[FR Doc. 96–24356 Filed 9–20–96; 8:45 am]
BILLING CODE 4910–14–M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. 93–2B]

Digital Audio Recording Devices and Media; Verification of Statements of Account

AGENCY: Copyright Office, Library of Congress.

ACTION: Extension of comment period.

SUMMARY: The Copyright Office is extending the comment period in its consideration of interim regulations that provide for the verification of the information contained in digital audio recording technology (DART) Statements of Account filed with the Office.

DATES: The extended deadline for comments is October 16, 1996, and for reply comments is November 18, 1996.

ADDRESSES: If sent by mail, fifteen copies of written comments should be addressed to Marilyn J. Kretsinger, Acting General Counsel, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024. Telephone: (202) 707–8380. Telefax: (202) 707–8366. If by hand, fifteen copies should be brought to: Office of the General Counsel, Copyright Office, James Madison Memorial Building, Room LM–407, First and Independence Avenue, S.E., Washington, D.C. 20540.

FOR FURTHER INFORMATION CONTACT: Marilyn J. Kretsinger, Acting General Counsel, Telephone: (202) 707–8380 or Telefax: (202) 707–8366.

SUPPLEMENTARY INFORMATION: On June 18, 1996, the Copyright Office published interim regulations providing for the verification of the information contained in digital audio recording technology (DART) Statements of Account filed with the Office. 61 FR 30808 (June 18, 1996). To allow interested parties more time to submit comments, the Office is extending the comment period from September 16, 1996, to October 16, 1996, and the deadline for reply comments from October 16, 1996, to November 16, 1996.

Dated: September 18, 1996.
Marilyn J. Kretsinger,
Acting General Counsel.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

[FRL–5610–4]

Minor Amendments to Inspection/Maintenance Program Requirements

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: This rule changes a provision of the federal vehicle inspection and maintenance (I/M) rules relating to motorist compliance enforcement mechanisms for pre-existing programs. The current rule limits the use of pre-existing enforcement mechanisms, other than denial of vehicle registration, to those geographic areas previously subject to the I/M program. This rule change allows states to employ such effective pre-existing enforcement mechanisms as sticker enforcement in any area in the state adopting an I/M program. This amendment is consistent with the relevant requirements of the Clean Air Act. These changes will not result in any change in health and environmental benefits.

DATES: This rule will take effect November 22, 1996 unless EPA receives adverse comments on a parallel proposal of this action, published elsewhere in this Federal Register, by October 23, 1996. Should EPA receive such comments, EPA will publish a subsequent document in the Federal Register withdrawing this direct final rule prior to the effective date. Anyone wishing to submit comments on the parallel proposal should do so at this time.

ADDRESSES: Materials relevant to this rulemaking are contained in the Public Docket No. A–91–75. The docket is located at the Air Docket, Room M–1500 (6102), Waterside Mall SW, Washington, DC 20460. The docket may be inspected between 8:30 a.m. and 12 noon and between 1:30 p.m. until 5:30 p.m. on weekdays. A reasonable fee may be charged for copying docket material. Electronic copies of the preamble and the regulatory text of this rulemaking are available on the Office of Air Quality Planning and Standards (OAQPS) Technology Transfer Network Bulletin Board System (TTN BBS) and the Office of Mobile Sources' World Wide Web cite, http://ww.epa.gov/OMSWWW/.

FOR FURTHER INFORMATION CONTACT: Leila Cook, Office of Mobile Sources, National Vehicle and Fuel Emissions Laboratory, 2565 Plymouth Road, Ann Arbor, Michigan, 48105. Telephone (313) 741–7820.

SUPPLEMENTARY INFORMATION:

Regulated Entities

Entities potentially regulated by the minor amendment to the I/M rule are those which adopt, approve, or fund I/M programs. Regulated categories and entities include:

Category	Examples of regulated entities
Local government.	Local air quality agencies.
State government.	State air quality agencies responsible for I/M programs.
Federal government	EPA.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. This table lists the types of entities that EPA is now aware that could potentially be regulated by this I/M amendment. Other types of entities not listed in the table could also be regulated. To determine whether your organization is regulated by this action, you should carefully examine the applicability criteria of 40 CFR 51.361 of the I/M rule. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Under the Clean Air Act as amended in 1990 (the Act), 42 U.S.C. 7401 *et seq.*, the U.S. Environmental Protection Agency (EPA) published in the Federal Register on November 5, 1992 (40 CFR part 51, subpart S) rules relating to motor vehicle inspection and maintenance (I/M) programs (hereafter referred to as the I/M rule; see 57 FR 52950). EPA here amends those rules to broaden the geographic area in which pre-existing enforcement mechanisms can be employed.

