After a review of the submissions, the Regional Administrator determined that delegation was appropriate for the source categories with the conditions set forth in the original NSPS and NESHAP delegation agreements, and the limitations in all applicable regulations, including 40 CFR parts 60, 61, and 63. The reader should refer to the applicable agreements and regulations to determine specific provisions which are not delegated. All sources subject to the requirements of 40 CFR parts 60, 61, and 63 are also subject to the equivalent requirements of the above-mentioned state or local agencies.

Since review of the pertinent laws, rules, and regulations of these state or local agencies has shown them to be adequate for the implementation and enforcement of the listed NSPS and NESHAP categories, the EPA hereby notifies the public that it has delegated the authority for the source categories listed as of the dates specified in the above tables.

Notice is also provided that the delegation document for the state of Kansas dated May 15, 1987 (52 FR 18357), which retained for the EPA certain delegation authority regarding asbestos removal by building owners, is superseded by delegation of the part 61, subpart M program as provided in this document.

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

Authority: This notice is issued under the authority of sections 101, 110, 111, 112 and 301 of the CAA, as amended (42 U.S.C. 7401, 7410, 7411, 7412 and 7601).

Dated: May 16, 1997.

William Rice,

Acting Regional Administrator.

[FR Doc. 97–15417 Filed 6–11–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 76

[FRL–5840–1]

RIN 2060–AF48

Acid Rain Program; Nitrogen Oxides Emissions Reduction Program; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: On December 19, 1996 (61 FR 67112), the Environmental Protection Agency (EPA) promulgated emission limitations for the second phase of the Nitrogen Oxides Reductions Program under Title IV of the Clean Air Act. These emission limitations will reduce the serious adverse effects of NO_X emissions on human health, visibility, ecosystems, and materials. This action corrects an inadvertent, drafting error in the December 19, 1996 document.

EFFECTIVE DATE: June 12, 1997.

FOR FURTHER INFORMATION CONTACT: Peter Tsirogotis, Source Assessment Branch, Acid Rain Division (6204J), U.S. Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460 (for technical matters) (202–233–9620); or Dwight C. Alpern (same address) (for legal matters) (202–233–9151).

SUPPLEMENTARY INFORMATION: On December 19, 1996 (61 FR 67112), EPA promulgated emission limitations for the second phase of the Nitrogen Oxides Reduction Program under Title IV of the Clean Air Act. Subsequent to the publication of the December 19, 1996 rule, EPA identified an inadvertent, drafting error in the December 19, 1996 document. Today's action corrects this error.

Section 76.6 of the December 19, 1996 rule sets emission limits for Group 2 coal-fired boilers, i.e., for cell burners, cyclones, wet bottoms and vertically fired boilers. The language in section 76.6(a) stating that the limits for these boiler categories applies to owners or operators of ''Group 2, Phase II'' coal-fired boilers, is an inadvertent, drafting error.

In issuing the December 19, 1996 NO_X rule, EPA clearly intended to set revised limits for Group 1 boilers (i.e., dry bottom wall fired and tangentially fired boilers) not subject to the initial Group 1 limits and to set new emission limits for Group 2 boilers, regardless of whether Group 2 boilers are Phase I or Phase II boilers. This intent was explicit in the preamble of the December 19, 1996 rule, where EPA stated that it was setting emission limits for Group 2 boilers and made no distinction between Phase I and Phase II boilers. Nowhere in the preamble did EPA state that the emission limits apply only to Group 2, Phase II boilers or that the limits do not apply to Group 2, Phase I boilers.[1] For example, in summarizing the rule, EPA stated that it was

[1] This is consistent with other provisions of part 76 that treat both Phase I and Phase II units as subject to emission limits for Group 2 boilers. For example, section 76.9(b)(2) sets a January 1, 1998, deadline for submission of compliance plans for NOx emissions for ''a Phase I or Phase II unit with a Group 2 boiler or a Phase II unit with a Group 1 boiler.'' 40 CFR 76.9(b)(2). *See also* 40 CFR 76.10(a)(1) and (2)(D) (stating requirements for applying for an alternative emission limitation for ''Group 2 boilers'', without distinguishing between Phase I and Phase II boilers).

