

III. 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 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.

Pursuant to section 605(b) of the Regulatory Flexibility Act, I certify that this rule will not have a significant economic impact on a substantial number of small entities. This Federal action approves pre-existing requirements under federal, State or local law, and imposes no new requirements on any entity affected by this rule, including small entities. Therefore, these amendments will not have a significant impact on a substantial number of small entities.

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 on 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 approves pre-existing requirements under State or local law, and imposes no new 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 the 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 September 8, 1997. 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), 42 U.S.C. 7607(b)(2).)

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Incorporation by reference, Intergovernmental relations, Municipal Waste Combustors, Reporting and recordkeeping requirements.

Dated: June 24, 1997.

Chuck Clarke,
Regional Administrator.

40 CFR part 62 is amended as follows:

PART 62—[AMENDED]

1. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

Subpart MM—Oregon

2. Part 62.9350 is amended by adding paragraphs (b)(4) and (c)(4) to read as follows:

§ 62.9350 Identification of plan.

* * * * *

(b)* * *

(4) Control of metals, acid gases, organic compounds and nitrogen oxide emissions from existing municipal waste combustors was submitted by Oregon Department of Environmental Quality on December 31, 1996.

(c)* * *

(4) Existing municipal waste combustors.

3. Subpart MM is amended by adding a new § 62.9505 and a new undesignated heading to read as follows:

Metals, Acid Gases, Organic Compounds and Nitrogen Oxide Emissions Frp, Existing Municipal Waste Combustors With the Capacity to Combust Greater Than 250 Tons Per Day of Municipal Solid Waste

§ 62.9505 Identification of sources.

The plan applies to existing facilities at the following municipal waste combustor sites:

(a) Ogden Martin Systems, Marion County, Oregon.

(b) Coos County, Coos Bay, Oregon.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-5854-9]

National Oil and Hazardous Substances Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of the Middletown Air Field site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the Middletown Air Field Superfund site in Middletown, Pennsylvania from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the Commonwealth of Pennsylvania have determined that all appropriate Fund-financed responses under CERCLA have been implemented

and that no further cleanup by responsible parties is appropriate. Moreover, EPA and the Commonwealth of Pennsylvania have determined that remedial actions conducted at the site to date have been protective of public health, welfare, and the environment.

EFFECTIVE DATE: July 10, 1997.

FOR FURTHER INFORMATION CONTACT: Nicholas J. DiNardo, Remedial Project Manager, U.S. Environmental Protection Agency, Regional III, (215) 566-3365.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is:

Middletown Air Field, Middletown, Pennsylvania

A Notice of Intent to Delete for this site was published May 23, 1997 (62 FR 28407). The closing date for comments on the Notice of Intent to Delete was June 23, 1997. EPA received no comments.

The EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust Fund (Fund-) financed remedial actions. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Hazardous substances, Hazardous waste, Intergovernmental relations, Superfund, Water supply.

Dated: June 30, 1997.

Timothy Fields, Jr.,

Acting Assistant Administrator for Solid Waste and Emergency Response.

For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for Part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

Appendix B—[Amended]

2. Appendix B of part 300 is amended by removing the site "Middletown Air Field, Middletown, Pennsylvania".

[FR Doc. 97-17955 Filed 7-9-97; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 59

[CS Docket No. 96-237; FCC 97-36]

Implementation of Infrastructure Sharing Provisions in the Telecommunications Act of 1996

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: The rules, requirements, and regulations established in *Implementation of Infrastructure Sharing Provisions in the Telecommunications Act of 1996*, Report and Order, CC Docket 96-237, FCC 97-36 and the Commission's adoption of 47 CFR 59.1, 59.2, 59.3, 59.4 became effective May 6, 1997. These rules, requirements and regulations were published in the **Federal Register** of March 4, 1997. See 62 FR 9704, March 4, 1997.

EFFECTIVE DATE: The rules, requirements, and regulations established in the Report and Order and the Commission's adoption of 47 CFR 59.1, 59.2, 59.3, 59.4 became effective May 6, 1997.

FOR FURTHER INFORMATION CONTACT: Thomas J. Beers, Deputy Chief, Industry Analysis Division, Common Carrier Bureau, at (202) 418-0952, or Scott Bergmann, Industry Analysis Division, Common Carrier Bureau, at (202) 418-7102. For additional information concerning the information collections in the Report and Order, contact Dorothy Conway, at (202) 418-0217, or via the Internet at <dconway@fcc.gov>.

SUPPLEMENTARY INFORMATION:

1. On February 7, 1997, the Commission released *Implementation of Infrastructure Sharing Provisions in the Telecommunications Act of 1996*, Report and Order, CC Docket 96-237, FCC 97-36, to implement new section 259 of the Communications Act of 1934, as added by the Telecommunications Act of 1996, a summary of which was published in the **Federal Register**. See 62 FR 9704, March 4, 1997. As stated in the **Federal Register** summary, the requirements and regulations

established in the Report and Order were to become effective upon approval by the Office of Management and Budget (OMB) of the new or modified information collection requirements, but no sooner than April 3, 1997. OMB approved these rule changes on May 6, 1997. See 62 FR 27735, May 21, 1997.

2. The March 4, 1997 **Federal Register** summary stated that the Commission would publish a document in the **Federal Register** announcing the effective date of the rules and regulations following OMB approval of the information collections in the Report and Order. Because this statement might be read to suggest that further action by the Commission was necessary to establish the effective date, this publication clarifies that the rules, requirements, and regulations established in the Report and Order and the Commission's adoption of 47 CFR 59.1, 59.2, 59.3, 59.4 became effective May 6, 1997. This publication satisfies the statement that the Commission would publish a document announcing the effective date of the rule changes requiring OMB approval.

List of Subjects in 47 CFR Part 59

Antitrust, Communications common carriers, Communications equipment, Reporting and recordkeeping requirements, Rural areas, Telegraph, Telephone.

Federal Communications Commission.

William F. Caton,
Acting Secretary.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[I.D. 070197B]

Atlantic Tuna Fisheries; Harpoon Category

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS has determined that the Atlantic bluefin tuna (ABT) Harpoon category annual quota for 1997 will be attained by July 7, 1997. Therefore, the 1997 Harpoon category fishery will be closed effective at 11:30 p.m. on July 7, 1997. This action is being taken to prevent overharvest of the Harpoon category quota.