

(i) a certification from the institution that the participant is maintaining satisfactory academic progress;

(ii) a certification by or on behalf of the State or local police force to which the participant will be assigned that the participant's course of study includes appropriate preparation for police service.

(4) The maximum Police Corps payment per participant per academic year, whether in the form of scholarship or reimbursement, is \$7,500. In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the maximum payment will be \$10,000 per such calendar year.

(5) The total of all Police Corps scholarship or reimbursement payments to any one participant shall not exceed \$30,000.

(6) Police Corps scholarship payments will be made directly to the institution of higher education that the student is attending. Each institution of higher education receiving a Police Corps scholarship payment shall remit to such student any funds in excess of the costs of tuition, fees, and room and board payable to the institution.

(7) Reimbursements for past expenses will be made directly to the Police Corps participant. One-quarter of the reimbursement will be made after completion of each of the four years of the participant's required service obligation.

§ 92.6 What colleges or universities can I attend under the Police Corps?

(a) The choice of institution is up to the participant, as long as the institution meets the definition of an "institution of higher education." As defined in 20 U.S.C. 1141(a), an "institution of higher education" means an educational institution in any State which:

(1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate,

(2) is legally authorized within such State to provide a program of education beyond secondary education,

(3) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree,

(4) is a public or other nonprofit institution, and

(5) is accredited by a nationally recognized accrediting agency or association, or if not so accredited, is an institution that has been granted preaccreditation status by such an agency or association that has been

recognized by the Secretary (of Education) for the granting of preaccreditation status, and the Secretary has determined that there is satisfactory assurance that the institution will meet the accreditation standards of such an agency or association within a reasonable time.

(b) Such term also includes any school which provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provisions of paragraphs (a) (1), (2), (4), and (5) of this section. Such term also includes a public or nonprofit educational institution in any State which, in lieu of the requirement in paragraph (a)(1) of this section, admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located.

(c) A Police Corps scholarship only may be used to attend a four-year institution of higher education, except that:

(1) A scholarship may be used for graduate and professional study; and

(2) If a participant has enrolled in the Police Corps upon or after transfer to a four-year institution of higher education, the Director may reimburse the participant for prior educational expenses.

Dated: September 16, 1996.

Joseph E. Brann,
Director.

[FR Doc. 96-24212 Filed 9-23-96; 8:45 am]

BILLING CODE 4410-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[FRL-5614-3]

Standards of Performance for New Stationary Sources Rescission of Alternate Opacity Standard for Omaha Public Power District—Nebraska City Power Station, Nebraska City, NE

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is rescinding the alternate opacity emission limit established for the Nebraska City Power Station in Nebraska City, Nebraska, owned and operated by Omaha Public Power District (OPPD). Performance testing showed the power plant can now meet both the particulate and opacity limits set forth in the regulation; thus, an alternate opacity limit is no longer

necessary. Under this rule, the opacity limit for the Nebraska City Power Station would be changed from 30 percent (with a maximum of 37 percent for not more than six minutes in any hour) to 20 percent (with a maximum of 27 percent for one six-minute period per hour).

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in the Federal Register publication, the EPA is proposing to approve the rule should adverse or critical comments be filed.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

Commenters should also indicate whether they wish to request a public hearing on this action, including the reasons for the request and the nature of the comments which would be presented at any public hearing. If a hearing is requested, the EPA will determine whether to hold a public hearing, and will announce the time and location of any hearing in a subsequent Federal Register notice.

DATES: This action will be effective November 25, 1996 unless by October 24, 1996 adverse or critical comments are received. Comments should be submitted to Angela Ludwig at the address below.

ADDRESSES: Written comments and requests for public hearing on this action should be addressed to Angela Ludwig, Air Permits and Compliance Branch, Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101. Comments should be strictly limited to the subject matter of this proposal, the scope of which is discussed below.

Docket: Pursuant to sections 307(d)(1) (C) and (N) of the Clean Air Act (CAA), 42 U.S.C. 7607(d)(1) (C) and (N), this action is subject to the procedural requirements of section 307(d). Therefore, the EPA has established a public docket for this action, Docket # A-96-31. Copies of the documents relevant to this action are available for public inspection during normal business hours at the: Environmental

Protection Agency, Air, Permits and Compliance Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101; and EPA Air & Radiation Docket and Information Center, 401 M Street, SW., Washington, DC 10460.

FOR FURTHER INFORMATION CONTACT:

Angela Ludwig, Air Permits and Compliance Branch, Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101, (913) 551-7411.

