(Authority: 38 U.S.C. 3015(d), (f), (g))

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[FR Doc. 96–11970 Filed 5–13–96; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[DE26–1–6940; FRL–5503–6]

Approval and Promulgation of Air Quality Implementation Plans; Delaware: Amendment of Final Rule Pertaining to Regulation 24—Control of Volatile Organic Compound Emissions, Section 47—Offset Lithographic Printing; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction to Amendment of direct final rule.

SUMMARY: This document contains corrections to an amendment of a direct final rule, which was published on Tuesday, March 26, 1996 (61 FR 13101) (96–7063). This amendment pertains to Delaware Regulation 24, Control of Volatile Organic Compound Emissions, section 47, Offset Lithographic Printing.

EFFECTIVE DATE: March 26, 1996.

FOR FURTHER INFORMATION CONTACT: Rose Quinto, (215) 597–3164.

SUPPLEMENTARY INFORMATION:

Background

On January 26, 1996, EPA published a Direct Final Rule approving a State Implementation Plan (SIP) revision submitted by Delaware (61 FR 2419) pertaining to Delaware Regulation 24, Control of Volatile Organic Compound Emissions, sections 10, 11, 12, 44, 45, 47, 48, and 49, and Appendices I, K, L, and M, effective November 29, 1994. These sections of Regulation 24 establish additional emission standards that represent the application of reasonably available control technology (RACT) to categories of stationary sources of volatile organic compounds (VOCs). Because EPA received adverse comments on section 47, Offset Lithographic Printing, EPA published an amendment of the direct final rule on March 26, 1996 (61 FR 13101), withdrawing section 47 only.

Need for Correction

As published, the amendment of the direct final rule contains errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, at 61 FR 13101, Mar. 26, 1996 the publication of the amendment, is corrected to read as follows: The heading ''§ 54.420 [Amended]'' is corrected to read ''§ 52.420 [Amended]''. In amendatory instruction 2 the reference to ''§ 54.420(c)(54)(i)(B)'' is corrected to read ''§ 52.420(c)(54)(i)(B)''.

Dated: May 1, 1996.

W. Michael McCabe,

Regional Administrator, Region III.

[FR Doc. 96–11855 Filed 5–13–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Parts 52 and 81

[CT23–1–7084; FRL–5443–5]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of Connecticut

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is responding to an adverse comment concerning EPA's proposal to redesignate Hartford, Connecticut as attainment for carbon monoxide. EPA is not changing its action to redesignate the area as attainment that took effect on January 2, 1996. EPA is also correcting an incorrect entry in the attainment status tables associated with this action.

EFFECTIVE DATE: January 2, 1996.

FOR FURTHER INFORMATION CONTACT: Wing H. Chau, Air Quality Planning Unit, Office of Ecosystem Protection, United States Environmental Protection Agency, Region I, Boston, Massachusetts 02203, (617) 565–3570.

SUPPLEMENTARY INFORMATION: On October 31, 1995, EPA published a direct final rule (60 FR 55316) which announced that this rule would take effect in 60 days, or January 2, 1996, unless EPA received adverse comment on the rule within 30 days in response to a notice of proposed rulemaking published on the same day (60 FR 55354). EPA also committed to withdraw the direct final rule in the event it received adverse comment, and to respond to any adverse comments in a subsequent final rulemaking action. EPA did receive a timely adverse comment on this rule. EPA failed, however, to withdraw the final rule within the 60 days given in the direct final rule, and the rule took effect on January 2, 1996.

In this notice, EPA is responding to the comment it received, but for the reasons stated below, EPA is not changing the final rule in response to that comment. Had EPA withdrawn the direct final rule prior to its going into effect, EPA would have taken final action based on the proposal to promulgate a rule identical to the direct final rule that went into effect. Rather than now take the action of withdrawing the direct final rule only to repromulgate simultaneously an identical rule, however, EPA in this action is deciding to maintain the rule unchanged. EPA believes that withdrawal and repromulgation are unnecessary since the results would be identical to that obtained simply by leaving the rule unchanged and responding to the comments in this notice. This notice provides interested parties an opportunity to review how EPA addressed the comment and to petition for judicial review of EPA's action in this final rulemaking within 60 days of publication of this notice, as provided in section 307(b)(1) of the Act.

