

(Authority: 20 U.S.C. 1145g)

6. In § 86.3 paragraphs (a) and (b) are amended by removing “for IHEs and §§ 86.200 and 86.201 for SEAs and LEAs”.

7. Section 86.4 is amended by removing “(a) *IHE drug prevention program certification.*” in paragraph (a) and by removing paragraphs (b) and (c).

8. Section 86.6 is amended by revising the heading; removing “, SEA, or LEA” both times it appears in paragraph (a), both times it appears in paragraph (b)(1), and in paragraph (b)(2); and revising paragraph (b)(3) to read as follows:

§ 86.6 When must an IHE submit a drug prevention program certification?

* * * * *

(b) * * *

(3) An IHE shall submit a request for an extension to the Secretary.

§ 86.7 [Amended]

9. Section 86.7 is amended by removing paragraph (a); redesignating paragraphs (b) and (c) as paragraphs (a) and (b), respectively; by removing “Local educational agency” and “State educational agency” from the list of terms in redesignated paragraph (a); and by removing “, SEA, or LEA” both times it appears in the definition of “Compliance agreement” in redesignated paragraph (b).

Subpart C—[Removed and Reserved]

10. Subpart C is removed and reserved.

Subpart D—[Amended]

11. The heading of Subpart D is amended by removing “, SEA, or LEA”.

§ 86.300 [Amended]

12. Section 86.300 is amended by removing “, SEA, or LEA” in the heading, the undesignated introductory text, and paragraph (b) introductory text; and by removing “or by an SEA or LEA under §§ 86.200(c) and 86.201(a)” in paragraph (b)(2).

13. The authority citation following each section of the regulations is revised to read as follows:

(Authority: 20 U.S.C. 1145g)

[FR Doc. 96-31874 Filed 12-16-96; 8:45 am]

BILLING CODE 4000-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9 and 63

[AD-FRL-5601-7]

RIN 2060-AE02

RIN 2060-AD98

National Emission Standards for Hazardous Air Pollutants for Source Categories: Aerospace Manufacturing and Rework Facilities and Shipbuilding and Ship Repair (Surface Coating) Operations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: This action corrects the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Aerospace Manufacturing and Rework Facilities and Shipbuilding and Ship Repair (Surface Coating) Operations promulgated in the Federal Register on September 1, 1995 (60 FR 45948) and December 15, 1995 (60 FR 64330), respectively. This action also announces that the Information Collection Requirements (ICR) contained in the NESHAP for Shipbuilding and Ship Repair (Surface Coating) Operations have been approved by the Office of Management and Budget (OMB).

EFFECTIVE DATE: December 17, 1996.

FOR FURTHER INFORMATION CONTACT: For information on the aerospace manufacturing and rework facilities standard contact Mr. James Szykman at (919) 541-2452, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711. For information on the shipbuilding and ship repair (surface coating) standard contact Dr. Mohamed Serageldin at (919) 541-2379, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION: The Administrator is invoking the “good cause” exception of the Administrative Procedures Act, 5 U.S.C. 553(b)(3)(B), which allows an agency to promulgate rules without notice or the opportunity for comment when it finds that such procedures would be “impracticable, unnecessary, or contrary to the public interest.” Following notice and comment procedures for this rule would be unnecessary because the changes effected here are only minor corrections that do not change the intended effect of the original rule. The Administrator is also invoking the good cause

provision to make this rule immediately effective upon its date of publication.

I. Shipbuilding and Ship Repair (Surface Coating)

The NESHAP for shipbuilding and ship repair (surface coating) operations was promulgated in the Federal Register on December 15, 1995 (60 FR 64330) as subpart II of 40 CFR Part 63.

