(b) *Progress reports.* (1) Once the action plan(s) has been approved by NARA, the head of the agency will submit progress reports to NARA every 6 months. The reports will include:

(i) A description of what has been accomplished on each action since the last report;

(ii) The current status of the action;

(iii) Any changes in the offices or programs responsible for over-all or specific action implementation; and,

(iv) If appropriate, explanation of any delays in implementation and revised target dates and milestones for completion of the action.

(2) The agency will continue to submit these progress reports until NARA and the agency agree all actions have been completed, NARA and the agency agree that the agency has implemented the recommendation(s) to the fullest extent possible, or NARA indicates in writing that regular progress reports are no longer required.

(3) NARA will review and comment on agency progress reports, and work closely with the agency to provide assistance in evaluation implementation.

§ 1220.60 Follow-up notification and reviews.

(a) If NARA determines that there is not substantial progress in the full implementation of evaluation recommendations or that the agency has not corrected serious problems identified in the report, the Archivist, after notifying the head of the agency, may notify Congress and appropriate Federal oversight agencies of the evaluation findings and the agency response.

(b) NARA may initiate follow-up reviews at specific offices or field sites. Results of these follow-up reviews shall be communicated to the head of the agency and, if NARA determines it to be appropriate, to Congress and Federal oversight agencies.

Dated: May 25, 1994.

Trudy Huskamp Peterson,

Acting Archivist of the United States.

[FR Doc. 94–13517 Filed 6–2–94; 8:45 am]

BILLING CODE 7515–01–W

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MI17–01–5761; FRL–4886–7]

Approval and Promulgation of a Small Business Technical and Environmental Compliance Assistance Program; Michigan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA approves the Michigan State Implementation Plan (SIP) revision submitted by the State of Michigan for the purpose of establishing a Small Business Stationary Source Technical and Environmental Compliance Assistance Program (PROGRAM). The implementation plan was submitted by the State to satisfy the Federal mandate of the Clean Air Act (Act), to ensure that small businesses have access to the technical assistance and regulatory information necessary to comply with the Act. The rationale for the approval is set forth in this notice; additional information is available at the addresses indicated below.

EFFECTIVE DATE: This action will be effective August 2, 1994 unless notice is received by July 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: Comments can be mailed to Carlton Nash, Chief, Regulation Development Section, Air Toxics and Radiation Branch, United States Environmental Protection Agency, 77 West Jackson Boulevard (AT–18J), Chicago, Illinois 60604. Copies of the State's submittal and the EPA's technical support document are available for inspection during normal business hours at the following locations: United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard (AT–18J), Chicago, Illinois 60604, and Michigan Department of Natural Resources, Stevens T. Mason Building, P.O. Box 30028, Lansing, Michigan 48909.

A copy of this SIP revision is also available at the Office of Air and Radiation, Docket and Information Center (Air Docket 6102), room M1500, United States Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 260–7548.

FOR FURTHER INFORMATION CONTACT: Chris Campbell, USEPA (AT–18J), 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–6324.

SUPPLEMENTARY INFORMATION:

I. Background

Implementation of the provisions of the Act, as amended in 1990, will require regulation of many small businesses so that areas may attain and maintain the national ambient air quality standards (NAAQS) and reduce the emission of air toxics. Small businesses frequently lack the technical expertise and financial resources necessary to evaluate such regulations and to determine the appropriate mechanisms for compliance. In anticipation of the impact of these requirements on small businesses, the Act requires that States adopt a Small Business Stationary Source Technical and Environmental Compliance Assistance Program (PROGRAM), and submit this PROGRAM as a revision to the Federally approved SIP. In addition, the Act directs the EPA to oversee these small business assistance programs and report to Congress on their implementation. The requirements for establishing a PROGRAM are set out in section 507 of title V of the Act. In February 1992, the EPA issued "Guidelines for the Implementation of Section 507 of the 1990 Clean Air Act Amendments" to delineate the Federal and State roles in meeting the new statutory provisions and to provide further guidance to the States on submitting acceptable SIP revisions.

