

U.S. EPA, Research Triangle Park, N.C. 27711.

SUPPLEMENTARY INFORMATION: The information in this preamble is organized as follows:

1. Background

The Clean Air Act as amended November 1990, requires under the revisions to Section 112, that the Agency list and promulgate National Emissions Standards for Hazardous Air Pollutants (NESHAP) in order to control, reduce, or otherwise limit the emissions of HAP for categories of major and area sources. Pursuant to the various specific listing requirements in Section 112(c), the Agency published on July 16, 1992 (57 FR 31576) an initial list of 174 categories of major and area sources that would be henceforth subject to emissions standards. Sewage Sludge Incineration (SSI) was one of the 174 categories listed for development of a NESHAP.

Following this initial listing, and pursuant to requirements in Section 122(e), on December 3, 1993 (58 FR 63941), the Agency published a schedule for the promulgation of emission standards for each of the 174 listed source categories. The SSI were listed for promulgation of a NESHAP no later than November 15, 2000. The reader is directed to those two notices for information relating to development of the initial list and schedule.

The Agency published a Notice of Listing of Categories and Regulatory Schedule for Air Emissions From Other Solid Waste Incineration (OSWI) on November 2, 1993 (58 F.R. 58498). The New Source Performance Standards (NSPS) and Emissions Guidelines (EG) for OSWI's are to be developed under section 129 of the Clean Air Act. That notice listed seven categories of OSWI's. The notice established a promulgation date for rulemaking for the seven categories of OSWI's of no later than November 15, 2000. Incineration of sludge from publicly owned waste water treatment works (POTW's) was not listed.

The Agency published an Advanced Notice of Proposed Rulemaking (ANPRM) for NSPS and EG applicable to Industrial and Commercial Waste Incinerators (ICWI) and Other Solid Waste Incinerators (OSWI) on December 28, 1994 (59 FR 66850). That notice announced the EPA's intent to develop NSPS and EG under Section 129 of the Act for the seven OSWI categories and ICWIs. Not included among the listed categories were incinerators used to combust sewage sludge produced at POTWs.

Today's Notice of Additional Information is announcing EPA's oversight in not listing SSI's in the November 2, 1993 listing of OSWI. The Agency, on closer reading of Section 129 of the Act, has now determined that SSI should properly be regulated under Section 129 rather than Section 112. Section 129 requires the EPA to establish NSPS for new and EG for existing facilities, for each category of solid waste incineration units. Section 129 defines a solid waste incineration unit as "a distinct operating unit of any facility which combusts any solid waste material from commercial or industrial establishments or the general public (including single and multiple residences, hotels, and motels)." Sludge generated by POTWs is a solid waste from the general public, commercial and industrial establishments.

Regulation of SSI under Section 129 provides for regulation of four criteria pollutants that are not listed as Hazardous Air Pollutants in Section 112. Also Section 129 provides for regulation of both new and existing units and does not have the major source quantity cutoff of Section 112(a)(1). Development of guidelines for operator training and certification of SSI operators is also a requirement of Section 129. These provisions will give the EPA more flexibility in setting rules for different sizes of SSI and will assure the public that the SSI are being operated in a manner that will protect the public health. The promulgation date for an NSPS and EG applicable to SSI remains no later than November 15, 2000.

The Agency also notes that this action announces the EPA's intent to delist SSI from the Section 112(c) source category list and the 112(e) schedule and to add SSI to the list of categories of Other Solid Waste Incinerators. At the time of proposal of the NSPS and EG under Section 129, the SSI will be delisted from the Section 112(c) list and the 112(e) schedule and added to the list of categories and regulatory schedule for Other Solid Waste Incinerators.

Dated: January 8, 1997.

Mary D. Nichols,
Assistant Administrator for Air and Radiation.

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40 CFR Part 63

[AD-FRL-5677-2]

RIN 2060-AD-56 and RIN 2060-AE-37

National Emission Standards for Hazardous Air Pollutants Emissions: Group I Polymers and Resins and Group IV Polymers and Resins

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On September 5, 1996, the EPA promulgated 40 CFR part 63, Subpart U—National Emission Standards for Hazardous Air Pollutants (NESHAP) for Group I Polymers and Resins (61 FR 46906), and on September 12, 1996, the EPA promulgated 40 CFR part 63, Subpart JJJ—Group IV Polymers and Resins NESHAP (61 FR 48208). This action proposes to correct an error in the final Group I Polymers and Resins NESHAP, by extending the compliance date for heat exchange systems. In addition, this action proposes to extend the initial compliance date for equipment leaks for both the Group I and Group IV Polymers and Resins NESHAP, to allow time necessary for affected sources to respond to amendments to the hazardous organic NESHAP (HON) equipment leak provisions promulgated on December 26, 1996, which are directly referenced in both subparts U and JJJ.

