

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 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 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.

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. section 804(2).

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 23, 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, Small business assistance program.

Dated: September 30, 1996.

William J. Muszynski,
Acting Regional Administrator.

For the reasons set forth in the preamble, the State implementation Plan revisions which were conditionally approved and listed in 40 CFR 52.1607 and 52.2782 (59 FR 34386, July 5, 1994) are fully approved.

[FR Doc. 96-27130 Filed 10-22-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 271

[FRL-5638-1]

Ohio: Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: Ohio submitted an application seeking final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act of 1976, as amended (RCRA). The application included a program description, a statement by the Ohio Attorney General, a memorandum of agreement, and the revisions to Ohio's Administrative Code. The Environmental Protection Agency (EPA) has reviewed Ohio's application and has reached a decision, subject to public review and comment, that these hazardous waste program revisions satisfy all the requirements necessary to qualify for final authorization. Thus, EPA intends to grant final authorization to Ohio to operate its expanded program, subject to authority retained by EPA under the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-616, November 8, 1984, hereinafter HSWA).

EFFECTIVE DATE: Final authorization for Ohio shall be effective on December 23, 1996 unless EPA publishes a prior Federal Register (FR) action withdrawing this immediate final rule. All comments on Ohio's final authorization must be received by 4:30 p.m. central time on November 22, 1996. If an adverse comment is received, EPA will publish either: a withdrawal of this immediate final rule or a document containing a response to the comment which either affirms that the immediate final decision takes effect or reverses the decision.

ADDRESSES: Copies of Ohio's final Authorization Revision Application are available for inspection and copying from 9 a.m. to 4 p.m., at the following addresses: Ms. Kit Arthur, Ohio Environmental Protection Agency, 1800 WaterMark Drive, Columbus, Ohio 43215, Phone 614/644-3174; Mr. Timothy O'Malley, U.S. EPA Region 5, DR-7J, 77 W. Jackson, Chicago, Illinois 60604, Phone 312/886-6085. Written comments should be sent to Mr. Timothy O'Malley, U.S. EPA Region 5, DR-7J, 77 W. Jackson (DR-7J), Chicago, Illinois, 60604, Phone (312) 886-6085.

FOR FURTHER INFORMATION CONTACT: Mr. Timothy O'Malley, Ohio Regulatory Specialist, U.S. EPA Region 5, DR-7J, 77 West Jackson Blvd., Chicago, Illinois, 60604, (312) 886-6085.

SUPPLEMENTARY INFORMATION

A. Background

States with final authorization under section 3006(b) of RCRA, 42 U.S.C. 6929(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Public Law 98-616, November 8, 1984, hereinafter HSWA) allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive interim authorization for the HSWA requirements under Section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

In accordance with 40 CFR 271.21, revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR Parts 124, 260-266, 268, and 270.

B. Ohio

Ohio initially received final authorization for its program effective June 30, 1989 (54 FR 27170). Subsequently, Ohio received authorization for revisions to its program, which became effective on June 7, 1991 (56 FR 14203), August 19, 1991 (56 FR 28008), and September 25, 1995 (60 FR 38502). On September 10, 1996, Ohio submitted a final program revision application for additional program approvals. Today, Ohio is seeking approval of this program

revision in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Ohio's application, and has made an immediate final decision that Ohio's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to Ohio. The public may submit written comments on EPA's immediate final decision up until November 22, 1996.

Copies of Ohio's application for program revision are available for inspection and copying at the locations indicated in the ADDRESSES section of this notice.

Approval of Ohio's program revision shall become effective in 60 days unless an adverse comment pertaining to the State's revision discussed in this notice is received by the end of the comment period. If an adverse comment is received, EPA will publish either (1) A withdrawal of the immediate final

decision, or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

On December 23, 1996, Ohio will be authorized to carry out, in lieu of the Federal program, those provisions of the State's program which are analogous to the following provisions of the Federal program:

| Federal requirement | Analogous State authority |
|---|---|
| HSWA Codification Rule—Corrective Action, July 15, 1985, (50 FR 28702). ¹ . | Ohio Administrative Code (OAC) 3745–55–011 (A) and (B); effective June 29, 1990. OAC 3745–50–46 (A)(1)(b)(vii) and (B); 3745–54–90(A); effective February 11, 1992. |
| HSWA Codification Rule 2—Permit Application Requirements Regarding Corrective Action, December 1, 1987, (52 FR 45788). ¹ . | Ohio Administrative Code (OAC) 3745–50–44 (B) and (D), (D)(1)(a)–(e), (D)(2) and (D)(3); effective April 15, 1993. |
| HSWA Codification Rule 2—Corrective Action Beyond the Facility Boundary, December 1, 1987, (52 FR 45788). ¹ . | Ohio Administrative Code (OAC) 3745–55–01(E), (E) (1) and (2); effective February 11, 1992. OAC 3745–55–011(C); effective June 29, 1990. |

¹ Indicates HSWA requirement.

EPA shall administer any RCRA hazardous waste permits, or portions of permits, that contain conditions based upon the Federal program provisions for which the State is applying for authorization, and which were issued by EPA prior to the effective date of this authorization. EPA has previously suspended issuance of permits for the other provisions on June 30, 1989, June 7, 1991, August 19, 1991, and September 25, 1995, the effective dates of Ohio's final authorization for the RCRA base program, and for subsequent program revisions.

Ohio is not authorized to operate the Federal program on Indian lands. This authority remains with EPA unless provided otherwise in a future statute or regulation.

C. Decision

I conclude that Ohio's program revision meets all of the statutory and regulatory requirements established by RCRA described in its revised program application, subject to the limitations of the HSWA. Accordingly, EPA grants Ohio final authorization to operate its hazardous waste program as revised. Ohio currently has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program and its amendments. Ohio also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA, and to take enforcement actions under sections 3008, 3013, and 7003 of RCRA.

D. Codification in Part 272

EPA incorporates by reference authorized State programs in Part 272 of 40 CFR to provide notice to the public of the scope of the authorized program in each State. Incorporation by reference of the Ohio program will be completed at a later date.

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of Section 6 of Executive Order 12866.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104–4, establishes requirements for Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments and the private sector. Under sections 202 and 205 of the UMRA, EPA generally must prepare a written statement of economic and regulatory alternatives analyses for proposed and final rules with Federal mandates, as defined by the UMRA, that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. The section 202 and 205 requirements do not apply to today's action because it is not a "Federal mandate" and because it does not impose annual costs of \$100 million or more.

Today's rule contains no Federal mandates for State, local or tribal governments or the private sector for two reasons. First, today's action does

not impose new or additional enforceable duties on any State, local or tribal governments or the private sector because the requirements of the Ohio program are already imposed by the State and subject to State law. Second, the Act also generally excludes from the definition of a "Federal mandate" duties that arise from participation in a voluntary Federal program. Ohio's participation in an authorized hazardous waste program is voluntary.

Even if today's rule did contain a Federal mandate, this rule will not result in annual expenditures of \$100 million or more for State, local, and/or tribal governments in the aggregate, or the private sector. Costs to State, local and/or tribal governments already exist under the Ohio program, and today's action does not impose any additional obligations on regulated entities. In fact, EPA's approval of State programs generally may reduce, not increase, compliance costs for the private sector.

The requirements of section 203 of UMRA also do not apply to today's action. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, section 203 of the UMRA requires EPA to develop a small government agency plan. This rule contains no regulatory requirements that might significantly or uniquely affect small governments. The Agency recognizes that although small governments may be hazardous waste generators, transporters, or own and/or operate TSDFs, they are already subject to the regulatory requirements under existing State law which are being authorized by EPA, and, thus, are not

subject to any additional significant or unique requirements by virtue of this program approval.

Certification Under the Regulatory Flexibility Act

EPA has determined that this authorization will not have a significant economic impact on a substantial number of small entities. Such small entities which are hazardous waste generators, transporters, or which own and/or operate TSDFs are already subject to the regulatory requirements under existing State law which are being authorized by EPA. EPA's authorization does not impose any additional burdens on these small entities. This is because EPA's authorization would simply result in an administrative change, rather than a change in the substantive requirements imposed on these small entities.