In order to gain full approval, the State submittal must provide for each of the following PROGRAM elements: (1) The establishment of a Small Business Assistance Program (SBAP) to provide technical and compliance assistance to small businesses; (2) the establishment of a State Small Business Ombudsman to represent the interests of small businesses in the regulatory process; and (3) the creation of a Compliance Advisory Panel (CAP) to determine and report on the overall effectiveness of the PROGRAM.

In order to satisfy the requirements of section 507, on November 11, 1992, January 8, 1993, and November 12, 1993, the State of Michigan submitted a Small Business Stationary Source Technical and Environmental Compliance Assistance Program as a revision to its SIP. The November 12, 1993 submittal included the Michigan Small Business Clean Air Assistance Act of 1993.

II. Analysis

1. Small Business Assistance Program

Section 507(a) sets forth six requirements [1] that the State must meet to have an approvable SBAP. The first requirement is to establish adequate mechanisms for developing, collecting, and coordinating information concerning compliance methods and technologies for small business stationary sources, and programs to encourage lawful cooperation among such sources and other persons to further compliance with the Act.

The State has met this requirement by establishing the Air Quality Small Business Assistance Program (AQSBAP) and requiring it to develop this aspect of the SBAP. The AQSBAP outreach program will coordinate activities with existing groups that represent small businesses' interests and/or come in contact with large numbers of small businesses. As new standards and requirements are promulgated, the AQSBAP will translate the requirements into understandable terms and disseminate the information through these organizations, which include the Michigan Department of Natural Resources Air Quality Division (MDNR AQD), the Small Business Clean Air Ombudsman (SBCAO), the Michigan Department of Public Health, local emergency planning committees, trade associations, chambers of commerce, newspapers, business and trade journals, economic development groups, universities, and electronic databases. The AQSBAP will also seek participation in these organizations' conferences and meetings. In addition, the AQSBAP will develop a client tracking system to help assess program needs, and to develop small business mailing lists. To address reactive information needs, the AQSBAP will assist in operating an "800" telephone clearinghouse service which will be able to provide technical assistance. To address the program's technical resource needs, the AQSBAP will provide its own technical specialists, as well as develop mechanisms for obtaining additional technical support from appropriate Federal, State, and other organizations. The AQSBAP will also develop an air quality resource center, which will be available to the AQSBAP technical specialists.

The second requirement is to establish adequate mechanisms for assisting small business stationary sources with pollution prevention and accidental release detection and prevention, including providing information concerning alternative technologies, process changes, products, and methods of operation that help reduce air pollution.

The State has met this requirement by promoting pollution prevention and offering technical assistance through the AQSBAP and several existing programs also within the Environmental Sciences Division (ESD). The AQSBAP and the Office of Waste Reduction Services will help businesses locate and take advantage of pollution prevention opportunities. The AQSBAP and the Education/Outreach program will work together in the development of fact sheets and case studies which highlight pollution prevention technologies. In addition, these programs will jointly participate in seminars and workshops. The AQSBAP will address accidental release detection and prevention by training technical specialists in these practices and technologies. General questions will be addressed by these specialists, and complex questions will be referred to the EPA's Chemical Emergency Preparedness and Prevention Office, or the Emergency Planning and Community Right-to-Know Hotline. State organizations, including the State Emergency Response Commission, the Michigan Chemical Council, the Emergency Management Division of the Michigan Department of State Police, and the Michigan Department of Public Health will also be used as resources. The outreach program described in the first requirement above will be used to distribute publications and information about upcoming workshops on accidental release prevention.

The third requirement is to develop a compliance and technical assistance program for small business stationary sources which assists small businesses in determining applicable requirements and in receiving permits under the Act in a timely and efficient manner.