Section 182(c)(3) of the Act establishes the statutory requirements for enhanced I/M programs. Subsection (c)(3)(C)(iv) requires the use of vehicle registration denial enforcement mechanisms except in certain cases. The statute allows the use of alternative enforcement mechanisms that are demonstrated to be more effective than vehicle registration denial for any program in operation before enactment of the 1990 amendments of the Act.

In the 1992 I/M rules, EPA interpreted this statutory requirement to allow the use of pre-existing alternative enforcement mechanisms only in the same geographic area where the prior program had been implemented using that alternative 40 CFR 51.361. That regulation did not provide for the use of alternative enforcement mechanisms in

any areas within a state that had not previously had an I/M program, even where an effective alternative enforcement mechanism was in place elsewhere in the state. In addition, the 1992 I/M rule required pre-existing alternative enforcement mechanisms to have been approved into the SIP.

Based on experience implementing the I/M rule, EPA now believes that the provisions limiting the geographic scope of pre-existing enforcement mechanisms should be altered. EPA is amending 40 CFR 51.361 to allow, anywhere within a state, the use of more effective pre-existing enforcement mechanisms that the state had previously used in only some portion of the state. In states where a pre-existing enforcement mechanism can be demonstrated to be more effective than registration denial, it would be incongruous to allow the use of that mechanism only in those areas that had previously employed the mechanism, but require areas within the state newly implementing I/M to use a registration denial system that had already been demonstrated to be less effective within the state.

EPA believes that the amendment to section 51.361 is consistent with the Act. The statute does not impose a geographic limitation on the scope of applicability of pre-existing enforcement mechanisms. The statute merely requires that the I/M program have been in place prior to the 1990 amendments to the Act, and that the enforcement mechanism be demonstrated to be more effective than registration denial. EPA believes that where this demonstration can be made, expansion of the program, including the pre-existing enforcement mechanism, to other areas within the state is appropriate and consistent with the statute.

Further, EPA is removing the requirement in § 51.361 that pre-existing enforcement mechanisms have been approved into the SIP. The statute requires only that such mechanism have been in operation prior to the 1990 amendments to the Act, and says nothing about SIP approval. Where a state can demonstrate that its pre-existing enforcement mechanism is more effective than registration denial, EPA believes it would be inconsistent with the statute to require use of the less effective registration denial system merely because the program previously in operation had not been approved into the SIP.

Administrative Requirements

Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), I certify that this action will not have a significant economic impact on a substantial number of small entities and, therefore, is not subject to the requirement of a Regulatory Impact Analysis. A small entity may include a small government entity or jurisdiction. A small government jurisdiction is defined as governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than 50,000. This certification is based on the fact that the I/M areas impacted by this rulemaking do not meet the definition of a small government jurisdiction, that is, governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than 50,000. This rule affects only the enforcement mechanism states may include in their I/M programs. Furthermore, the impact created by this action does not increase the pre-existing burden which this proposal seeks to amend.

Unfunded Mandates Act

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 where the estimated costs to State, local, or tribal governments, or to the private sector, will be $100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objective 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 impacted by the rule.

To the extent that the requirements in this action would impose any mandate at all as defined in Section 101 of the Unfunded Mandates Act upon the state, local, or tribal governments, or the private sector, as explained above, this rule is not estimated to impose costs in excess of $100 million. Therefore, EPA has not prepared a statement with respect to budgetary impacts. As noted above, this rule offers opportunities to states that would enable them to lower economic burdens from those resulting from the currently existing I/M rule.

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. The rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Executive Order 12866

It has been determined that this amendment to the I/M rule is not a significant regulatory action under the terms of Executive Order 12866 and has been waived from Office of Management and Budget (OMB) review.

Reporting and Recordkeeping Requirements

There are no information requirements in this final rule which requires the approval of the Office of Management and Budget under the Paperwork Reduction Act 44 U.S.C. 3501 et seq.

Effective Date

This rule will take effect on November 22, 1996, unless EPA receives adverse comment on a parallel document proposing these same changes published elsewhere in this Federal Register. EPA is using the direct final rulemaking procedure in this case because EPA believes that these amendments are noncontroversial and does not anticipate receiving any adverse comment. Should EPA receive any such comments, EPA will publish a subsequent document in the Federal Register withdrawing this direct final rule prior to the effective date. EPA will then publish another final rule responding to the comments received and taking final action on the parallel proposal. Anyone wishing to comment on the parallel proposal should do so at this time.

List of Subjects in 40 CFR Part 51

Environmental protection, Administrative practice and procedure, Air pollution control, Carbon monoxide, Intergovernmental relations, Lead, Motor vehicle pollution, Nitrogen oxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: September 10, 1996.

Carol M. Browner,

Administrator.

For the reasons set out in the preamble, part 51 of Title 40 of the Code of Federal Regulations is amended as follows:

PART 51—[AMENDED]

1. The authority citation for Part 51 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

2. Section 51.361 is amended by revising the introductory text and paragraph (b)(1)(i) to read as follows:

§ 51.361 Motorist compliance enforcement.