Also, in the October 31, 1995 direct final rulemaking, the revised Code of Federal Regulations (CFR) § 81.307 designation table for carbon monoxide identified a number of towns in the Litchfield, Middlesex, and Tolland Counties as ''Nonattainment * * * Moderate ≤12.7 ppm''. The table should have shown these areas as attainment areas for CO. The revised § 81.307 designation table associated with this final rulemaking reflects the appropriate attainment status of the towns mentioned above. The USEPA regrets any inconvenience these errors may have caused.

I. Summary of Action and Responses to Comments

EPA did receive one comment from the New York Mercantile Exchange (NYMEX), dated November 29, 1995. NYMEX is the world's largest exchange of energy futures, and NYMEX is concerned that the redesignation of the Hartford area might affect gasoline formulation requirements and disrupt futures contracts entered into based on gasoline formulation requirements in effect prior to the redesignation. The comment questioned whether EPA had offered interested persons any meaningful opportunity to comment on this proposal, and asserted that EPA should have provided ''far more than the limited period of notice afforded in these redesignation approvals'' to avoid disruption in the petroleum industry and energy futures markets when changing environmental requirements.

As a legal matter, this SIP action is subject to the procedures of the Administrative Procedures Act (''APA'')

for informal rulemaking. 5 U.S.C. § 553; *General Motors Corp*. v. *U.S.,* 110 S. Ct. 2528, 2533 (1990). It is well-settled that the APA ''established the maximum procedural requirements which Congress was willing to have the courts impose upon agencies in conducting rulemaking procedures.'' *Vermont Yankee Nuclear Power* v. *NRDC,* 435 U.S. 519, 524 (1978). In this action EPA published a notice of proposed rulemaking to redesignate the Hartford area as attainment for carbon monoxide, and gave the public thirty days to comment on that proposal. 60 FR 55354 (October 31, 1995). In a simultaneous final rule EPA informed the public that if no comment had been received within thirty days of the accompanying proposal, the redesignation would take effect within sixty days of the final rule. 60 FR 55316 (October 31, 1995). EPA provided the public thirty days to comment, which is an adequate period for public review. Indeed, NYMEX availed itself of that opportunity to comment. Although it is unclear from the comment letter, NYMEX may have been complaining that EPA should delay the effective date this rule for more than thirty days following this final notice. The APA is clear that EPA must only wait thirty days to make a rule effective. 5 U.S.C. § 553(d). EPA has fully discharged its legal obligation to provide the public adequate notice of this action.

As a factual matter, the state of Connecticut had been developing this redesignation proposal for much longer than thirty days. The state published a notice concerning the redesignation on July 15, 1994, held a public hearing on August 17, 1994 and submitted it to EPA on September 30, 1994, fully 13 months before EPA published its notice proposing to approve the state's request for redesignation. NYMEX and its clients had ample opportunity to anticipate this change as a practical matter. NYMEX's comment suggests that its gasoline futures contracts trade ten months in advance. It would not be practical for EPA to give ten months' notice on all such SIP actions, nor is it legally required. For industries that are sensitive to changes in SIP requirements and need substantial lead-time to anticipate them, EPA encourages them to monitor SIP developments at the state level.

II. Final Rulemaking Action

The USEPA maintains the approvals associated with the October 31, 1995 direct final rulemaking (60 FR 55316) which included the redesignation of the Hartford/New Britain/Middletown CO area to attainment, Connecticut's 1990 base year CO emission inventory, and Connecticut's oxygenated fuel program as it applies to the Hartford/Britain/Middletown area.

