Weyerhaeuser Company's Flint River Kraft pulp mill in Ogelthorpe, Georgia. The FPA is a voluntary agreement developed collaboratively by Weyerhaeuser Flint River, local community members, and state, local, and federal regulators. Project XL, announced in the Federal Register on May 23, 1995 at 60 FR 27282 (FRL-5197-9), gives regulated sources the flexibility to develop alternative strategies that will replace or modify specific regulatory requirements on the condition that they produce greater environmental benefits. EPA has set a goal of implementing a total of fifty projects undertaken in full partnership with the states.

DATES: The period for submission of comments ends on November 7, 1996.

ADDRESSES: All comments on the draft Final Project Agreement should be sent to: Michelle Glenn, US EPA, Weyerhaeuser Project XL Lead, 100 Alabama Street (Waste Division, 10th Floor) Atlanta, Georgia 30303. Comments may also be faxed to Ms. Glenn at (404) 562-8628.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the proposed Final Project Agreement contact: Michelle Glenn; US EPA; Weyerhaeuser Project XL Lead; 100 Alabama Street (Waste Division, 10th Floor); Atlanta, Georgia 30303. The document is also available via the internet at the following location: "<http://www.epa.gov/ProjectXL>". Questions to EPA regarding the document can be directed to Michelle Glenn at (404) 562-8674. To be included on the Weyerhaeuser Project XL mailing list to receive information about future public meetings, XL progress reports and other mailings from Weyerhaeuser on the XL Project, contact: Janet McElmurray; Weyerhaeuser Company; c/o Project XL;