''promulgating new emission limitations for nitrogen oxides * * * emissions for wall-fired and tangentially fired boilers (Group 1 boilers) and for certain other boilers (Group 2 boilers).'' 61 FR 67113. *See also* 61 FR 67114 (explaining how the emission limit was selected for ''the particular category of Group 2 boiler'' and estimating the NO_X reductions that result from applying the limit to each Group 2 boiler category, including both Phase I and Phase II boilers), 67120 (explaining that EPA is exercising its discretion to ''revise the Phase II, Group 1 emission limitations'' and is adopting ''Group 2 emission limitations''), 67148–67149 (discussing costs of selective catalytic reduction (SCR) applied to Merrimack unit 2, a Group 2, Phase I boiler), 67152–67153 (stating that EPA is setting specified limits for ''cell burners,'' ''cyclone boilers greater than 155 MW,'' ''wet bottom boilers greater than 65 MW,'' and ''vertically fired boilers''). Moreover, in discussing the economic impact of the final rule, EPA presented several regulatory options and stated that the final rule adopted the option (identified as ''Option 4'') under which limits are set ''for all Group 2 boilers except cyclones with capacity of 155 MWe or less, wet bottoms with capacity of 65 MWe or less, stokers, and [fluidized bed combustion] boilers.'' 61 FR 67160; *see also* Docket Item V-B, ''Regulatory Impact Analysis of NO_X Regulations'' at 6–1 (October 24, 1996).

The Agency's analyses supporting the final rule were also based on the application of the Group 2 limits to both Phase I and Phase II boilers. For example, the study estimating the boiler-specific cost effectiveness of NO_X control technologies set forth cost effectiveness estimates for Group 2 boilers that included both Phase I and Phase II boilers. Docket Item IV–A–14 (November 1996). Similarly, the Regulatory Impact Analysis for the final rule analyzed the impact of the application of the Group 1 and Group 2 limits to a total of 1,044 boilers. These boilers were listed in the report and included both Group 2, Phase I boilers and Group 2, Phase II boilers. Docket Item V–B–1, ''Regulatory Impact Analysis of NO_X Regulations'' (October 24, 1996) at 2–1 and 2–2 and Appendix A. *See also* Docket Item IV–A–15 (November 26, 1996) (load vs. time plots of selected cyclones and wet bottoms (including Phase I and Phase II boilers) subject to the Group 2 limits); and Docket Item V–B–1, ''Unfunded Mandates Reform Act Analysis for the Nitrogen Oxides Emission Reduction Program Under the Clean Air Act Amendments Title IV'' (October 24, 1996) at 11 (stating the number of cyclones and wet bottoms (including Phase I and Phase II boilers) subject to the Group 2 limits).