Therefore, EPA provides the following certification under the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act. Pursuant to the provision at 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization approves regulatory requirements under existing State law to which small entities are already subject. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

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).

Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., Federal agencies must consider the paperwork burden imposed by any information request contained in a proposed rule or a final rule. This rule will not impose any information requirements upon the regulated community.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands,

Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of Sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, and 6974(b).

Dated: October 8, 1996.

David A. Ullrich,

Acting Regional Administrator.

[FR Doc. 96-26917 Filed 10-22-96; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 11

[FO Docket Nos. 91-301 and 91-171; FCC 94-288]

Emergency Alert System; Correction

AGENCY: Federal Communications Commission.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to the final regulations which were published Monday, November 6, 1995, (60 FR 55999). The regulations related to the Emergency Alert System.

EFFECTIVE DATE: October 23, 1996.

FOR FURTHER INFORMATION CONTACT: Frank Lucia, (202) 418-1220.

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections affect the Emergency Alert System protocol and message format.

Need for Correction

As published, the final regulations contain errors which may prove to be misleading and are in need of clarification.

List of Subjects in 47 CFR Part 11

Emergency Alert System.

PART 11—EMERGENCY ALERT SYSTEM (EAS)

Accordingly, 47 CFR Part 11 is corrected by making the following correcting amendments:

1. The authority citation for Part 11 continues to read as follows:

Authority: 47 U.S.C. 151, 154 (i) and (o), 303(r), 544(g) and 606.

2. In § 11.31, paragraph (c) is revised to read as follows:

§ 11.31 EAS protocol.

* * * * *

(c) The EAS protocol, including any codes, must not be amended, extended or abridged without FCC authorization. The EAS protocol and message format are specified in the following representation. Examples are also provided in the EAS Operating Handbook.

[PREAMBLE] ZCZC - ORG - EEE - PSSCCC
+ TTTT - JJHHMM - LLLLLLLL -

(one second pause)

[PREAMBLE] ZCZC - ORG - EEE - PSSCCC
+ TTTT - JJHHMM - LLLLLLLL -

(one second pause)

[PREAMBLE] ZCZC - ORG - EEE - PSSCCC
+ TTTT - JJHHMM - LLLLLLLL -

(at least a one second pause)

(transmission of 8 to 25 seconds of Attention Signal)

(transmission of audio, video or text messages)

(at least a one second pause)

[PREAMBLE] NNNN

(one second pause)

[PREAMBLE] NNNN

(one second pause)

[PREAMBLE] NNNN

(at least one second pause)

[PREAMBLE] This is a consecutive string of bits (sixteen bytes of AB hexadecimal [8 bit byte 10101011]) sent to clear the system, set AGC and set asynchronous decoder clocking cycles. The preamble must be transmitted before each header and End Of Message code.

ZCZC- This is the identifier, sent as ASCII characters ZCZC to indicate the start of ASCII code.

ORG- This is the Originator code and indicates who originally initiated the activation of the EAS. These codes are specified in paragraph (d) of this section.

EEE- This is the Event code and indicates the nature of the EAS activation. The codes are specified in paragraph (e) of this section. The Event codes must be compatible with the codes used by the NWS Weather Radio Specific Area Message Encoder (WRSAME).

PSSCCC- This is the Location code and indicates the geographic area affected by the EAS alert. There may be 31 Location codes in an EAS alert. The Location code uses the Federal Information Processing System (FIPS) numbers as described by the U.S. Department of Commerce in National Institute of Standards and Technology publication 772. Each state is assigned an SS number as specified in paragraph (f) of this section. Each county is assigned a CCC number. A CCC number of 000 refers to an entire State or Territory. P defines county subdivisions as follows: 0 = all or an unspecified portion of a county, 1 = Northwest, 2 = North Central, 3 = Northeast, 4 = West Central, 5 = Central, 6 = East Central, 7 = Southwest, 8 = South Central, 9 = Southeast. Other numbers may be designated later for special applications. The use of county subdivisions will probably be rare and generally for oddly shaped or unusually large counties. Any subdivisions must be defined and agreed to by the local officials prior to use.