The State has met this requirement by providing an "800" number and by offering individual meetings to provide one on one compliance assistance. The AQSBAP technical specialists will be able to identify applicable air quality regulations, determine whether or not a permit is needed, identify methods for achieving compliance, and explain the permitting procedures. The AQSBAP will use the outreach methods described in the first requirement above to disseminate information regarding new standards and requirements.

The fourth requirement is to develop adequate mechanisms to assure that small business stationary sources receive notice of their rights under the Act in such manner and form as to assure reasonably adequate time for such sources to evaluate compliance methods and any relevant or applicable proposed or final regulation or standards issued under the Act. The State has met this requirement by establishing information dissemination mechanisms to ensure that small business stationary sources receive notice of their rights under the Act. The AQSBAP and the MDNR AQD will develop a fact sheet that notifies small businesses of their rights under the Act and Michigan's Air Pollution Act, and explains the legal recourse should they be notified of a violation. This information will be provided during site visits and presentations at trade association meetings, and will be uploaded on the NEWBIZ computer database. The AQSBAP will also develop and disseminate through the outreach program timely fact sheets notifying small businesses of proposed and final regulations issued under the Act that affect their businesses.

The fifth requirement is to develop adequate mechanisms for informing small business stationary sources of their obligations under the Act, including mechanisms for referring such sources to qualified auditors or, at the option of the State, for providing audits of the operations of such sources to determine compliance with the Act.

The State has met this requirement by establishing information dissemination mechanisms to ensure that small business stationary sources receive notice of their obligations under new regulations. These mechanisms are the same as those listed above for notifying sources of their rights. In addition, the AQSBAP will develop and distribute a list of consultants that can provide air quality audits of small businesses. The AQSBAP will also develop a fact sheet that helps small businesses select a reputable auditor. In addition, the AQSBAP will investigate the feasibility of implementing its own voluntary audit program.

The sixth requirement is to develop procedures for consideration of requests from a small business stationary source for modification of (A) any work practice or technological method of compliance, or (B) the schedule of milestones for implementing such work practice or method of compliance preceding any applicable compliance date, based on the technological and financial capability of any such small business stationary source.

The State has met this requirement by addressing such requests under Modification to Act 348, Part 6 Rules,

[1] A seventh requirement of Section 507(a), establishment of an Ombudsman office, is discussed in the next section.

which contains the procedures that businesses must follow in obtaining approval for such a request. Responses to requests relating to Federal standards will be coordinated with the EPA. The AQSBAP will assist small businesses in identifying these procedures.

2. Ombudsman

Section 507(a)(3) requires the designation of a State office to serve as the Ombudsman for small business stationary sources. The State has met this requirement by establishing the Small Business Clean Air Ombudsman (SBCAO) and the Office of the SBCAO within the Michigan Department of Commerce. The SBCAO is required to represent the interests of small businesses, and to assure that the goals of the AQSBAP are met. The SBCAO is required to perform many duties, including: Conducting evaluations of all aspects of the program; reviewing and commenting on requirements that impact small businesses; facilitating and promoting small business participation in rule development; disseminating information; participating and sponsoring meetings with regulatory officials, industry groups, and small business representatives; investigating and resolving complaints and disputes from small businesses against State or local air pollution control agencies; referring small businesses to the appropriate technical specialists; assisting in the preparation of small business guidance documents; assisting small businesses in locating financial assistance for compliance requirements; and studying the financial impacts of requirements on small businesses. It is expected that the Governor will be making the Ombudsman appointment by June 1994, but no later than November 1, 1994.

3. Compliance Advisory Panel

Section 507(e) requires the State to establish a Compliance Advisory Panel (CAP) that must include two members selected by the Governor who are not owners or representatives of owners of small businesses; four members selected by the State legislature who are owners, or represent owners, of small businesses; and one member selected by the head of the agency in charge of the Air Pollution Permit Program.

