

annuity even though as a result of adding the amount of the minimum income annuity authorized under Pub. L. 92-425 as amended to any other countable income, no amount of pension is due.

(d) *Termination.* Other than as provided in paragraph (c) of this section, if a beneficiary receiving the minimum income annuity becomes ineligible for pension, VA will terminate the minimum income annuity effective the same date.

(Authority: Pub. L. 92-425 as amended (10 U.S.C. 1448 note); Sec. 638, Pub. L. 104-201, 110 Stat. 2581)

[FR Doc. 97-17413 Filed 7-2-97; 8:45 am]

BILLING CODE 8320-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[Region II, Docket No. 146; NJ23-1-7243(d), FRL-5852-9]

Designation of Areas for Air Quality Planning Purposes; State of New Jersey

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correcting amendment.

SUMMARY: This document contains a correction to the direct final approval, which EPA published on December 7, 1995 (60 FR 62741-62748). Specifically, this document corrects entries to the table in section 81.331 of the Code of Federal Regulations (CFR) for "New Jersey-Carbon Monoxide" which were not made at the time of the final action. The correction does not affect the decisions made in the original final action.

EFFECTIVE DATE: This rule will be effective July 3, 1997.

FOR FURTHER INFORMATION CONTACT: Henry Feingersh, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, New York, New York 10007-1866, (212) 637-4249.

SUPPLEMENTARY INFORMATION: EPA published a final action on December 7, 1995 to approve a request by the State of New Jersey to redesignate to attainment of the Carbon Monoxide National Ambient Air Quality Standards (NAAQS) Camden County and the nine not classified areas in New Jersey. The December 7, 1995 final action described the changes to be made to the table entitled "New Jersey-Carbon Monoxide" in § 81.331 of the CFR. However, not all of the changes were made to the table. The updated attainment status for Camden County was made while the changes for the nine not-classified areas in New Jersey were not. This rulemaking, therefore, corrects the table by including the correct attainment status for the nine not-classified areas.

Three of these not-classified areas, the City of Trenton, the City of Burlington and the Borough of Penns Grove (part), are located within the Philadelphia-Wilmington-Trenton Consolidated Metropolitan Statistical Area (CMSA). Five of the not-classified areas, the Borough of Freehold, the City of Morristown, the City of Perth Amboy, the City of Toms River and the Borough of Somerville, are located in the New York-Northern New Jersey-Long Island CMSA. The remaining not-classified area is the City of Atlantic City, which is not contained within a CMSA.

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995

(Pub. L. 104-4), or require prior consultation with State officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it 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 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 81

Environmental protection, Air pollution control, National parks, and Wilderness areas.

Dated: June 18, 1997.

William J. Muszynski, P.E.

Deputy Regional Administrator.

40 CFR part 81 is amended as follows:

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

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

Subpart C—Section 107 Attainment Status Designations

2. In § 81.331, the table for "New Jersey-Carbon Monoxide" is revised to read as follows:

§ 81.331 New Jersey.

* * * * *

NEW JERSEY-CARBON MONOXIDE

| Designated area | Designation | | Classification | |
|---|-------------------|-------------|-------------------|------|
| | Date ¹ | Type | Date ¹ | Type |
| Atlantic City Area: Atlantic County (part): The City of Atlantic City | 2/5/96 | Attainment. | | |
| Burlington Area: Burlington County (part): City of Burlington | 2/5/96 | Attainment. | | |
| Freehold Area: Monmouth County (part); Borough of Freehold | 2/5/96 | Attainment. | | |
| Morristown Area: Morris County (part): City of Morristown | 2/5/96 | Attainment. | | |
| New York-N. New Jersey-Long Island Area: | | | | |

NEW JERSEY-CARBON MONOXIDE—Continued

| Designated area | Designation | | Classification | |
|--|-------------------|----------------------------|-------------------|--------------------|
| | Date ¹ | Type | Date ¹ | Type |
| Bergen County | | Nonattainment | | Moderate >12.7ppm. |
| Essex County | | Nonattainment | | Moderate >12.7ppm. |
| Hudson County | | Nonattainment | | Moderate >12.7ppm. |
| Passaic County (part): | | | | |
| City of Clifton | | Nonattainment | | Moderate >12.7ppm. |
| City of Patterson | | Nonattainment | | Moderate >12.7ppm. |
| City of Passaic | | Nonattainment | | Moderate >12.7ppm. |
| Union County | | Nonattainment | | Moderate >12.7ppm. |
| Penns Grove Area: | | | | |
| Salem County (part): | | | | |
| Borough of Penns Grove. Those portions within 100 yards of the intersections of U.S. Route 130 and County Roads 675 & 607. | 2/5/96 | Attainment. | | |
| Perth Amboy Area: | | | | |
| Middlesex County (part): | | | | |
| City of Perth Amboy | 2/5/96 | Attainment. | | |
| Philadelphia-Camden County Area: | | | | |
| Camden County | 2/5/96 | Attainment. | | |
| Somerville Area: | | | | |
| Somerset County (part): | | | | |
| Borough of Somerville | 2/5/96 | Attainment. | | |
| Toms River Area: | | | | |
| Ocean County (part): | | | | |
| City of Toms River | 2/5/96 | Attainment. | | |
| Trenton Area: | | | | |
| Mercer County (part): | | | | |
| City of Trenton | 2/5/96 | Attainment. | | |
| AQCR 043 NJ NY Connecticut Interstate (Remainder of) | | Unclassifiable/Attainment. | | |
| Middlesex County (part): | | | | |
| Area outside of Perth Amboy | | | | |
| Monmouth County (part): | | | | |
| Area outside of Freehold | | | | |
| Morris County (part): | | | | |
| Area outside of Morristown | | | | |
| Passaic County (part): | | | | |
| Area outside Clifton, Paterson, and Passaic | | | | |
| Somerset County (part): | | | | |
| Area outside of Somerville | | | | |
| AQCR 045 Metro. Philadelphia Interstate (Remainder of) | | Unclassifiable/Attainment. | | |
| Burlington County (part): | | | | |
| Area outside Burlington | | | | |
| Gloucester County | | | | |
| Mercer County (part): | | | | |
| Area outside Trenton | | | | |
| Salem County (part): | | | | |
| Area outside Penns Grove Area | | | | |
| AQCR 150 New Jersey Intrastate | | Unclassifiable Attainment. | | |
| Atlantic County (part): | | | | |
| Area outside Atlantic City | | | | |
| Cape May County | | | | |
| Cumberland County | | | | |
| Ocean County (part): | | | | |
| Area outside Toms River | | | | |
| AQCR 151 NE PA—Upper Delaware Valley | | Unclassifiable/Attainment. | | |
| Hunterdon County | | | | |
| Sussex County | | | | |
| Warren County | | | | |

