

the final action. All public comments received will be addressed in a subsequent final rule based on this action serving as a proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on December 3, 1996.

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 a SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

#### IV. Administrative Requirements

##### A. Executive Order 12866

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 of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

##### B. Regulatory Flexibility Act

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 Clean Air Act 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, I certify 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 Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S.*

*E.P.A.*, 427 U.S. 246, 256-66 (1976); 42 U.S.C. 7410(a)(2).

##### C. Unfunded Mandates

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 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, 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 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 proposes to approve 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.

##### D. 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, 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 this rule in today's Federal Register. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

##### E. Petitions 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 December 3, 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 in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: August 29, 1996.

Patricia D. Hull,

*Acting Regional Administrator.*

40 CFR Part 52 is amended as follows:

1. The authority citation for part 52 continues to read as follows:

#### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Authority: 42 U.S.C. 7401-7671q.

2. Section 52.320 is amended by adding paragraph (c)(75) to read as follows:

##### § 52.320 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(75) The Governor of Colorado submitted revisions to the PM<sub>10</sub> moderate nonattainment area State Implementation Plan (SIP) for Telluride, Colorado with a letter dated April 22, 1996. The submittal was made to satisfy the State's commitment to adopt additional control measures necessary to demonstrate continued maintenance of the PM<sub>10</sub> National Ambient Air Quality Standards through 1997. Due to the satisfaction of this commitment, the SIP now adequately meets the quantitative milestone requirement.

(i) Incorporation by reference.

(A) Colorado Air Quality Control Commission State Implementation Plan-Specific Regulation for Nonattainment Areas, 5 CCR 1001-20, Section II.C., Telluride Nonattainment Area Street Sanding Requirements, adopted August 17, 1995 and effective October 30, 1995.

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#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### Public Health Service

##### 42 CFR Part 57

RIN 0906-AA40

##### Grants for Nurse Practitioner and Nurse Midwifery Programs

AGENCY: Health Resources and Services Administration, HHS.

**ACTION:** Final regulation.

**SUMMARY:** This final rule revises the existing regulations governing the program for Grants for Nurse Practitioner and Nurse Midwifery Programs authorized by section 822(a) of the Public Health Service Act (the Act), to make a technical change by deleting a program requirement for projects to collect and evaluate certain data. The specified data are no longer needed by the Department.

**EFFECTIVE DATE:** These regulations are effective October 4, 1996.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Burks, Chief, Planning, Evaluation, and Legislation Branch, Office of Research and Planning, Bureau of Health Professions, Health Resources and Services Administration, room 8-67, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857; telephone: (301) 443-1590.

**SUPPLEMENTARY INFORMATION:** This final rule amends the existing regulations for the Grants for Nurse Practitioner and Nurse Midwifery Programs, governed by section 822(a) of the Public Health Service Act (42 U.S.C. 296m) to remove an existing requirement in § 57.2405 which is no longer needed by the Department.

Section 57.2405(c) currently requires collection and evaluation of program data for the following:

(1) Systematic evaluation by faculty and students of the program curriculum in relation to the purposes, objectives, and conceptual framework of the program.

(2) Evaluation of the effectiveness of the program in relation to its purposes and objectives.

(3) Information concerning the number of student applicants and students enrolled, student characteristics (such as age, sex, race, education background, and previous work experience including type of position, speciality, and work setting), and student performance in classroom work and clinical practice.

(4) Information concerning the number of graduates per class, the attrition rate, characteristics of graduates (such as age, sex, race, educational background, and previous work experience, including type of position, speciality, and work setting), employment after graduation (including setting and location) and utilization and performance of graduates (including employer assessment.)

The Paperwork Reduction Act of 1995 states in 44 U.S.C. 3506(c)(1)(A)(I) that

with respect to the collection of information and the control of paperwork, each agency shall "review each collection of information before submission to the Director for review under this chapter, including (I) an evaluation of the need for the collection of information; . . .". The movement of these programs from certificate level (housed in a variety of entities) to masters level programs (housed in universities) no longer requires the collection of data listed in § 57.2405(c)(1), (c)(3), and (c)(4) to assure quality. Both university approval systems and accreditations criteria now assure minimal quality requirements. Therefore, we are revising paragraph (c) to remove these data elements from the regulations.

#### Justification for Omitting Notice of Proposed Rulemaking

Since this amendment is of a technical nature, the Secretary has determined, pursuant to 5 U.S.C. 553 and departmental policy, that it is unnecessary and impractical to follow proposed rulemaking procedures or to delay the effective date of this regulation.

#### Economic Impact

Executive Order 12866 requires that all regulations reflect consideration of alternative, of costs, of benefits, of incentives, of equity, and of available information. Regulations must meet certain standards, such as avoiding unnecessary burden. Regulations which are "significant" because of costs, adverse effects on the economy, inconsistency with other agency actions, effects on the budget, or novel legal or policy issues, require special analysis.

The Department believes that the resources required to implement the requirement in this final rule is minimal. This rule removes a project requirement for collecting specific data which removes an added burden on small entities. Therefore, in accordance with the Regulatory Flexibility Act of 1980 (RFA), and the Small Business Regulatory Enforcement Fairness Act of 1996 which amended the RFA, the Secretary certifies that these regulations will not have a significant impact on a substantial number of small entities. For the same reasons, the Secretary has also determined that this is not a "significant" rule under Executive Order 12866.

#### Paperwork Reduction Act of 1980

This final rule removes a reporting requirement for program projects which

is currently approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 under assigned control number 0915-0060. The reporting requirements for data collection in § 57.2405(c)(1), (c)(3), and (c)(4) are no longer useful for program purposes. These requirements will be removed from this clearance package at its next renewal.

#### List of Subjects under 42 CFR Part 57

Aged, Dental health, Education of the disadvantaged, Educational facilities, Educational study programs, Grant programs—education, Grant programs—health, Health facilities, Health professions, Loan programs—health, Medical and dental schools, Student aid, Reporting and recordkeeping requirements, Scholarships and fellowships.

(*Catalog of Federal Domestic Assistance*, No. 93.298, Grants for Nurse Practitioner, Nurse Midwifery Program)

Approved: September 30, 1996.

Ciro V. Sumaya,

*Administrator, Health Resources and Services Administration.*

Accordingly, 42 CFR part 57, subpart Y is amended to read as set forth below:

### PART 57—GRANTS FOR CONSTRUCTION OF TEACHING FACILITIES, EDUCATIONAL IMPROVEMENTS, SCHOLARSHIPS AND STUDENT LOANS

#### Subpart Y—Grants for Nurse Practitioner and Nurse Midwifery Programs

1. The authority for subpart Y continues to read as follows:

Authority: Sec. 215 of the Public Health Service Act, 58 Stat. 690, as amended, 63 Stat. 35 (42 U.S.C. 216); sec. 822(a) of the Public Health Service Act, 89 Stat. 361, as amended by 99 Stat. 394-395 and 548 (42 U.S.C. 296m).

2. Section 57.2405 is amended by revising paragraph (c) to read as follows:

#### § 57.2405 Project requirements.

\* \* \* \* \*

(c) In accordance with the plan set forth in its approved application, the project shall evaluate the effectiveness of the program in relation to its purposes and objectives.

\* \* \* \* \*

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