

(E) UACR R307-2-32, adopted by the Utah Air Quality Board on February 5, 1997, effective February 14, 1997. This rule incorporates by reference Section X, Part C of the Utah State Implementation Plan, Vehicle Inspection and Maintenance Program, Salt Lake County.

(F) UACR R307-2-34, adopted by the Utah Air Quality Board on February 5, 1997, effective February 14, 1997. This rule incorporates by reference Section X, Part E of the Utah State Implementation Plan, Vehicle Inspection and Maintenance Program, Weber County.

(G) UACR R307-1-3.3.3.C., a portion of Control of Installations, as adopted by the Utah Air Quality Board on January 8, 1997, effective January 15, 1997.

(H) UACR R307-1-3.5.3.B.(1), a portion of Emission Statement Inventory regulation, as adopted by the Utah Air Quality Board on January 8, 1997, effective January 15, 1997.

(I) UACR R307-14-1, Requirements for Ozone Nonattainment Areas and Davis and Salt Lake Counties, adopted by the Utah Air Quality Board on August 9, 1995, effective on August 15, 1995.

3. New § 52.2350 is added to read as follows:

§ 52.2350 Emission inventories.

The Governor of the State of Utah submitted the 1990 base year emission inventory of ozone precursors, which are volatile organic compounds, nitrogen oxides, and carbon monoxide, for the Salt Lake and Davis Counties ozone nonattainment area on January 13, 1995, as a revision to the State Implementation Plan (SIP). This inventory addresses emissions from point, area, non-road, on-road mobile, and biogenic sources. This Governor's submittal was followed by the submittal of corrections to the inventory, on April 20, 1995, from Russell Roberts, Director, Division of Air Quality, Utah Department of Environmental Quality. The ozone maintenance plan for Salt Lake and Davis Counties that the Governor submitted on February 19, 1997, incorporates by reference the corrected 1990 base year ozone emission inventory as background material. The 1990 ozone base year emission inventory requirement of section 182(a)(1) of the Clean Air Act, as amended in 1990, has been satisfied for the Salt Lake and Davis Counties area.

4. New § 52.2351 is added to read as follows:

§ 52.2351 Area-wide nitrogen oxides (NO_x) exemption.

On May 2, 1997, Ursula Trueman, Director, Division of Air Quality, Utah

Department of Environmental Quality, submitted, on behalf of the State of Utah and pursuant to section 182(f)(2)(A) of the Clean Air Act as amended in 1990, a section 182(f)(2) NO_x Reasonably Available Control Technology (RACT) exemption request for major stationary sources of NO_x in the Salt Lake and Davis Counties ozone nonattainment area other than the Pacificorp Gadsby and Kennecott Utah Copper Utah Power Plants. The exemption request was based on ambient air quality monitoring data which demonstrated that the ozone National Ambient Air Quality Standard (NAAQS) had been attained in the Salt Lake and Davis Counties ozone nonattainment area for the years 1990 through 1996. EPA approved this NO_x RACT exemption request on July 2, 1997.

PART 81—[AMENDED]

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

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

2. In § 81.345, the table entitled "Utah-Ozone" is amended by revising the entry for "Salt Lake City Area" to read as follows:

§ 81.345 Utah.

* * * * *

UTAH-OZONE

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
Salt Lake City Area:				
Davis County	August 18, 1997	Attainment.		
Salt Lake County	August 18, 1997	Attainment.		
* * * * *	* * * * *	* * * * *		

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

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[FR Doc. 97-18715 Filed 7-16-97; 8:45 am]
BILLING CODE 6560-50-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Parts 16, 74, 75, and 95

RIN 0991-AA88

Indirect Cost Appeals

AGENCY: Department of Health and Human Services (HHS).

ACTION: Final rule.

SUMMARY: This final rule removes the informal grant appeals procedure for

indirect cost rates and other cost issues. The regional HHS Divisions of Cost Allocation have been reorganized into a new Program Support Center and no longer report to the Regional Directors, making the process obsolete. The Department also sees little value in this informal appeals process because it frequently lengthens the time required for appeals. Deletion of this rule will reduce internal management regulations as required by Executive Order 12861. (45 CFR part 75)

DATES: Effective August 18, 1997.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: On March 5, 1997, HHS published a Notice of Proposed Rulemaking (62 FR 10009) soliciting public comments on a proposal to remove 45 CFR part 75, "Informal grant appeals procedures," together with all references to it. Part 75 provides for an informal appeals process to the Regional Directors (prior to formal appeals under 45 CFR part 16) for disputes arising from determinations made by a Director, Division of Cost Allocation (DCA) in the Department's regional offices, concerning indirect cost rates and certain other cost allocation plans. The Department's Divisions of Cost Allocation have been reorganized into a New Program Support Center and no longer report to the Regional

Directors. Consequently the procedures in part 75 are obsolete.

In addition, experience has shown that this informal appeals process actually resolves very few of the covered disputes, because most of these informal appeals are subsequently appealed to the Departmental Appeals Board established by 45 CFR part 16. Therefore, this informal appeals process has the effect of lengthening the total time required to finally resolve the subject appeals.

