

Section XIV Eligibility for Reimbursement
from the Mississippi Groundwater
Protection Trust Fund

Section XV Reimbursable Costs
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Section XVII Third Party Claims
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 799

[OPPTS-42150C; FRL-5712-3]

RIN 2070-AB94

Testing Consent Order For Phenol

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Removal of direct final rule.

SUMMARY: On January 17, 1997, EPA published a document (62 FR 2607) which, among other things, announced a testing consent order (Order) that incorporated an enforceable consent agreement (ECA) concluded between EPA and 14 specified companies. In the ECA, the companies agreed to perform certain health effects tests on phenol (CAS No. 108-95-2). In addition, the January 17 document included a direct final rule which added phenol to the list of chemicals subject to testing consent orders and hence subject to export notification requirements. This action was published without prior proposal. EPA has received adverse comment with respect to making entities that are not signatory to the ECA subject to export notification requirements for phenol. Accordingly, EPA is removing the export notification rule (but not the Order or the ECA) and intends to issue a proposed rule addressing the export notification issue.

EFFECTIVE DATE: May 23, 1997.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Rm. E-543B, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551; e-mail: TSCA-Hotline@epamail.epa.gov. For specific information regarding this removal, contact: Keith J. Cronin, Project Manager, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone: (202) 260-8157; fax: (202) 260-1096; email: cronin.keith@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: On January 17, 1997 (62 FR 2607), EPA published a document which, among other things, announced a testing consent order (Order) that incorporated an enforceable consent agreement (ECA) that was concluded, pursuant to section 4 of the Toxic Substances Control Act, between EPA and AlliedSignal Inc., Aristech Chemical Corporation, The Dow Chemical Company, Dakota Gasification Company, Georgia Gulf Corporation, General Electric Company, GIRSA, Inc., JLM Chemicals, Inc., Kalama Chemical, Inc., Merichem Company, Mitsubishi International Corporation, Mitsui Co. (U.S.A.), Inc., Shell Chemical Company, and Texaco Refining Marketing Inc. (collectively the Companies). In the ECA, the Companies agreed to perform certain health effects tests on phenol (CAS No. 108-95-2). In addition, the January 17 document included a direct final rule which would have added phenol to the list of chemical substances and mixtures in 40 CFR 799.5000 that are subject to testing consent orders and for which export notification is required under 40 CFR 799.19. This action, which would have made export notification requirements applicable to all exporters of phenol, was published without prior proposal in the **Federal Register**. However, EPA indicated that if the Agency received any adverse comments on the addition of phenol to the list of chemicals contained in 40 CFR 799.5000, EPA would withdraw the rule. Instead, EPA would issue a proposed rule addressing this issue and would provide a 30-day period for public comment.

EPA has received adverse comment with respect to the imposition of export notification requirements for phenol on exporters of phenol that are not signatory to the ECA. By this document, EPA is removing the export notification rule. EPA intends to issue a proposed rule addressing the export notification issue and provide a 30-day period for public comment. The removal of the rule does not affect the validity of either the Order or the ECA. The ECA includes testing requirements and export notification requirements which apply to the Companies.

List of Subjects in 40 CFR Part 799

Chemicals, Chemical export, Environmental protection, Hazardous substances, Health effects, Laboratories, Reporting and recordkeeping requirements, and Testing.

For the reasons set forth in the preamble, 40 CFR part 799 is amended as follows:

1. The authority citation for part 799 continues to read as follows:

Authority: 15 U.S.C. 2603, 2611, 2625.

\$ 799.5000 [Amended]

2. The table in § 799.5000 is amended by removing the entry for CAS Number 108-95-2, phenol.

Dated: May 5, 1997.

Lynn R. Goldman,

*Assistant Administrator for Prevention,
Pesticides, and Toxic Substances.*

[FR Doc. 97-13646 Filed 5-22-97; 8:45 am]

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GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-49

[FPMR Amendment H-194]

RIN 3090-AG45

Reporting Requirements for Foreign Gifts and Decorations

AGENCY: Office of Governmentwide
Policy, GSA.

ACTION: Final rule.

SUMMARY: This regulation revises criteria for reporting foreign gifts and decorations to the General Services Administration (GSA) for disposal and provides for gifts below the minimal value set by GSA to be handled in accordance with employing agency regulations. This regulation also changes the period of time foreign gifts are made available for Federal agency transfer to 21 days. The revised regulation provides for more efficient control and administration of the foreign gifts and decorations program.

EFFECTIVE DATE: May 23, 1997.

FOR FURTHER INFORMATION CONTACT: Martha S. Caswell, Director, Personal Property Management Policy Division (MTP), 202-501-3828.

SUPPLEMENTARY INFORMATION: The General Services Administration (GSA) has determined that this rule is not a significant regulatory action for the purposes of Executive Order 12866.

Regulatory Flexibility Act: This rule is not required to be published in the **Federal Register** for notice and comment. Therefore, the Regulatory Flexibility Act does not apply.

Paperwork Reduction Act: The reporting forms required by this regulation are not subject to the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). Therefore, the Paperwork Reduction Act does not apply. This rule also is exempt

from Congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects in 41 CFR Part 101-49

Decorations, medals, awards, Government property, Government property management.