The State has met this requirement by establishing a CAP which includes these appointments. The enabling legislation also outlines general policies and procedures for administering the CAP. As of April 1, 1994, five of the seven CAP appointments had been made. All CAP appointments will be completed by June 1994, but no later than November 1, 1994.

In addition to establishing the minimum membership of the CAP, the Act delineates four responsibilities of the Panel: (1) To render advisory opinions concerning the effectiveness of the SBAP, difficulties encountered and the degree and severity of enforcement actions; (2) to periodically report to the EPA concerning the SBAP's adherence to the principles of the Paperwork Reduction Act, the Equal Access to Justice Act, and the Regulatory Flexibility Act;[2] (3) to review and assure that information for small business stationary sources is easily understandable; and (4) to develop and disseminate the reports and advisory opinions made through the SBAP. The State has met these requirements by requiring the CAP to meet these responsibilities. In addition, the AQSBAP and the SBCAO staff will provide support to the CAP in its efforts to carry out these responsibilities.

4. Eligibility

Section 507(c)(1) of the Act defines the term "small business stationary source" as a stationary source that:

(A) Is owned or operated by a person who employs 100 or fewer individuals;

(B) Is a small business concern as defined in the Small Business Act;

(C) Is not a major stationary source;

(D) Does not emit 50 tons per year (tpy) or more of any regulated pollutant; and

(E) Emits less than 75 tpy of all regulated pollutants.

Michigan's Small Business Clean Air Assistance Act similarly defines the term "small business," and expands criterion (C) to include major stationary sources which are major because of their location in a nonattainment area. To avoid discouraging businesses from seeking assistance, Michigan intends to use a flexible definition of small business when implementing the program. The type of service and the amount of resources necessary to carry out the service will dictate whether a broad or narrow eligibility definition is used. This is consistent with section 507(c)(2) of the Act.

The State of Michigan has provided for public notice and comment on grants of eligibility to sources that both do not emit more than 100 tpy of all regulated pollutants and do not meet the eligibility provisions of sections 507(c)(1) (C), (D), and (E) of the Act. In response to such a petition by a stationary source, the Director of the MDNR may define a source as a "small business." This is consistent with section 507(c)(2) of the Act.

The State of Michigan has provided for exclusion from the "small business" definition for any category or subcategory of sources that the State determines to have sufficient technical and financial capabilities to meet the requirements of the Act. The Director of the MDNR may exclude such sources after consultation with the EPA and the Small Business Administration and after providing notice and opportunity for public hearing. This provision is consistent with section 507(c)(3).

III. Final Rulemaking

Michigan has submitted a SIP revision implementing each of the required PROGRAM elements required by section 507 of the Act. The PROGRAM will be fully implemented by November 15, 1994.

Because the EPA considers this final rule noncontroversial and routine, we are approving it today without prior proposal. This rule will become effective on August 2, 1994. However, if we receive notice by July 5, 1994 that someone wishes to submit adverse comments, then the EPA will publish: (1) A notice that withdraws the action, and (2) a notice that begins a new rulemaking by proposing the action and establishing a comment period.

This action has been classified as a Table 2 Action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). A revision to the SIP processing review tables was approved by the Acting Assistant Administrator for Office of Air and Radiation on October 4, 1993 (Michael Shapiro's memorandum to Regional Administrators). A future notice will inform the general public of these tables. Under the revised tables this action remains classified as a Table 2. On January 6, 1989 the Office of Management and Budget (OMB) waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirement of section 3 of Executive Order 12291 for a period of two years. The EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. The OMB has agreed to continue the temporary waiver until such time as it rules on the EPA's request. This request continued in effect under Executive Order 12866 which superseded Executive Order 12291 on September 30, 1993.

[2] Section 507(e)(1)(B) requires the CAP to report on the *compliance* of the SBAP with these three Federal statutes. However, since State agencies are not required to comply with them, EPA believes that the State PROGRAM must merely require the CAP to report on whether the SBAP is adhering to the general principles of these Federal statutes.