¹ This date is November 15, 1990, unless otherwise noted.

[FR Doc. 97-17476 Filed 7-2-97; 8:45 am]
BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-5851-8]

National Oil and Hazardous Substances Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of the Southside Sanitary Landfill Superfund Site from the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the Southside Sanitary Landfill Site in Indiana from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. This action is being taken by EPA and the State of Indiana, because it has been determined that Responsible Parties have implemented all appropriate response actions required. Moreover, EPA and the State of Indiana have determined that remedial actions conducted at the site to date remain protective of public health, welfare, and the environment.

EFFECTIVE DATE: July 3, 1997.

FOR FURTHER INFORMATION CONTACT: Dion Novak at (312) 886-4737 (SR-6J), Remedial Project Manager or Gladys Beard at (312) 886-7253, Associate Remedial Project Manager, Superfund Division, U.S. EPA—Region V, 77 West Jackson Blvd., Chicago, IL 60604. Information on the site is available at the local information repository located at: The Indianapolis Public Library, 40 East St. Clair Street, Indianapolis, IN 46204 and the Indiana Department of Environmental Management (IDEM), Office of Environmental Response, 2525 North Shadeland Avenue, (2nd Floor), Indianapolis, IN 46219. Requests for comprehensive copies of documents should be directed formally to the Regional Docket Office. The contact for the Regional Docket Office is Jan Pfundheller (H-7J), U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353-5821.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Southside

Sanitary Landfill Site located in Indianapolis, Indiana. A Notice of Intent to Delete for this site was published May 14, 1997 (62 FR 26463). The closing date for comments on the Notice of Intent to Delete was June 12, 1997. EPA received no comments and therefore no Responsiveness Summary was prepared.

The EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust Fund (Fund-) financed remedial actions. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL in the unlikely event that conditions at the site warrant such action. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: June 20, 1997.

David Ullrich,

Acting Regional Administrator, U.S. EPA, Region V.

40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp.; p.351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp.; p. 193.

Appendix B—[Amended]

2. Table 1 of Appendix B to part 300 is amended by removing the Site "Southside Sanitary Landfill, Indianapolis, Indiana".

[FR Doc. 97-17186 Filed 7-2-97; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket No. 96-149; FCC 97-142]

Regulatory Treatment of LEC Provision of Interexchange Services Originating in the LEC's Local Exchange Area

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Second Report and Order in CC Docket No. 96-149 and Third Report and Order in CC Docket No. 96-61 (Order) addresses issues concerning market definition, the regulatory treatment of Bell Operating Companies' (BOCs) and independent local exchange carriers' (LECs) provision of in-region long distance and international services, and separation requirements for the BOCs' and independent LECs' provision of out-of-region long distance services. This action taken by the Commission will further the pro-competitive, deregulatory objectives of the Telecommunications Act of 1996 (1996 Act) by eliminating unnecessary regulation that is currently imposed on BOCs and, in certain circumstances, on independent LECs.

EFFECTIVE DATE: This final rule, which contains information collection requirements, shall become effective September 11, 1997, following OMB approval, unless FCC publishes a timely document in the **Federal Register** changing the effective date of the rule.

FOR FURTHER INFORMATION CONTACT: Katherine Schroder, Attorney, Policy and Program Planning Division, Common Carrier Bureau, (202) 418-1580. For additional information concerning the information collections contained in this Order contact Dorothy Conway at (202) 418-0217, or via the Internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order adopted April 17, 1997, and released April 18, 1997, as modified by Regulatory Treatment of LEC Provision of Interexchange Services Originating in the LEC's Local Exchange Area; Policy and Rules Concerning the Interstate, Interexchange Marketplace, CC Docket Nos. 96-149, 96-61, Order on Reconsideration, FCC 97-229 (released June 26, 1997) (Reconsideration Order).

In the Reconsideration Order, the Commission makes the following minor modifications to the Order to clarify language and make minor corrections: (1) The Commission makes minor modifications to paragraphs 173 and