EPA notes that the erroneous language in § 76.6(a) of the final rule was also used in the January 19, 1996 proposed rule. (See 61 FR 1442 and 61 FR 1480 (1996)). However, like the final rule preamble, the preamble of the proposed rule described the establishment of limits for Group 2 boilers, without distinguishing between Phase I and Phase II boilers. *See, e.g.*, 61 FR 1467, 61 FR 1471, 61 FR 1474, and 61 FR 1476 (setting the limit for each boiler category and estimating NO_X reductions that result from applying the limit to Phase I and Phase II boilers in each category). In addition, consistent with the preamble of the proposed rule, the commenters interpreted the proposed Group 2 limits as applying without distinction between Phase I and Phase II boilers. *See, e.g.*, Comments of the Utility Air Regulatory Group and the National Mining Association, Docket Item IV–D–065 (March 19, 1996) at i and 3 (describing proposal as setting limits for ''Group 2 boilers''), 98 (stating proposed limit for cell burners), 101 (objecting to application of cell burner limit to five 3-cell burner boilers including J.H. Campbell Unit 2, a Group 2, Phase 1 boiler), 106 (stating that proposal sets limit for 38 wet bottoms, including both Phase I (such as Kyger Creek unit 5) and Phase II boilers), 107–8 (citing Sargent and Lundy report and claiming that there is no technology on which to base Group 2 limits for certain Phase I wet bottoms (Big Bend units 1, 2, and 3)), 110 (stating proposed limit for cyclone boilers), and 128–29 (stating that proposal applies to about 175 Group 2 boilers, which includes Phase I and Phase II boilers). *See also* Docket Item II–A–2 at A–5 (August 1995) (listing 39 wet bottoms covered by limit in proposed rule, including Phase I boilers (Clifty Creek units 1, 2, 3, 4, 5, and 6, Kyger Creek units 1, 2, 3, 4, and 5, and Big Bend units 1, 2, and 3)); and Docket Item IV–D–032 (March 18, 1996) (Sargent and Lundy report at ES–2 through ES–5 and ES–7 (discussing lack of technology for Big Bend units 1, 2, and 3)).

Consistent with these comments on the proposal, the petitioners' briefs filed in *Appalachian Power* v. *U.S. EPA*, No. 96–1497 (D.C. Cir. 1997), challenging the December 19, 1996 rule stated that limits are set for Group 2 boilers and did not distinguish between Phase I and Phase II boilers. Brief of Petitioners Appalachian Power Company, *et al.* (April 18, 1997) at 9 and 21 (stating that proposed and final rules apply to over 1,000 boilers, including Group 2 boilers that are Phase I and Phase II boilers), 19 n.60 and 34 n.105 (objecting to the cell burner emission limit because it applies to ''five 3-cell burner boilers,'' one of which is a Phase I boiler (J.H. Campbell unit 2)), and 47 n.157 and 52 n.176 (objecting to EPA's estimates of the costs of applying SCR to specific Group 2, Phase I boilers (Paradise unit 3, Allen units 1–3, Kyger Creek units, and Clifty Creek units)). *See also* Brief of Petitioner Arizona Public Service Company (May 2, 1997) at 3 (stating that final rule set limits for ''Group 1, Phase II boilers, and * * * *all* Group 2 boilers'').

EPA concludes that the language in the current § 76.6(a) is contrary to the clear intent of the Agency—as expressed in the final rule preamble and the record—to set emission limits for Group 2 boilers, including both Phase I and Phase II boilers. EPA is therefore correcting today this inadvertent, drafting error in the December 19, 1996 document.

For the reasons discussed above, this action is not a ''significant regulatory

action'' and is therefore not subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735 (October 4, 1993)). For the same reasons, this action does not impose annual costs of $100 million or more, will not significantly or uniquely affect small governments, and is not a significant federal intergovernmental mandate. With regard to this action, the Agency thus has no obligations under sections 202, 203, 204, and 205 of the Unfunded Mandates Reform Act of 1995 (P.L. 104–4). Moreover, since this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, the action is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*).

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 document and any 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 document in today's **Federal Register**. This action is not a ''major rule'' as defined 5 U.S.C. 804(2).

Dated: June 6, 1997.

Mary D. Nichols,

Assistant Administrator for Air and Radiation.

Accordingly, for the reason set out above, the publication on December 19, 1996 of the final rule (FR Doc. 96–31839) at 61 FR 67112 is corrected as follows:

§ 76.6 [Corrected]

1. On page 67162, in the third column, in § 76.6, paragraph (a) introductory text is corrected in lines 6 and 7 by removing the words '', Phase II''.