Because these amendments are merely extending the compliance date for equipment leaks and heat exchange systems, the EPA does not anticipate receiving adverse comments.

Consequently, the proposed revisions to the promulgated rule are also being issued as a direct final rule in the final rules section of this Federal Register. If no significant adverse comments are received by the due date for comments (see DATES section below), no further action will be taken with respect to this proposal, and the direct final rule will become final on the date provided in that action.

DATES: Comments. Comments must be received on or before February 13, 1997, unless a hearing is requested by January 24, 1997. If a hearing is requested, written comments must be received by February 28, 1997.

Public Hearing. Anyone requesting a public hearing must contact the EPA no later than January 24, 1997. If a hearing is held, it will take place on January 29, 1997, beginning at 10:00 a.m.

ADDRESSES: Comments. Comments should be submitted (in duplicate, if possible) to: Air and Radiation Docket and Information Center (6102),

Attention Docket Numbers A-92-44 and A-92-45 (see docket section below), room M-1500, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. The EPA requests that a separate copy also be sent to the contact person listed below. Comments may also be submitted electronically by sending electronic mail (e-mail) to: a-and-r-docket@epamail.epa.gov.

Public Hearing. If a public hearing is held, it will be held at the EPA's Office of Administration Auditorium, Research Triangle Park, North Carolina. Persons interested in attending the hearing or wishing to present oral testimony should notify Ms. Marguerite Thweatt, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone (919) 541-5607.

Docket. Docket Nos. A-92-44 and A-92-45, containing the supporting information for the original NESHAP and this action, are available for public inspection and copying between 8:00 a.m. and 5:30 p.m., Monday through Friday, at the EPA's Air and Radiation Docket and Information Center, Waterside Mall, room M-1500, first floor, 401 M Street SW., Washington, DC 20460, or by calling (202) 260-7548 or 260-7549. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Rosensteel, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5608.

SUPPLEMENTARY INFORMATION: The Group I Polymers and Resins NESHAP directly reference the heat exchange system provisions (§63.104) of the HON. The EPA intended the subpart U compliance schedule to mirror the compliance schedule in the HON. However, subpart U inadvertently only allows six months for compliance with the heat exchange system provisions (March 5, 1997), while the HON allows three years from its effective date. Therefore, this action proposes to change the subpart U compliance date for heat exchange systems to September 5, 1999, to correct the inadvertent error in the final rule.

In addition, both subparts U and JJJ directly reference the equipment leak provisions of the HON (40 CFR 63, subpart H). Both subparts require that affected sources comply with the equipment leak provisions by 6 months after promulgation—March 5, 1997 for subpart U and March 12, 1997 for subpart JJJ. However, in accordance with a settlement agreement, the EPA promulgated a final rule amending the

HON on December 26, 1996. The final amendments to the HON include revisions to the HON equipment leak provisions, which are also applicable, by direct reference, to sources subject to subparts U and JJJ.

This document is available in Docket Nos. A-92-44 and A-92-45 or by request from the EPA's Air and Radiation Docket and Information Center (see ADDRESSES), and is available for downloading from the Technology Transfer Network (TTN), the EPA's electronic bulletin board system. The TTN provides information and technology exchange in various areas of emissions control. The service is free, except for the cost of a telephone call. Dial (919) 541-5742 for up to a 14,000 baud per second modem. For further information, contact the TTN HELP line at (919) 541-5348, from 1:00 p.m. to 5:00 p.m., Monday through Friday, or access the TTN web site at: <http://ttnwww.rtpnc.epa.gov>.

Regulated entities

Regulated categories and entities include:

Category	Examples of regulated entities.
Industry	Elastomers and Thermoplastics.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by the proposed amendments discussed in this notice. If you have questions regarding the applicability of these proposed amendments to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Electronic Submission of Comments

Electronic comments must be submitted as an ASCII file, avoiding the use of special characters and any form of encryption. Comments will also be accepted on diskette in WordPerfect 5.1 or ASCII file format. All comments in electronic form must be identified by the docket number A-92-44 or A-92-45. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments may be filed online at many Federal Depository Libraries.

Administrative

A. Paperwork Reduction Act

For both the Group I and Group IV Polymers and Resins NESHAP, the information collection requirements were submitted to the Office of Management and Budget (OMB) under the *Paperwork Reduction Act*, [44 U.S.C.

3501 et seq.]. The OMB approved the information collection requirements for the Group IV Polymers and Resins NESHAP and assigned those standards the OMB control number 2060-0351. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15. The EPA has amended 40 CFR Part 9, Section 9.1, to indicate the information collection requirements contained in the Group IV Polymers and Resins NESHAP.

An Information Collection Request (ICR) document for the Group I Polymers and Resins I NESHAP was prepared by the EPA (ICR No. 1746.01) but has not yet been approved by the OMB. A copy may be obtained from Sandy Farmer, OPPE Regulatory Information Division (2137), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, or by calling (202) 260-2740.