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

The CO SIP is designed to satisfy the requirements of part D of the CAA and to provide for attainment and maintenance of the CO NAAQS. This final redesignation should not be interpreted as authorizing the State to delete, alter, or rescind any of the CO emission limitations and restrictions contained in the approved CO SIP. Changes to CO SIP regulations rendering them less stringent than those contained in the EPA approved plan cannot be made unless a revised plan for attainment and maintenance is submitted to and approved by EPA. Unauthorized relaxations, deletions, and changes could result in both a finding of non-implementation (section 179(a) of the CAA) and in a SIP deficiency call made pursuant to sections 110(a)(2)(H) and 110(k)(2) of the CAA.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., 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, 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. SIP approvals under section 110 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the federal SIP approval does not impose any new requirements, it does not have any economic impact on any small entities. Redesignation of an area to attainment under section 107(d)(3)(E) of the CAA does not impose any new requirements on small entities.

Redesignation is an action that affects the status of a geographical area and does not impose any regulatory requirements on sources. Accordingly, I certify that the approval of the redesignation request will not have an impact on any small entities.

Unfunded Mandates

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 25, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

Through submission of this state implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under section 175A and section 187(a)(1) of the Clean Air Act. The rules and commitments approved in this action may bind State, local and tribal governments to perform certain actions and also may ultimately lead to the private sector being required to certain duties. To the extent that the imposition of any mandate upon the State, local or tribal governments either as the owner or operator of a source or as mandate upon the private sector, EPA's action will impose no new requirements under State law; such sources are already subject to these requirements under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, results from this action. EPA has also determined that this final action does not include a mandate that may result in estimated costs of $100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

Opportunity for Judicial Review

Under Section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 15, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Nitrogen dioxide, Ozone, Reporting and record keeping requirements, Volatile organic compounds.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Note: Incorporation by reference of the State Implementation Plan for the State of Connecticut was approved by the Director of the Federal Register on July 1, 1982.

Dated: February 29, 1996.

John P. DeVillars,

Regional Administrator, Region I.

Title 40 of the Code of Federal Regulations, Chapter I, Part 81 is amended as follows:

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart C—Section 107 Attainment Status Designations

2. In § 81.307 by revising the table for ''Connecticut—CarbonMonoxide'' to read as follows:

§ 81.307 Connecticut.

* * * * *

CONNECTICUT—CARBON MONOXIDE

Designated area	Designation		Classification	
	Date[1]	Type	Date[1]	Type
Hartford-New Britain-Middletown Area:				
Hartford County (part)	1/2/96		1/2/96	
Bristol City, Burlington Town, Avon Town, Bloomfield Town, Canton Town, E. Granby Town, E. Hartford Town, E. Windsor Town, Enfield Town, Farmington Town, Glastonbury Town, Granby Town, Hartford City, Manchester Town, Marlborough Town, Newington Town, Rocky Hill Town, Simsbury Town, S. Windsor Town, Suffield Town, W. Hartford Town, Wethersfield Town, Windsor Town, Windsor Locks Town, Berlin Town, New Britain city, Plainville Town, and Southington Town.		Attainment		
Litchfield County (part):				
Plymouth Town				
Middlesex County (part):				
Cromwell Town, Durham Town, E. Hampton Town, Haddam Town, Middlefield Town, Middleton city, Portland Town, E. Haddam Town.		Attainment.		
Tolland County (part):		Attainment.		
Andover Town, Boton Town, Ellington Town, Hebron Town, Somers Town, Tolland Town, and Vernon Town				
New Haven—Meriden—Waterbury Area:				
Fairfield County (part):				
Shelton City		Attainment.		
Litchfield County (part):				
Bethlehem Town, Thomaston Town, Watertown, Woodbury Town		Attainment.		
New Haven County:				
New York—N. New Jersey—Long Island Area:				
Fairfield County (part):				
All cities and townships except Shelton City		Nonattainment.		Not classified
Litchfield County (part):		Nonattainment.		Not classified
Bridgewater Town, New Milford Town				Not classified
		Nonattainment.		Moderate > 12.7 ppm
		Nonattainment.		Moderate > 12.7 ppm
		Nonattainment.		
AQCR 041 Eastern Connecticut Intrastate:				
		Unclassifiable/Attainment.		
Middlesex County (part):				
All portions except cities and towns in Hartford Area.				
New London County:				
Tolland County (part):				
All portions except cities and towns in Hartford Area.				
Windham County:				
AQCR 044 Northwestern Connecticut Intrastate:				
		Unclassifiable/Attainment.		

