

§ 701.33 Acquisition of library materials by non-purchase means and disposition of surplus library materials.

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(4) *Transfer.* Libraries and other agencies of the Federal Government are encouraged to send to the Library for disposition soft or hard-bound books that are surplus to their needs in the following categories: (1) Novels and (2) Reference works (e.g. encyclopedias, directories, guides, such as Encyclopedia of Associations, The World of Learning, The Stateman's Yearbook, Books in Print, etc.) not older than three years. And not older than five years in: (1) Humanities (art, music, belles letters etc.); (2) History and area studies; (3) Social sciences (economics, politics, etc.); (4) Education; and (5) Science (agriculture, medicine, computer science, mathematics, physics, etc.). Such transferred materials are needed to fill gaps in the Library's holdings, for exchanges, to transfer to other Federal agencies, and to make available through the Surplus Books Program to qualified recipients. The Library's Exchange and Gift Division (E&G) requests notification at the earliest possible date of any government libraries that are scheduled to close or be substantially reduced. The Library also requests that shipments of 1,000 pounds or more be cleared with E&G in advance. The Library does not accept bound and unbound serials. Federal agencies should dispose of surplus serials, and other surplus library materials not specified above, in accordance with their agency's regulations governing the disposal of surplus materials.

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Dated: September 10, 1996.

Approved by:

James H. Billington,

The Librarian of Congress.

[FR Doc. 96-23998 Filed 9-18-96; 8:45 am]

BILLING CODE 1410-04-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52****[Region 2 Docket No. NY23-2-156; FRL-5607-2]****Interim Final Determination That State Has Corrected a Deficiency Leading to Sanctions; State of New York****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Interim final determination.**SUMMARY:** In the proposed rules section of this Federal Register, the

Environmental Protection Agency (EPA) has proposed to approve the State Implementation Plan revision submitted by the State of New York for the purpose of meeting the requirement to submit the heavy duty vehicle portion of the Clean Fuel Fleet program (CFFP), part of the CFFP requirements mandated by the Clean Air Act. Based on the proposed conditional approval, EPA is making an interim final determination by this action that New York has corrected the deficiency for which a sanctions clock began on March 7, 1995. By this action EPA defers application of the emission offset sanction previously scheduled to be imposed on September 7, 1996 and defer the application of the highway funds sanction, scheduled to be imposed on March 7, 1997. Although this action is effective upon signature, EPA will take comment and will publish a final determination, taking into consideration any comments received on this interim final determination and the related proposed SIP approval.

EFFECTIVE DATE: This action is effective August 29, 1996.**ADDRESSES:** Comments should be sent to: Ronald Borsellino, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 290 Broadway, New York, New York 10007-1866.

The State submittal and EPA's analysis for that submittal, which are the basis for this action, are available for public review at the above address.

FOR FURTHER INFORMATION CONTACT: Michael P. Moltzen, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007-1866, (212) 637-4249.**SUPPLEMENTARY INFORMATION:****I. Background**

On May 15, 1994 and August 9, 1994 the State submitted a State Implementation Plan (SIP) revision intended to fulfill Clean Fuel Fleet program requirements under the Clean Air Act. EPA partially disapproved the 1994 submittals on January 6, 1995 (60 FR 2022). EPA's disapproval action started an 18-month clock for the application of one sanction (emissions offsets), followed by a second sanction (withholding of highway funds) 6 months later under section 179 of the Clean Air Act, and a 24-month clock for the promulgation of a Federal implementation plan under section 110(c)(1) of the Clean Air Act. The State subsequently submitted a request to EPA for review of its proposed, and emergency adopted, heavy duty CFFP

on August 9, 1996. In the proposed rules section of this Federal Register, EPA has proposed conditional approval of the State of New York's submittal of its heavy duty Clean Fuel Fleet SIP revision.

II. EPA Action

Based on the proposed conditional approval set forth in the proposed rules section of this Federal Register, EPA believes that the State, with full adoption of its heavy duty CFFP regulation, will have corrected the original disapproval deficiency that started the sanction clock. Therefore, EPA is taking this interim, final action, finding that the State has corrected the disapproval deficiency. This interim final action is effective upon signature. While this action does not stop the sanctions clocks that started for this area on March 7, 1995, it will defer the application of the emissions offsets sanction and the application of the highway funds sanction. See 59 FR 39832 (Aug. 4, 1994) codified at 40 CFR 52.31. If EPA takes final action fully approving the State's submittal, such action will stop the sanctions clock and will permanently lift any applied, stayed or deferred sanctions.

At this time, EPA is also providing the public with an opportunity to comment on this final action. If, based on the comments on this action and the comments on EPA's proposed approval of the State's submittal, EPA determines that the State's submittal is not approvable and this final action was inappropriate, EPA will take further action to disapprove the State's revision and to find that the State has not corrected the original disapproval deficiency. Such action will reinstate the sanctions consequences as described in the sanctions rule. See 59 FR 39832.

