

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 economic 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, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIP's on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final 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, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action proposed/promulgated 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. This Federal action approves pre-existing requirements under state or local law, and imposes no new Federal requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the

procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 25, 1996. Filing a petition for reconsideration by the Administrator of this 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, regarding Delaware emission inventories, may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon Monoxide, Hydrocarbons, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: November 27, 1995.

Stanley Laskowski,

Acting Regional Administrator, Region III.

Part 52, Chapter I, 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 I—Delaware

2. Section 52.423 is added to read as follows:

§ 52.423 1990 Base Year Emission Inventory.

EPA approves as a revision to the Delaware State Implementation Plan the 1990 base year emission inventories for the Delaware ozone nonattainment areas submitted by the Secretary of the Department of Natural Resources and Environmental Control on May 27, 1994. This submittal consists of the 1990 base year point, area, non-road mobile, biogenic and on-road mobile source emission inventories in area for the following pollutants: volatile organic compounds (VOC), carbon

monoxide (CO), and oxides of nitrogen (NO_x).

[FR Doc. 96-920 Filed 1-23-96; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Inspector General

42 CFR Part 1004

RIN 0991-AA73

Health Care Programs: Fraud and Abuse; Revisions to the PRO Sanctions Process

AGENCY: Office of Inspector General (OIG), HHS.

ACTION: Correction to final regulations.

SUMMARY: This document corrects a technical error that appeared in 42 CFR part 1004 of the final rule published in the Federal Register on December 12, 1995 (60 FR 63634). The final rule was designed to revise and update the procedures governing the imposition and adjudication of program sanctions predicated on recommendations of State Utilization and Quality Control Peer Review Organizations. Specifically, this correction notice sets forth the corrected text for section 1004.110(f) which contained a typographical error in subparagraph (2).

EFFECTIVE DATE: January 24, 1996.

FOR FURTHER INFORMATION CONTACT: Joel J. Schaer, (202) 619-0089.

SUPPLEMENTARY INFORMATION: In the OIG final regulations published in the Federal Register on December 12, 1995, revising 42 CFR part 1004, a technical error was inadvertently made on page 63644, column one, in setting forth the text in section 1004.110, Notice of sanction. As corrected, section 1004.110(f) should read as follows:

§ 1004.110 Notice of sanction.

* * * * *

(f) If an exclusion sanction is effectuated because a decision was not made within 120 days after receipt of the PRO recommendation, notification is as follows—

(1) As soon as possible after the 120th day, the OIG will issue a notice to the practitioner or other person, in compliance with the requirements of paragraph (c) of this section, affirming the PRO recommendation based on the OIG's review of the case, and that the exclusion is effective 20 days from the date of the notice; and

(2) Notice of sanction is also provided as specified in paragraph (e) of this section.

Dated: January 17, 1996.
 Joel Jay Schaer,
Regulations Officer.
 [FR Doc. 96-911 Filed 1-23-96; 8:45 am]
 BILLING CODE 4150-04-P

DEPARTMENT OF TRANSPORTATION

49 CFR Chapter X

[STB Ex Parte No. 525]

Surface Transportation Board; Transfer of Regulations from the Interstate Commerce Commission to the Surface Transportation Board Pursuant to the ICC Termination Act of 1995

AGENCY: Surface Transportation Board.

ACTION: Final rule.

SUMMARY: Effective January 1, 1996, the ICC Termination Act of 1995 (the Act), abolished the Interstate Commerce Commission (the Commission) and established within the Department of Transportation (DOT) the Surface Transportation Board (the Board). The Act provides that the Board shall perform a number of functions previously performed by the Commission. The Act further provides that, with certain exceptions, all regulations previously issued by the Commission shall continue in effect according to their terms until modified or terminated. The Board is therefore changing the name of the agency in the heading of the chapter in which the Commission's (now the Board's) regulations are issued, chapter X of subtitle B of title 49 of the Code of Federal Regulations.

EFFECTIVE DATE: January 1, 1996.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927-5610. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: Effective January 1, 1996, the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, abolished the Commission and established the Board within DOT. See Act sections 2 (effective date) and 101 (abolition of the Commission). See also 49 U.S.C. 701 (establishment of the Board within DOT), as added by Act section 201(a).

The Act provides that, with certain exceptions, all regulations previously issued by the Commission and in effect on January 1, 1996, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Board, any other authorized official, a court of competent

jurisdiction, or operation of law. See Act section 204(a).

The Act further provides that, except as otherwise provided in the Act or in the amendments made thereby, the Board shall perform all functions that, immediately prior to January 1, 1996, were functions of the Commission or were performed by any officer or employee of the Commission in the capacity as such officer or employee. See 49 U.S.C. 702, as added by Act section 201(a). See also 49 U.S.C. 721(a) (authority of the Board to prescribe regulations), also as added by Act section 201(a).

Because the regulations previously issued by the Commission are now subject, for the most part, to the jurisdiction of the Board, the Board, by the action taken here, is changing the name of the agency in the heading of the chapter in which the Board's (formerly the Commission's) regulations are issued, chapter X of subtitle B of title 49 of the Code of Federal Regulations. Because this action merely reflects, and is required by, the enactment of the Act and will not have an adverse effect on the interests of any person, this action will be deemed to be effective as of January 1, 1996.

The Act makes numerous and substantial changes in subtitle IV of title 49, United States Code, and the Board intends to proceed, as expeditiously as its resources allow, to issue certain new regulations required by the Act and to conform its old regulations to the changes in the laws it administers. The actions taken in issuing new regulations and in revising old regulations will be, to varying degrees, substantive in nature. The action taken today, by contrast, is ministerial in nature: it simply changes the name of the agency in the heading of chapter X.

All persons referencing the chapter X regulations should be advised that certain of these regulations will henceforth be administered, in whole or in part, by the Secretary of Transportation. Such regulations will ultimately be removed from this chapter. See 49 U.S.C. 13101 to 14914 (authority of the Secretary of Transportation to administer, in part, 49 U.S.C. Subtitle IV, Part B), as added by Act section 103.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Decided: January 18, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Board Member Owen.

Vernon A. Williams,
Secretary.

For the reasons set forth in the preamble and under the authority of 49 U.S.C. 721(a), title 49, subtitle B of the Code of Federal Regulations is amended by revising the heading for chapter X to read as follows:

CHAPTER X—SURFACE TRANSPORTATION BOARD, DEPARTMENT OF TRANSPORTATION

[FR Doc. 96-1155 Filed 1-23-96; 8:45 am]

BILLING CODE 4915-00-P

Federal Highway Administration

49 CFR Parts 382, 385, 391, 393, and 397

RIN 2125-AD71

Federal Motor Carrier Safety Regulations; Technical Amendments

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule; technical amendments.

SUMMARY: This document makes technical amendments to various sections of the Federal Motor Carrier Safety Regulations to correct erroneous cross-references and to amend references in which the regulations referenced have been redesignated or removed. In addition, a cautionary note is added to appendix B of 49 CFR chapter III, subchapter B, to alert users of the CFR, that this appendix relates solely to Federal authority, has no application to a State's authority to enforce adopted regulations, and is not to be included in its present form in any general adoption of the regulations by the States.

EFFECTIVE DATE: January 24, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Neill Thomas, (202) 366-4009, Office of Motor Carrier Research and Standards, or Paul L. Brennan, Office of Chief Counsel, (202) 366-0834. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Rulemaking Analyses and Notices

Because this final rule simply amends various sections of the Federal Motor Carrier Safety Regulations to correct erroneous cross-references and to insert a missing subpart heading, the FHWA believes that prior notice and opportunity for comment are