The final rule contained (1) errors in numbering the incorporations by reference which were added to § 63.14; (2) improper punctuation in § 63.788(b)(3)(ii)(B); (3) a footnote to Table 2 of subpart II which incorrectly identified those coating categories that were not given cold-weather allowances; and (4) inappropriate use of the term “unaffected” major sources in § 63.788(b)(1). This action corrects these portions of the final rule. In addition, it amends the table in 40 CFR Part 9 of ICR control numbers issued by OMB for approved collections of information in certain EPA regulations. At the time of publication of the final rule, the EPA did not have an approved ICR control number to add to the table. The OMB subsequently approved the ICR for the final NESHAP, and the approved ICR control number (2060-0330) is being added to 40 CFR Part 9.

II. Aerospace Manufacturing and Rework Facilities

The NESHAP for aerospace manufacturing and rework facilities was promulgated in the Federal Register on September 1, 1995 (60 FR 45948). A document of correction to the final rule was published in the Federal Register on February 9, 1996 (61 FR 4902) which corrected the deadline for existing sources to submit an initial notification to the Administrator.

The amendatory language for this final rule correction inadvertently referenced paragraph (a)(1) instead of referencing paragraph (a)(2) of Section 63.753. The amendatory language should have read, “Section 63.753 is amended by adding a new sentence to the beginning of paragraph (a)(2) as follows:” This document includes the applicable language to make this correction.

Administrative Requirements

I. Paperwork Reduction Act

The information collection requirements of the previously promulgated NESHAP were submitted to and approved by the Office of Management and Budget (OMB). A copy of the Information Collection Request (ICR) documents (OMB number 1414.02 and 1687.01, for shipbuilding and

aerospace, respectively) may be obtained from Sandy Farmer, Information Policy Branch (PM-223Y); U.S. Environmental Protection Agency; 401 M Street, SW; Washington, DC 20460 or by calling (202) 260-2740.

Today's changes to the NESHAP should have no impact on the information collection burden estimates made previously.

II. Executive Order 12866 Review

Under Executive Order 12866, the EPA must determine whether the proposed regulatory action is "not 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 lead to 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 in 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.

The Shipbuilding NESHAP promulgated on December 15, 1995 was determined to not be a "significant regulatory action" under Executive Order 12866. The Aerospace NESHAP promulgated on September 1, 1995 has been determined to be a "significant regulatory action" under Executive Order 12866. The amendments issued today do not add any additional control requirements or costs. Therefore, this regulatory action does not affect the previous decisions and is not considered to be significant.

III. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, the EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

IV. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995, the EPA must prepare a budgetary impact statement to accompany any proposed or final rule 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, the EPA must select the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires the EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the action promulgated today 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.

Therefore, the requirements of the Unfunded Mandates Reform Act do not apply to this action.

List of Subjects

40 CFR Part 9

Reporting and recordkeeping requirements.

40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Incorporation by reference, Reporting and recordkeeping requirements.

Dated: August 22, 1996.
Mary D. Nichols,
Assistant Administrator for Air and Radiation.

For the reasons set out in the preamble, Title 40, Chapter I of the Code of Federal Regulations is amended as follows:

PART 9—[AMENDED]

1. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C. 135 et seq., 136-136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601-2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 et seq., 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971-1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g-1, 300g-2, 300g-3, 300g-4, 300g-5, 300g-6, 300j-1, 300j-2, 300j-3, 300j-4, 300j-9, 1857 et seq., 6901-6992k, 7401-7671q, 7542, 9601-9657, 11023, 11048.

2. Section 9.1 is amended by adding the new entries under the indicated heading to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act

* * * * *	40 CFR citation	OMB control No.
* * * * *	National Emission Standards for Hazardous Air Pollutants for Source Categories ³	
* * * * *	63.5(d)	2060-0330
* * * * *	63.787 (a)-(b)	2060-0330
* * * * *	63.788 (a)-(c)	2060-0330
* * * * *		

³The ICRs referenced in this section of the Table encompass the applicable general provisions contained in 40 CFR Part 63, subpart A, which are not independent information collection requirements.

PART 63—[AMENDED]

3. The authority citation for Part 63 continues to read as follows:

Authority: 42 U.S.C. 7401, et seq.

4. Section 63.14 is amended by redesignating paragraphs (b)(4) through (b)(14) added on December 15, 1995 at 60 FR 64336 as paragraphs (b)(8) through (b)(18).