For the reasons set forth in the preamble, 41 CFR Part 101-49 is amended to read as follows:

PART 101-49—UTILIZATION, DONATION, AND DISPOSAL OF FOREIGN GIFTS AND DECORATIONS

1. The authority citation for Part 101-49 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)); sec. 515, 91 Stat. 862 (5 U.S.C. 7342).

Subpart 101-49.2—Utilization of Foreign Gifts and Decorations

2. Section 101-49.201-1 is amended by adding paragraph (a)(11) as follows:

§ 101-49.201-1 Gifts and decorations required to be reported.

(a) * * *

(11) Each gift or decoration must indicate the Administration in which it was received (e.g., Clinton Administration).

* * * * *

3. Section 101-49.201-2 is amended by revising paragraph (a) to read as follows:

§ 101-49.201-2 Gifts and decorations not to be reported.

(a) The following gifts and decorations shall not be reported to GSA:

(1) Gifts and decorations returned to the donor;

(2) Gifts and decorations below the minimal value deposited by the employee recipient with the employing agency or retained by the employee recipient with the approval of the employing agency;

(3) Gifts and decorations above minimal value retained by the employing agency for official use, except upon termination of the official use;

(4) Intangible gifts, including checks, money orders, bonds, shares of stock, and other securities and negotiable instruments (see § 101-49.205);

(5) Cash, currency, and money, except those with possible historic or numismatic value (see § 101-49.205); and

(6) Gifts and decorations received by a Senator or an employee of the Senate disposed of by the Commission on Art

and Antiquities of the United States (see § 101-49.106).

* * * * *

4. Section 101-49.202 is amended by revising paragraph (a) to read as follows:

§ 101-49.202 Transfers to other Federal agencies.

(a) Gifts and decorations will be made available for transfer for a period of 21 calendar days following receipt by GSA of the Standard Form 120 to activities specified in § 101-43.309-1. Transfers will be made as considered appropriate by GSA, generally on a first-come-first-served basis.

* * * * *

5. Section 101-49.203 is revised to read as follows:

§ 101-49.203 Costs incident to transfer.

All transfers of gifts and decorations will be made without reimbursement, except that direct costs incurred by the employing agency in actual packing, preparation for shipment, loading, and transportation may be recovered by the employing agency from the transferee agency if billed by the employing agency. (See § 101-43.310-1.)

Dated: May 7, 1997.

David J. Barram,

Acting Administrator of General Services.

[FR Doc. 97-13626 Filed 5-22-97; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 87-267; FCC 97-68]

Implementation of the AM Expanded Band Allotment Plan

AGENCY: Federal Communications Commission.

ACTION: Final rule; petitions for reconsideration; correction.

SUMMARY: The Federal Communications Commission published in the **Federal Register** of April 29, 1997, page 23176, a document concerning Implementation of the AM Expanded Band Allotment Plan, FCC 97-68. The Final Regulatory Flexibility Analysis was inadvertently omitted. This document corrects that error.

EFFECTIVE DATE: March 17, 1997.

FOR FURTHER INFORMATION CONTACT:

Peter H. Doyle, Audio Services Division, Mass Media Bureau, (202) 418-2625.

SUPPLEMENTARY INFORMATION: The Final Regulatory Flexibility Analysis should have appeared on page 23176, in the second column, in the Supplementary

Information following the first paragraph.

Final Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act (RFA), 5 U.S.C. 603 (RFA) an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in Review of the Technical Assignment Criteria for the AM Broadcast Service, 5 FCC Rcd 4381 (1990) (Technical Assignment Criteria Rulemaking). The Commission sought written public comments on the proposals in Technical Assignment Criteria Rulemaking, including the IRFA. The Commission's Final Regulatory Flexibility Analysis (FRFA) in Report and Order, Review of the Technical Assignment Criteria for the AM Broadcast Service, 6 FCC Rcd 6273 (1991) (Report and Order) was issued prior to enactment of the amendments to the RFA Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), which was enacted as Title II of the Contract With America Advancement Act of 1996 (CWAAA), Public Law 104-121, 110 Stat. 847 (1996).¹ This FRFA is limited to matters raised in response to the Commission's action on reconsideration of Report and Order in Comments in Response to Reconsideration of Implementation of the AM Expanded Band and Allotment Plan, 11 FCC Rcd 12444 (1996) and addressed in this Memorandum Opinion and Order.

I. Need for and Objectives of this Memorandum Opinion and Order

This proceeding was initiated to improve the quality of AM broadcasting by permitting the migration of existing band stations experiencing significant levels of interference to the expanded AM band, *i.e.*, 1605-1705 kHz. The actions taken in the Memorandum Opinion and Order are consistent with this goal. Specifically, the Memorandum Opinion and Order modifies the frequency preclusion computer program to follow the federal travelers information station interference standards previously specified in this proceeding. It also clarifies the second harmonic interference standard incorporated in the frequency preclusion program. Lastly, the order conforms the revised allotment plan to Region 2 treaty requirements and eliminates software coding errors in the frequency preclusion and allotment plan programs.

¹ Title II of the CWAAA is "The Small Business Regulatory Enforcement Fairness Act of 1996" (SBREFA), codified at 5 U.S.C. 601 *et seq.*