CONNECTICUT—CARBON MONOXIDE—Continued

Designated area	Designation		Classification	
	Date[1]	Type	Date[1]	Type
Hartford County (part): Hartland Township Litchfield County (part): All portions except cities and towns in Hartford, New Haven, and New York Areas.				

[1] This date is November 15, 1990, unless otherwise noted.

[FR Doc. 96–11963 Filed 5–13–96; 8:45 am]
BILLING CODE 6560–50–P

40 CFR Part 81

[SD001–0001; FRL–5502–1]

Technical Amendment to Attainment Status Designation for PM–10; South Dakota

AGENCY: Environmental Protection Agency (EPA).

ACTION: Technical amendment.

SUMMARY: On February 6, 1996, EPA published a direct final rule amending the attainment status designation for the ''Rest of State'' area in South Dakota (excluding Rapid City) from unclassifiable to attainment for PM–10 (see 61 FR 4357). As stated in that Federal Register document, if adverse or critical comments were received by March 7, 1996, the effective date would be delayed and notice would be published in the Federal Register. EPA subsequently received adverse comments on that direct final rule. However, EPA mistakenly did not withdraw the direct final rule in time before it became effective on April 8, 1996. Therefore, EPA is amending the South Dakota's PM–10 attainment status designation table to reflect the unclassifiable PM–10 designation for the ''Rest of State'' area which existed previous to the direct final rulemaking published on February 6, 1996. EPA will address the comments received in a subsequent final action in the near future. EPA will not institute a second comment period on this document.

EFFECTIVE DATE: This amendment becomes effective on May 14, 1996.

FOR FURTHER INFORMATION CONTACT: Vicki Stamper, 8P2–A, U.S. Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202–2466, (303) 312–6445.

SUPPLEMENTARY INFORMATION: See the information provided in the direct final rule located in the final rules section of the February 6, 1996 Federal Register, and in the short informational document located in the proposed rule section of the February 6, 1996 Federal Register.

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: April 26, 1996.

Jack W. McGraw,

Acting Regional Administrator.

40 CFR part 81, subpart B, is amended as follows:

PART 81—[AMENDED]

1. The authority citation for Part 81 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

2. Section 81.342 is amended by revising the table for ''South Dakota—PM–10'' to read as follows:

§ 81.342 South Dakota.

* * * * *

SOUTH DAKOTA—PM–10

Designated area	Designation		Classification	
	Date	Type	Date	Type
Rapid City Area	11/15/90	Unclassifiable		
Rest of State[1]	11/15/90	Unclassifiable		

[1] Denotes a single area designation for PSD baseline area purposes.

[FR Doc. 96–11945 Filed 5–13–96; 8:45 am]
BILLING CODE 6560–50–P

40 CFR Part 421

Nonferrous Metals Manufacturing Point Source Category

CFR Correction

In title 40 of the Code of Federal Regulations, parts 400 to 424, revised as of July 1, 1995, page 468, the first § 421.35 is removed.

BILLING CODE 1505–01–D

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 94–76; 94–77; RM–8470; RM–8477; RM–8523; RM–8524]

Radio Broadcasting Services; Chester, Shasta Lake City, Alturas, McCloud, Weaverville and Central Valley, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document grants allotment proposals in the above-captioned, interrelated proceedings at Chester, Shasta Lake City, Alturas, McCloud and Weaverville, CA, in response to petitions for rule making filed by m. JAYNE sawyer (''sawyer'') (MM Docket No. 94–76; RM–8477), and Mark C. Allen (''Allen'') (MM Docket No. 94–77; RM–8470), as well as mutually-exclusive counterproposals filed by Goldrush Broadcasting (''Goldrush'') and by Corey J. McCaslin (''McCaslin''), as set forth *infra* (see Supplementary Information). *See* 59 FR 36735, and 59 FR 36736, published July 19, 1994. With this action, the proceeding is terminated.