SUPPLEMENTARY INFORMATION: On December 23, 1971 (36 FR 24875), the EPA promulgated Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction Is Commenced after August 17, 1971, as Subpart D of 40 CFR Part 60, pursuant to section 111 of the CAA, 42 U.S.C. 57411. Under these provisions, the affected facility was required to conduct performance tests during its initial startup period to demonstrate compliance with opacity and other applicable standards (40 CFR 60.8). Pursuant to 40 CFR 60.11(e)(6), a source may petition the EPA for an alternate opacity limit if all other emission limits in an applicable New Source Performance Standard (NSPS) are met, and the source cannot meet the applicable opacity limit. Pursuant to 40 CFR 60.11(e)(7), the EPA will grant such a petition if the source or operator demonstrates that the affected facility and associated air pollution control equipment were operated and maintained in a manner to minimize the opacity of emissions during the performance tests; that the performance tests were performed under the conditions established by the EPA; and that the affected facility and associated air pollution control equipment were incapable of being adjusted or operated to meet the applicable opacity standard. OPPD conducted performance tests and opacity/mass correlation tests in 1981. These tests were the basis for the EPA rule, published in the Federal Register on November 24, 1981 (46 FR 57497), codified at 40 CFR 60.42(b)(3) and 60.45(g)(1)(iii), which changed the 20 percent (with a maximum of 27 percent for one six-minute period per hour) opacity limit to 30 percent (with a maximum of 37 percent for not more than six minutes in any hour) for the Nebraska City Power Station pursuant to the procedures and standards set forth at 40 CFR 60.11(e).

The Nebraska Department of Environmental Quality requested that OPPD perform tests at the Nebraska City Power Plant in June 1989, pursuant to its delegated authority to enforce the NSPS. After replacing its hot side

electrostatic precipitator with a cold side electrostatic precipitator, OPPD conducted tests on June 13 and 14, 1989, to measure emissions. These tests demonstrated that the new control device was able to control the opacity of emissions below the 20 percent limit and particulate emissions below the particulate limit. On August 15, 1989, the state agency issued a revised operating permit to the OPPD facility, establishing an opacity limit of 20 percent (with a maximum of 27 percent for not more than six minutes in any hour). Nebraska has also requested that the EPA rescind the alternate limit to be consistent with the 20 percent NSPS and state operating permit limit.

Since the Nebraska City Power Station can now meet the 20 percent opacity limit (additional monitoring data collected since the 1989 performance test show that the facility continues to be capable of meeting the lower limit), the 30 percent alternate opacity limit is no longer appropriate. In addition, the preconditions for allowing the alternate opacity limits in § 60.11(e)(7) are no longer met. Therefore, the EPA is rescinding the alternate limit, and, after the effective date of this rule, the source will be required to meet the 20 percent NSPS opacity limit. The source continues to be subject to the 20 percent opacity limit in the state permit without regard to this rulemaking.

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 25, 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).)

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et. seq., the EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities (U.S.C. 603 and 604). Alternatively, the 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.

This action affects only one source—Omaha Public Power District, Nebraska City Power Station, Nebraska City, Nebraska. OPPD is not a small entity.

Therefore, the EPA certifies that this action does not have a significant impact on a substantial number of small entities.

Under Executive Order 12866, the EPA is required to submit to the Office of Management and Budget for review proposed rules which are classified as "significant regulatory action." Because this rule would require the source to meet requirements which are already applicable, by rule, to sources in this source category, and because it obligates the source to meet requirements which it must already meet under state law, the EPA has determined that the proposed rule would not be a "significant regulatory action" under the Executive Order.

Unfunded Mandates

Under sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, the EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector, or to state, local, or tribal governments in the aggregate.

To the extent that the proposed rule will impose new requirements, the source is already subject to the requirements under State law. Accordingly, no additional cost to State or local governments, or to the private sector, result from this action. The EPA has also determined that this proposed action does not include a mandate that may result in estimated cost of \$100 million or more to state or local governments in the aggregate or to the private sector. The EPA has determined that this proposed rule results in no additional cost to tribal governments.

List of Subjects in 40 CFR Part 60

Environmental protection, Air pollution control, Fossil-fuel-fired steam generating units, Intergovernmental relations.

Authority: Sections 111 and 301(a) of the CAA, 42 U.S.C. 7411 and 7601(a).

Dated: September 16, 1996.

Carol Browner,
Administrator.