Compliance shall be ensured through the denial of motor vehicle registration in enhanced I/M programs unless an exception for use of an existing alternative is approved. An enhanced I/M area may use an existing alternative if it demonstrates that the alternative has been more effective than registration denial. An enforcement mechanism may be considered an ''existing alternative'' only in states that, for some area in the state, had an I/M program with that mechanism in operation prior to passage of the 1990 Amendments to the Act. A basic I/M area may use an alternative enforcement mechanism if it demonstrates that the alternative will be as effective as registration denial. Two other types of enforcement programs may qualify for enhanced I/M programs if demonstrated to have been more effective than enforcement of the registration requirement in the past: Sticker-based enforcement programs and computer-matching programs. States that did not adopt an I/M program for any area of the state before November 15, 1990, may not use an enforcement alternative in connection with an enhanced I/M program required to be adopted after that date.

* * * * *

(b) * * *

(1) * * *

(i) For enhanced I/M programs, the area in question shall have had an operating I/M program using the alternative mechanism prior to enactment of the Clean Air Act Amendments of 1990. While modifications to improve compliance may be made to the program that was in effect at the time of enactment, the expected change in effectiveness cannot be considered in determining acceptability;

* * * * *

[FR Doc. 96–23652 Filed 9–20–96; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 52

[CO–001–0001a; FRL–5606–4]

Clean Air Act Approval and Promulgation of State Implementation Plan for Colorado; Denver Nonattainment Area PM_{10} Contingency Measures

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA approves the state implementation plan (SIP) revision submitted by the State of Colorado on November 17, 1995, to satisfy the Federal Clean Air Act requirement to submit contingency measures for the Denver moderate PM_{10} (particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers) nonattainment area. EPA is approving this SIP revision because it is consistent with the PM_{10} contingency measure requirements of the Clean Air Act, as amended (Act).

DATES: This action is effective on December 23, 1996 unless adverse comments are received by November 22, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Comments should be addressed to Richard R. Long, Director Air Program, EPA Region VIII, at the address listed below. Copies of the State's submittal and other information are available for inspection during normal business hours at the following locations: Air Program, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202–2466; and Colorado Department of Public Health and Environment Air Pollution Control Division, 4300 Cherry Creek Dr. South, Denver, Colorado 80222–1530. The information may be inspected between 8 a.m. and 4 p.m., on weekdays, except for legal holidays. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Callie Videtich, 8P2–A, U.S. Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202–2466, (303) 312–6434.

SUPPLEMENTARY INFORMATION:

I. Background of Denver PM_{10} SIP

The Denver, Colorado area was designated nonattainment for PM_{10} and classified as moderate under sections 107(d)(4)(B) and 188(a) of the Act, upon enactment of the Clean Air Act Amendments of 1990. See 56 FR 56694 (November 6, 1991); 40 CFR 81.306 (specifying designations for Colorado).

Those States containing initial moderate PM_{10} nonattainment areas were required to submit several provisions by November 15, 1991. These provisions, including an attainment demonstration (or demonstration that timely attainment is impracticable), are described in EPA's proposed rulemaking for the Denver moderate PM_{10} nonattainment area SIP (see 58 FR 66326, December 20, 1993). The Denver PM_{10} control measures targeted re-entrained road dust, residential wood burning, stationary sources and mobile sources for reductions in PM_{10} emissions to demonstrate attainment of the PM_{10} NAAQS. See the December 20, 1993, notice of proposed rulemaking and associated Technical Support Document (TSD) for further details.

Such States were also required to submit contingency measures by November 15, 1993 (see 57 FR 13543). The Governor of Colorado initially submitted a contingency measure SIP for Denver on December 9, 1993. On March 30, 1994, the EPA notified the State that it had determined that the wintertime secondary particulate concentration contained in the June 7, 1993, Denver PM_{10} SIP submittal was underestimated by 5.4 $\mu g/m^3$. Based upon that finding, the contingency measures contained in the December 9, 1993, submittal were used to provide further emission reductions for a revised attainment demonstration addressing the additional secondary impacts. The State then undertook a process to develop new contingency measures. The Governor submitted the new measures on November 17, 1995, for the Denver nonattainment area.

II. This Action

A. Analysis Requirements for State Submissions

1. Procedural Background

The Act requires States to observe certain procedural requirements in developing implementation plans and plan revisions for submission to EPA [see Section 110(a)(2) and 110(l) of the Act]. EPA also must determine whether a submittal is complete and therefore warrants further EPA review and action [see section 110(k)(1) of the Act, 57 FR 13565, and EPA's completeness criteria for SIP submittals in 40 CFR part 51, appendix V].

To entertain public comment, the State of Colorado's Air Quality Control Commission (AQCC), after providing adequate notice, held a public hearing on March 16, 1995, to consider the Denver PM_{10} contingency measures.