III. Administrative Requirements

Because EPA has preliminarily determined that the State has an approvable plan, relief from sanctions should be provided as quickly as possible. Therefore, EPA invokes the good cause exception under the Administrative Procedure Act (APA) in not providing an opportunity for comment before this action takes effect. See 5 U.S.C. 553(b)(B). See 59 FR 39832 at 39850, (August 4, 1994). As previously noted, by this action EPA is providing the public with a chance to comment on EPA's determination after the effective date and EPA will consider any comments received in determining whether to reverse such action. The EPA believes that notice-and-comment rulemaking before the effective date of this action is impracticable and contrary

to the public interest. The EPA has reviewed the State's submittal and, through its proposed action, is indicating that it believes the State has corrected the deficiency that started the sanctions. Therefore, it is not in the public interest to initially apply sanctions or to keep applied sanctions in place when the State has proposed and emergency adopted a measure which will correct the deficiency that triggered the sanctions clock, provided it is not substantially changed prior to full adoption. Moreover, it would be impracticable to go through notice-and-comment rulemaking on a finding that the State has corrected the deficiency prior to the rulemaking approving the State's submittal. Therefore, EPA believes that it is necessary to use the interim final rulemaking process to temporarily stay or defer sanctions while EPA completes its rulemaking process on the approvability of the State's submittal. In addition, EPA invokes the good cause exception to the 30-day notice requirement of the APA because the purpose of this notice is to relieve a restriction. See 5 U.S.C. 553(d)(1). For a complete analysis of the application of the good cause exception, the reader is referred to the Federal Register cited above, in which EPA adopted the rule being applied here.

The Office of Management and Budget has exempted this action from review under Executive Order 12866.

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 economic 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.

This action temporarily relieves sources of an additional burden potentially placed on them by the sanctions provisions of the Clean Air Act. Therefore, I certify that this action will not have a significant impact on a substantial number of small entities.

Under sections 202, 203 and 205 of the Unfunded Mandates Reform Act of 1995 (Unfunded Mandates Act), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated annual costs of \$100 million or more to the private sector, or to a State, local and/or tribal government(s) in the aggregate. The EPA must also develop a plan with regard to small

governments that would be significantly or uniquely affected by the rule.

Because this interim final determination is estimated to result in the expenditure by State, local and tribal governments or the private sector of less than \$100 million in any one year, EPA has not prepared a budgetary impact statement or specifically addressed the selection of the least costly, most cost effective, or least burdensome alternative because small governments will not be significantly or uniquely affected by this rule, EPA is not required to develop a plan for small governments. Further, this final determination only defers the imposition of sanctions; it imposes no new requirements.

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 this rule in today's Federal Register. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Reporting and recordkeeping requirements, Ozone, Volatile organic compounds.

Authority: 42 U.S.C. 7401-7671q.

Dated: August 29, 1996.

Jeanne M. Fox,

Regional Administrator.

[FR Doc. 96-23819 Filed 9-18-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 63

[AD-FRL-5612-2]

RIN 2060-AF90

National Emission Standards for Hazardous Air Pollutants for Source Categories: Perchloroethylene Dry Cleaning Facilities; Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final amendments to rule.

SUMMARY: This action promulgates amendments to the national emission standards for hazardous air pollutants (NESHAP) for perchloroethylene (PCE) dry cleaning facilities. These amendments were proposed in the Federal Register on May 3, 1996; the NESHAP was promulgated in the Federal Register on September 22, 1993.

The Administrator is promulgating these amendments to implement a settlement agreement that the EPA has entered into regarding a small number of transfer machines.

EFFECTIVE DATE: September 19, 1996.

ADDRESSES: Docket. Docket Number A-95-16, containing supporting information used in developing the proposed amendments, is available for public inspection and copying between the hours of 8 a.m. and 5:30 p.m., Monday through Friday (except for government holidays) at The Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. The Air and Radiation Docket and Information Center may be reached at (202) 260-7548. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. George Smith at (919) 541-1549, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION:

Regulated entities. Entities regulated by this action are dry cleaning facilities that use perchloroethylene. Regulated categories and entities include:

Category	Examples of regulated entities
Perchloroethylene dry cleaning facilities.	Perchloroethylene dry cleaning facilities that installed transfer machines between proposal and promulgation.

The above table provides a guide for readers regarding entities likely to be regulated by this action. However, to determine whether your facility is regulated by this action you should carefully examine the applicability criteria in 40 CFR. 63.320 as amended by today's action. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

The information presented in this preamble is organized as follows:

- I. Background, Summary, and Rationale for Promulgated Changes to Rule
- II. Comments Received on Proposed Changes to Rule
- III. Administrative Requirements
 - A. Paperwork Reduction Act
 - B. Executive Order 12866 Review
 - C. Unfunded Mandates Reform Act
 - D. Regulatory Flexibility Analysis
 - E. Submission to Congress and the General Accounting Office