Subpart GG—National Emission Standards for Aerospace Manufacturing and Rework Facilities

5. Section 63.753 is amended by adding a new sentence to the beginning of paragraph (a)(2) to read as follows:

§ 63.753 Reporting requirements.

- (a)(1) * * *
- (2) The initial notification for existing sources, required in § 63.9(b)(2) shall be submitted no later than September 1, 1997. * * *

* * * * *

Subpart II—National Emission Standards for Shipbuilding and Ship Repair (Surface Coating) Operations

6. Section 63.788 is amended to revise the first sentence of paragraph (b)(1) as follows:

* * * * *

§ 63.788 Recordkeeping and Reporting Requirements.

* * * * *

- (b) * * *
- (1) Each owner or operator of a major source shipbuilding or ship repair facility having surface coating operations with less than 1000 liters (L) (264 gallons (gal)) annual marine

coating usage shall record the total volume of coating applied at the source to ships. * * *

* * * * *

7. Table 2 to Subpart II of Part 63, footnote (e) is revised as follows:

* * * * *

Table 2 to Subpart II of Part 63.—
Volatile Organic HAP (VOHAP)
Limits for Marine Coatings

* * * * *

These limits apply during cold-weather time periods, as defined in § 63.782. Cold-weather allowances are not given to coatings in categories that permit less than 40 percent volume solids (nonvolatiles). Such coatings are subject to the same limits regardless of weather conditions.

* * * * *

[FR Doc. 96-31344 Filed 12-16-96; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 96-121; RM-8806 and RM-8820]

Radio Broadcasting Services; Forestville and Algoma, WI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action in this proceeding allots Channel 271A to Forestville, Wisconsin, as that community's first local service in response to a petition filed by Lyle Robert Evans d/b/a The Radio Company. See 61 FR 30585, June 17, 1996. The coordinates for Channel 271A at Forestville are 44-45-54 and 87-28-48. There is a site restriction 8.5 kilometers (5.3 miles) north of the community. In response to the counterproposal filed by WTRW, Incorporated, we shall allot Channel 281A to Algoma, Wisconsin, without a site restriction. The coordinates for Channel 281A are 44-36-18 and 87-26-12. Since Algoma and Forestville are both located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence of the Canadian government has been obtained for both channels. With this action, this proceeding is terminated.

DATES: Effective January 27, 1997. The window period for filing applications for Channel 2271A at Forestville, Wisconsin, and Channel 281A at Algoma, Wisconsin, will open on January 27, 1997, and close on February 27, 1997.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 96-121, adopted December 6, 1996, and released December 13, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, N.W., Suite 140, Washington, D.C. 20037, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Wisconsin, is amended by adding Channel 281A at Algoma and by adding Forestville, Channel 271A.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96-31937 Filed 12-16-96; 8:45 am]

BILLING CODE 6712-01-P

47 CFR Part 73

[MM Docket No. 96-37; RM-8765]

Radio Broadcasting Services; Sylvan Beach, NY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Michael S. Celenza, allots Channel 262A to Sylvan Beach, NY, as the community's first local aural service. See 61 FR 10977, March 18, 1996. Channel 262A can be allotted to Sylvan Beach in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates 43-11-47 NL; 75-43-51 WL. Canadian concurrence in the

allotment has been received since Sylvan Beach is located within 320 kilometers (200 miles) of the U.S.-Canadian border. With this action, this proceeding is terminated.

DATES: Effective January 17, 1997. The window period for filing applications will open on January 17, 1997, and close on February 18, 1997.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 96-37, adopted November 22, 1996, and released November 29, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under New York, is amended by adding Sylvan Beach, Channel 262A.

Federal Communications Commission

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96-31936 Filed 12-16-96; 8:45 am]

BILLING CODE 6712-01-P

47 CFR Part 73

[MM Docket No. 95-175; RM-8707]

Radio Broadcasting Services; Ada, Newcastle and Watonga, Oklahoma

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Tyler Broadcasting Corporation, reallots Channel 227C1