Nothing in this action should be construed as permitting, allowing, or establishing a precedent for any future request for revision to any SIP. USEPA shall consider each request for revision to the SIP in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under Executive Order 12866 (58 FR 51735 (October 4, 1993)), the EPA must determine whether the regulatory action is "significant" and therefore subject to OMB review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

OMB has exempted this regulatory action from E.O. 12866 review.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, the 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, the 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.

By today's action, the EPA is approving a State program created for the purpose of assisting small businesses in complying with existing statutory and regulatory requirements. The program being approved today does not impose any new regulatory burden on small businesses; it is a program under which small businesses may elect to take advantage of assistance provided by the State. Therefore, because the EPA's approval of this program does not impose any new regulatory requirements on small businesses, I certify that it does not have a significant economic impact on any small entities affected.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Small business assistance program, Incorporation by reference.

Authority: 42 U.S.C. 7401–7671q.

Dated: May 3, 1994.

Valdas V. Adamkus,

Regional Administrator.

For the reasons set out in the preamble, part 52, chapter 1, title 40 of the 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 X—Michigan

2. Section 52.1170 is amended by adding paragraph (c)(94) to read as follows:

§ 52.1170 Identification of plan.

* * * * *

(c) * * *

(94) On November 13, 1992, January 8, 1993, and November 12, 1993, the State of Michigan submitted a Small Business Stationary Source Technical and Environmental Assistance Program for incorporation in the Michigan State Implementation Plan as required by section 507 of the Clean Air Act.

(i) Incorporation by reference.

(a) Small Business Clean Air Assistance Act, Act No. 12, Public Acts of 1993, approved by the Governor on April 1, 1993, and effective upon approval.

3. Section 52.1184 is added to read as follows:

§ 52.1184 Small business stationary source technical and environmental compliance assistance program.

The Michigan program submitted on November 13, 1992, January 8, 1993, and November 12, 1993, as a requested revision to the Michigan State Implementation Plan satisfies the requirements of section 507 of the Clean Air Act Amendments of 1990.

[FR Doc. 94–13496 Filed 6–2–94; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 7057

[AK–932–4210–06; F–88329]

Withdrawal of Public Lands for Protection of the Coldfoot Administrative Site, Visitor Centers, and Campground; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws approximately 100 acres of public lands from settlement, sale, location, or entry under the general land laws, and from location and entry under the United States mining laws, but not from mineral leasing, for a period of 20 years for the Bureau of Land Management to protect an administrative site, visitor centers, and a public campground at Coldfoot, Alaska.

EFFECTIVE DATE: June 3, 1994.

FOR FURTHER INFORMATION CONTACT: Sue A. Wolf, BLM Alaska State Office, 222 W. 7th Avenue, No. 13, Anchorage, Alaska 99513–7599, 907–271–5477.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the United States mining laws (30 U.S.C. Ch. 2 (1988)), but not from leasing under the mineral leasing laws, to protect the Coldfoot administrative site, visitor centers, and campground:

Fairbanks Meridian (Unsurveyed)

Parcel 1 (Visitor Center)

A parcel of land lying within the W½ of sec. 15, and the E½ of sec. 16, T. 28 N., R. 12 W., the Point of Beginning being the intersection of the centerline of the Dalton Highway and the centerline of the Venetie Trail;

Thence, N. 75° W., approximately 180 feet to corner No. 1;

Thence, N. 40° E., approximately 570 feet to corner No. 2;

Thence, N. 18°30′ W., approximately 480 feet to corner No. 3;

Thence, S. 49°30′ W., approximately 1,020 feet to corner No. 4;

Thence, S. 60° E., approximately 330 feet to corner No. 5;

Thence, S. 75° E., approximately 300 feet to close at corner No. 1.

This parcel contains approximately 8.80 acres.