For the reasons set forth in the preamble, subpart D of part 60 of chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 60—[AMENDED]

1. The authority citation for part 60 continues to read as follows:

Authority: 42 U.S.C. 7401, 7411, 7414, 7416, and 7601

Subpart D—[Amended]

§ 60.42 [Amended]

2. Section 60.42 is amended by removing paragraph (b)(3).

§ 60.45 [Amended]

3. Section 60.45 is amended by removing paragraph (g)(1)(iii).

[FR Doc. 96-24283 Filed 9-23-96; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF THE INTERIOR

Office of Hearings and Appeals

43 CFR Part 4

Department Hearings and Appeals Procedures

AGENCY: Office of Hearings and Appeals, Interior.

ACTION: Final rule.

SUMMARY: This document eliminates an outdated footnote in regulations, addressing the organization of the Office of Hearings and Appeals (OHA) and the authority delegated by the Secretary to the Director and other principal officials in OHA. The organization and authority is fully explained in the text of the regulation. This document also eliminates the words "and Osage Indian wills" as a limitation no longer applicable on the scope of authority of Administrative Law Judges and Interior Board of Indian Appeals to rule on probate issues from the Osage Indian Tribe.

EFFECTIVE DATE: September 24, 1996.

FOR FURTHER INFORMATION CONTACT: James P. Terry, Deputy Director, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Blvd., Arlington, VA 22203. Telephone: (703) 235-3810.

SUPPLEMENTARY INFORMATION: This action reflects agency management in deleting nonsubstantive, outdated, and unnecessary language in a footnote relating to organization and authority of OHA, already fully described in the current text of § 4.1 of 43 CFR Part 4, Subpart A, and, similarly, in deleting nonsubstantive, outdated, and inapplicable language in § 4.1(b)(2)(ii) of 43 CFR Part 4, Subpart A. Accordingly, the Department has determined that the provisions of the Administrative Procedures Act, 5 U.S.C. 553 (b) and (d), allowing for public notice and comment and a 30-day delay in the effective date of a rule, are unnecessary and impracticable.

List of Subjects in 43 CFR Part 4

Administrative practice and procedure.

Therefore, under the authority of the Secretary of the Interior contained in 5 U.S.C. 301, Part 4 of Title 43 of the Code of Federal Regulations, is amended as follows:

PART 4—[AMENDED]

1. The authority citation for Part 4 continues to read:

Authority: R.S. 2478, as amended, 43 U.S.C. sec 1201, unless otherwise noted.

Subpart A—General; Office of Hearings and Appeals

§ 4.1 [Amended]

2. Section 4.1 is amended by removing footnote 1 from the introductory text of the section.

3. Section 4.1(b)(2)(ii) is revised to read as follows:

§ 4.1 Scope of authority; applicable regulations.

* * * * *

(b) * * *

(2) * * *

(ii) Orders and decisions of Administrative Law Judges in Indian probate matters other than those involving estates of the Five Civilized Tribes of Indians. The Board also decides such other matters pertaining to Indians as are referred to it by the Secretary, the Director of the Office of Hearings and Appeals, or the Assistant Secretary-Indian Affairs for exercise of review authority of the Secretary. Special regulations applicable to proceedings before the Board are contained in subpart D of this part.

* * * * *

Dated: September 6, 1996.

Bonnie R. Cohen,

Assistant Secretary—Policy, Management and Budget.

[FR Doc. 96-23828 Filed 9-23-96; 8:45 am]

BILLING CODE 4310-79-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 95-097, Notice 02]

RIN 2127-AF90

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices and Associated Equipment

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule.

SUMMARY: In this document, NHTSA transfers most of the requirements of the Federal motor vehicle safety standard on headlamp concealment devices to the safety standard on lamps, reflective devices and associated equipment. The remaining requirements of the standard on headlamp concealment devices are rescinded. This rule adopts most of the amendments proposed in the notice of proposed rulemaking. However, instead of rescinding a requirement that both headlamp concealment devices be operated by one switch, as proposed, this notice transfers that requirement to the lighting standard. This action is part of the President's Regulatory Reinvention Initiative to make regulations easier to understand and to apply.

DATES: *Effective date.* This final rule is effective October 24, 1996.

Petitions for reconsideration. Any petitions for reconsideration of this final rule must be received no later than November 8, 1996.

ADDRESSES: Any petitions for reconsideration of this final rule should refer to the docket number and notice number cited at the beginning of this notice, and be submitted to: Administrator, NHTSA, 400 Seventh Street, SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: The following persons at the National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

For technical issues: Mr. Richard Van Iderstine, Office of Vehicle Safety Standards, NPS-11, telephone (202) 366-5280, FAX (202) 366-4329.

For legal issues: Ms. Dorothy Nakama, Office of Chief Counsel, NCC-20, (202) 366-2992, FAX (202) 366-3820.