[FR Doc. 97–15413 Filed 6–11–97; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Parts 356, 370 and 379

RIN 2125–AE12

Motor Carrier Routing Regulations; Disposition of Loss and Damage Claims and Processing Salvage; Preservation of Records

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: This document adds to 49 CFR chapter III certain motor carrier transportation regulations, also codified in 49 CFR chapter X, which involve functions delegated to both the FHWA and the Surface Transportation Board (STB). These regulations govern motor carrier routing, the processing of claims for loss or damage, and the preservation of records. The Interstate Commerce Commission Termination Act of 1995 (ICCTA) abolished the Interstate Commerce Commission (ICC) and transferred certain functions and proceedings to the STB and the DOT. The Secretary of Transportation delegated to the FHWA certain motor carrier functions which were transferred to the DOT from the ICC. On October 21, 1996, the FHWA and the STB issued a final rule which transferred and redesignated those regulations in 49 CFR chapter X involving functions exclusively within the jurisdiction of the FHWA. 61 FR 54706. This document completes the transfer process. Technical changes have been made to the regulations, where appropriate, to conform with current statutory citations and definitions and the transfer of regulatory functions to the Department of Transportation.

EFFECTIVE DATE: June 12, 1997.

FOR FURTHER INFORMATION CONTACT: Mr. John F. Grimm, Director, Office of Motor Carrier Information Analysis, (202) 366–4039, or Mr. Michael Falk, Motor Carrier Law Division, Office of the Chief Counsel, (202) 366–1384, at 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: This document adopts certain motor carrier transportation regulations codified in 49 CFR chapter X and incorporates them, with appropriate technical changes, into 49 CFR chapter III. These regulations involve motor carrier routing, processing of claims for loss and damage, and preservation of records. The ICCTA, Pub. L. 104–88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the ICC and transferred certain functions and proceedings to the STB and the DOT. Certain motor carrier functions previously under the jurisdiction of the ICC were transferred to the Secretary of Transportation, who subsequently delegated those functions to the FHWA. Implementing regulations for those motor carrier functions delegated exclusively to the FHWA have already been redesignated and transferred to 49 CFR chapter III, where regulations under the authority of the FHWA are codified. 61 FR 54706 (October 21, 1996).

Unlike the transfer and redesignation procedure employed in that proceeding, the regulations embraced by this proceeding will be added to chapter III but not removed from chapter X. No substantive changes are being made to the regulations at this time. Consequently, prior notice and opportunity for comment are unnecessary.

Summary of Technical Changes From 49 CFR Chapter X Regulations

The regulations being added to chapter III in this proceeding have been modified to reflect current statutory citations, jurisdictional delegations, and regulatory responsibilities. Accordingly, references to the ''Interstate Commerce Act'' in the chapter X regulations have been changed to ''49 U.S.C. subtitle IV, part B'' and references to the ''ICC'' or ''Commission'' have been changed to either the ''Secretary'' or ''FHWA'', where appropriate. Other differences between the chapter X regulations and the regulations being added to chapter III in this proceeding are discussed below.

Interpretations and Routing Regulations (Part 356)

These regulations are currently found in 49 CFR part 1004 and are being added to chapter III as part 356 with the changes noted below.

All references to ''household goods'' appearing in 49 CFR part 1004 have been deleted from part 356 to reflect the Secretary's registration jurisdiction, which embraces all freight forwarders. Since the part 356 regulations are essentially interpretive and impose no affirmative compliance requirements, including all freight forwarders within this part is not a substantive regulatory change.

The FHWA is not incorporating 49 CFR 1004.26 into part 356 because that section involves claims and disputes relating to the lawfulness of shipment routing, matters which are within the jurisdiction of the Surface Transportation Board under 49 U.S.C. 13701.

Principles and Practices for the Investigation and Voluntary Disposition of Loss and Damage Claims and Processing Salvage (Part 370)

These regulations are currently found in 49 CFR part 1005 and are being added to chapter III as part 370 with the changes noted below.

Section 370.1 does not include the words ''railroad'' and ''express company'', which are contained in 49