The amendments to the NESHAP contained in the direct final rule should have no impact on the information collection burden estimates made previously. Therefore, the ICRs have not been revised.

B. Executive Order 12866 Review

Under Executive Order (E.O.) 12866, the EPA must determine whether the proposed regulatory action is "significant" and therefore, subject to the Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Order defines "significant" regulatory action as one that is likely to lead to a rule that may:

- (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety in State, local, or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impact of entitlements, grants, user fees or loan programs or the rights and obligations of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of the Executive Order, the OMB notified the EPA that it considered both the Group I Polymers and Resins NESHAP and the Group IV

Polymers and Resins NESHAP "significant regulatory actions" within the meaning of the Executive Order. The EPA submitted those actions to the OMB for review. Changes made in response to suggestions or recommendations from the OMB were documented and included in the public record.

These proposed amendments to those NESHAP provide affected sources more time in which to comply with the equipment leaks provisions of those rules. These proposed revisions do not add any additional control requirements. Therefore, these amendments were classified "non-significant" under Executive Order 12866 and were not required to be reviewed by OMB.

C. Regulatory Flexibility

The EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this proposed rule. The EPA has also determined that this proposed rule will not have a significant economic impact on a substantial number of small entities. See the September 5, 1996 Federal Register (61 FR 46906) and the September 12, 1996 Federal Register (61 FR 48208) for the basis for this determination. The compliance date changes to the two rules do not impose any economic burden for any regulated entity.

D. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), the EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under Section 205, the EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires the EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that these proposed amendments do not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. Therefore, the requirements of the Unfunded Mandates Act do not apply to this action.

E. Submission to Congress and the General Accounting Office

Under 5 U.S.C. §801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, the EPA submitted a report containing this proposed 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 proposed rule in the Federal Register. This is not a "major rule" as defined by 5 U.S.C. §804(2).

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Reporting and recordkeeping requirements.

Dated: January 9, 1997.

Carol M. Browner,
Administrator.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 87-268; DA 97-23]

Advanced Television Systems and Their Impact on the Existing Television Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of time.

SUMMARY: The Commission is extending the time for filing reply comments relating to the *Sixth Further Notice of Proposed Rule Making* in this proceeding until January 24, 1997. This action will allow the development of a complete record on the matter of channel allotments for operation of digital TV service.

DATES: Reply comments are due on or before January 24, 1997.

ADDRESSES: Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Bruce Franca (202-418-2470), Alan Stillwell (202-418-2470) or Robert Eckert (202-428-2470), Office of Engineering and Technology.

SUPPLEMENTARY INFORMATION: 1. On July 25, 1996, the Commission adopted a *Sixth Further Notice of Proposed Rule Making (Sixth FNPRM)* in MM Docket No. 87-268, 61 FR 43209, August 21, 1996, that proposed policies for

developing the initial channel allotments for digital TV (DTV) service, proposed procedures for assigning DTV allotments, and plans for spectrum recovery. The *Sixth FNPRM* also contains a draft DTV Table of Allotments. Comments responding to the *Sixth FNPRM* initially were due November 22, 1996. On November 20, 1996, we issued an *Order*, 61 FR 63811, December 2, 1996, extending the date for filing reply comments in response to the *Sixth FNPRM* to January 10, 1997.

2. On January 2, 1997, Sinclair Broadcast Group and Sullivan Broadcasting Company, Inc. (Group Owners) requested that we extend the date for filing reply comments in response to the *Sixth FNPRM* an additional 60 days. The Group Owners submit that this additional time is needed for themselves and other UHF station licensees to finalize and present to the Commission a technically and commercially reasonable solution that creates better coverage parity between UHF and VHF stations and also ameliorates certain seriously adverse effects on UHF television stations inherent in the primary allotment plans now under consideration by the Commission. They argue that any delay in adopting the DTV Table of Allotments that is occasioned by the requested extension would be outweighed by the need for the Commission to have a full record on the effects that its actions in this proceeding have on UHF broadcasters.

3. The Association for Maximum Service Television (MSTV) opposes the Group Owners' request for an extension of the time for filing reply comments. MSTV states that while it is sympathetic with the concerns expressed in the Group Owners request, it believes that those concerns may be addressed without further delaying the DTV allotment proceeding. It argues that it is critical that the Commission conclude this proceeding as promptly as possible so that the transition to DTV may begin. MSTV argues that an across-the-board 60-day extension would delay our rule making action, and that the submission of any proposal could require still another round of comments that would cause further delay. MSTV therefore urges that we deny the Group Owners extension request. As an alternative, it suggests that we state that we will accept late-filed reply comments for four weeks after the current January 10, 1997, due date for reply comments to afford broadcasters the opportunity to evaluate and respond to questions concerning this issue.

4. In comments responding to the Group Owners' request, Motorola