No public comments were received concerning this proposal. Since the Department sees little value in this informal appeals process, and this process is obsolete, we are adopting the proposal to eliminate part 75 as final, thereby reducing internal management regulations as required by Executive Order 12861. (We have corrected an inadvertent omission in the Notice of Proposed Rulemaking's authority citation for 45 CFR part 74.)

Regulatory Impact Analyses

Executive Order 12866

This final rule was reviewed by the Office of Management and Budget.

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this final rule before publication and, by approving it, certifies that it does not have a significant impact on a substantial number of small entities.

Unfunded Mandates Act

The Department has determined that this final rule is not a significant regulatory action within the meaning of the Unfunded Mandates Reform Act of 1995.

Paperwork Reduction Act

This final rule does not contain information collection requirements requiring clearance under the Paperwork Reduction Act.

List of Subjects in 45 CFR Parts 16, 74, 75, and 95

Accounting, Administrative practice and procedures, Grant programs—health, Grant programs—social programs, Grants administration, Reporting and recordkeeping requirements.

(Catalog of Federal Domestic Assistance Number does not apply)

Dated: July 10, 1997.

Donna E. Shalala,
Secretary.

Accordingly, for the reasons set forth above, title 45 of the Code of Federal Regulations is amended as follows:

PART 16—PROCEDURES OF THE DEPARTMENTAL GRANT APPEALS BOARD

1. Part 16 is amended as follows:

a. The authority citation continues to read as follows:

Authority: 5 U.S.C. 301 and secs. 1, 5, 6, and 7 of Reorganization Plan No. 1 of 1953, 18 FR 2053, 67 Stat. 631 and authorities cited in the Appendix.

§ 16.3 [Amended]

b. Section 16.3(c) is amended by removing the words “and part 75 of this title for rate determinations and cost allocation plans”.

Appendix A to Part 16 [Amended]

c. Section D. of appendix A is amended by removing the last sentence.

PART 74—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR AWARDS AND SUBAWARDS TO INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, OTHER NONPROFIT ORGANIZATIONS, AND COMMERCIAL ORGANIZATIONS; AND CERTAIN GRANTS AND AGREEMENTS WITH STATES, LOCAL GOVERNMENTS AND INDIAN TRIBAL GOVERNMENTS

2. Part 74 is amended as follows:

a. The authority citation continues to read as follows:

Authority: 5 U.S.C. 301; OMB Circular A-110; Appendix J is also issued under 31 U.S.C. section 7505.

§ 74.62 [Amended]

b. Section 74.62(b) is amended by removing the numbers “16, 75,” and adding, in their place, the number “16”.

§ 74.90 [Amended]

c. Section 74.90(b) is amended by removing the words “parts 16 and 75” and adding, in their place, the words “part 16”.

PART 75—INFORMAL GRANT APPEALS PROCEDURES [REMOVED]

3. Part 75 is removed.

PART 95—GENERAL ADMINISTRATION—GRANT PROGRAMS (PUBLIC ASSISTANCE AND MEDICAL ASSISTANCE)

4. Part 95 is amended as follows:

a. The authority citation continues to read as follows:

Authority: Sec. 452(a), 83 Stat. 2351, 42 U.S.C. 652(a); sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; sec. 7(b), 68 Stat. 658, 29 U.S.C. 37(b); sec. 139, 84 Stat. 1323, 42 U.S.C. 2577b.; sec. 144, 81 Stat. 529, 42 U.S.C. 2678; sec. 1132, 94 Stat. 530, 42 U.S.C. 1320b-2; sec. 306(b), 94 Stat. 530, 42 U.S.C. 1320b-2 note, unless otherwise noted.

§ 95.513 [Removed]

b. Section 95.513 is removed.

§ 95.519 [Amended]

c. Section 95.519(b) is amended by redesignating paragraph (b)(1) as paragraph (b), in newly redesignated paragraph (b) by removing the words “reconsideration of the determination under 45 CFR part 75” and adding, in their place, the words “appeal of the determination under 45 CFR part 16”, and by removing paragraph (b)(2).

[FR Doc. 97-18874 Filed 7-16-97; 8:45 am]

BILLING CODE 4150-04-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 93-270; RM-8323, RM-8339, RM-8428, RM-8429, and RM-8430]

FM Broadcasting Services; Nashville, Cordele, Dawson, Montezuma, and Hawkinsville, GA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Chief, Allocations Branch, granted the counterproposal (RM-8428) filed by Tifton Broadcasting Corporation, licensee of Station WJYF(FM), Channel 237C3 (95.3 MHz), Nashville, Georgia, to upgrade that station by substituting Channel 237C2 for Channel 237C3 and modifying its license to operate on Channel 237C2. That counterproposal was filed in response to the Notice of Proposed Rule Making, 58 FR 58671, published November 3, 1993, which had set forth two allotment proposals in response to the interrelated petitions for rule making filed by Radio Cordele, Inc. (“RCI”) (RM-8323), licensee of Station WKKN(FM), Cordele, Georgia, and by John F. Tuck and Phonson Donaldson, Bankruptcy Court Appointed Receivers for Dawson Broadcasting Company (“DBC”) (RM-8339), licensee of Station WAZE(FM), Dawson, Georgia. With this action, the proceeding is terminated. **DATES:** Effective September 2, 1997. The window period for filing applications for Channel 251A at Dawson, Georgia will open on September 2, 1997, and close on October 3, 1997.