

Dated: December 14, 1995.
Janet Reno,
Attorney General.
[FR Doc. 96-9749 Filed 4-19-96; 8:45 am]
BILLING CODE 4410-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1614

Federal Sector Equal Employment Opportunity

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule.

SUMMARY: This final rule amends the Federal sector equal employment opportunity provisions concerning the time limit for a complainant to file an appeal with the Merit Systems Protection Board (Board) following an agency's final decision on a mixed case complaint. The rule is being amended because the Board lengthened the time limits for filing a timely appeal from a complaint raising issues of prohibited discrimination.

EFFECTIVE DATE: April 22, 1996.

FOR FURTHER INFORMATION CONTACT: Thomas J. Schlageter, Assistant Legal Counsel, or Daniel T. Riordan, Senior Attorney, Advice and External Litigation Division, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, D.C. 20507; telephone (202) 663-4669 or (202) 663-7026 (TDD). Copies of this final rule are also available in the following formats: Large print, braille, audio-tape and electronic file on computer disk. Requests for this notice in an alternative format should be made to the Publications Information Center at (800) 669-3362 (Voice) or (800) 800-3302 (TDD).

SUPPLEMENTARY INFORMATION: This change in the EEOC's procedures came about as a result of the Board's revision of its procedures for accepting appeals following a final decision by an agency on a mixed case complaint. The Board enlarged the time limit for accepting such appeals in a final rule at 59 FR 31109, June 17, 1994, which amended 5 CFR § 1201.154(b)(1) of its regulations. The Board changed the time limit for filing initial appeals to bring the Board's procedures more in line with the legal and regulatory time limits for filing with the Federal Courts and EEOC, and also to make the Board's appellate processes more accessible to Federal employees. 59 FR 31109. EEOC is therefore amending its regulation to conform with

the new time limit established by the Board.

We are issuing a final rule rather than a notice of proposed rulemaking because we have determined, for good cause, that publication of a proposed rule and solicitation of comments is not necessary. The Board initially announced this change as a proposed rule at 59 FR 18764, April 20, 1994, and asked for comments; a significant majority of the comments received favored or were not opposed to the change.

Regulatory Procedures

Executive Order 12866

The Commission has determined that this regulatory action is not "significant" as defined by Executive Order 12866, and is therefore not subject to review by the Office of Management and Budget.

Regulatory Flexibility Act

In addition, the Commission also certifies under 5 U.S.C. 605(b), enacted by the Regulatory Flexibility Act (Pub. L. 96-354), that this rule will not have a significant economic impact on a substantial number of small entities. For this reason, a regulatory flexibility analysis is not required.

Paperwork Reduction Act

This regulation contains no information collection requirements which are subject to review and approval by the Office of Management and Budget under the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35).

List of Subjects in 29 CFR Part 1614

Administrative practice and procedure, Aged, Equal employment opportunity, Government employees, Individuals with disabilities, Religious discrimination, Sex discrimination.
Gilbert F. Casellas,
Chairman.

Accordingly, for the reasons set forth in the preamble, the Equal Employment Opportunity Commission is amending 29 CFR Part 1614 as follows:

PART 1614—FEDERAL SECTOR EQUAL EMPLOYMENT OPPORTUNITY

1. The authority citation for 29 CFR Part 1614 continues to read as follows:

Authority: 29 U.S.C. 206(d), 633a, 791 and 794a; 42 U.S.C. 2000e-16; E.O. 10577, 3 CFR, 1954-1958 Comp., p. 218; E.O. 11222, 3 CFR, 1964-1965 Comp., p. 306; E.O. 11478, 3 CFR, 1969 Comp., p. 133; E.O. 12106, 3 CFR, 1978 Comp., p. 263; Reorg. Plan No. 1 of 1978, 3 CFR, 1978 Comp., p. 321.

§ 1614.302 [Amended]

2. Section 1614.302 is amended by removing the number "20" in paragraphs (d)(1)(ii) and (d)(3) and adding in their place the number "30."

[FR Doc. 96-9570 Filed 4-19-96; 8:45 am]
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OH97-1; FRL-5462-2]

Interim Final Determination That State Has Corrected the Deficiency; Ohio

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Interim final determination.

SUMMARY: In the proposed rules section of this Federal Register, USEPA has proposed conditional approval of the State of Ohio's New Source Review (NSR) program rules. Based on the proposed conditional approval, USEPA is making an interim final determination by this action that Ohio has corrected the deficiency for which a sanctions clock began on October 21, 1994. This action will defer application of the offset sanction and defer the application of the highway sanction. Although this action is effective upon publication, USEPA will take comment and will publish a final rule taking into consideration any comments received on this interim final rule.

DATES: This action will be effective April 22, 1996. Comments must be received by May 22, 1996.

ADDRESSES: Comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, IL 60604. The State submittal and USEPA'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: Genevieve Nearmyer, Permits and Grants Section, Air Programs Branch, U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, IL 60604. (312) 353-4761.

SUPPLEMENTARY INFORMATION:

I. Background

On August 20, 1993 the State submitted an NSR plan revision request which USEPA disapproved in full on September 24, 1994 (59 FR 48392). The USEPA's disapproval action started an

18-month clock for the application of one sanction (followed by a second sanction 6 months later) under section 179 of the Clean Air Act (CAA) and a 24-month clock for promulgation of a Federal implementation plan under section 110(c)(1) of the CAA. The State subsequently submitted a revised program on April 12, 1996. In the proposed rules section of this Federal Register, USEPA has proposed conditional approval of the State of Ohio's submittal of its NSR requested State Implementation Plan revision.

II. USEPA Action

Based on the proposed conditional approval set forth in the proposed rules section of this Federal Register, USEPA believes that it is more likely than not that the State has corrected the original disapproval deficiency that started the sanction clock and, therefore, is taking this interim final action finding that the State has corrected the disapproval deficiency, effective on publication. This action does not stop the sanction clock that started for this area on October 21, 1994. However, this action will defer the application of the offsets sanction and will defer the application of the highway sanction. See 59 FR 39832 (Aug. 4, 1994) codified at 40 CFR 52.31. If USEPA takes final action conditionally approving the State's submittal, such action will continue any deferral of the offset and highway sanctions. When the State meets its commitment and USEPA takes final action fully approving the State's submittal meeting those commitments, such action will permanently stop the sanctions clock and will permanently lift any applied, stayed or deferred sanctions.

At this time, USEPA 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 USEPA's proposed conditional approval of the State's submittal, USEPA determines that the State's submittal is not approvable and this final action was inappropriate, USEPA will take further action to disapprove the State's submittal and to find that the State has not corrected the original disapproval deficiency. Such action will retrigger the sanctions consequences as described in the sanctions rule. See 59 FR 39832.

III. Administrative Requirements

Because USEPA has preliminarily determined that the State has an approvable plan, relief from sanctions should be provided as quickly as possible. Therefore, USEPA is invoking the good cause exception under the

Administrative Procedure Act (APA) in not providing an opportunity for comment before this action takes effect.¹ See 5 U.S.C. 553(b)(B). The USEPA believes that notice-and-comment rulemaking before the effective date of this action is impracticable and contrary to the public interest. The USEPA has reviewed the State's submittal and, through its proposed action, is indicating that it is more likely than not that the State has corrected the deficiency that started the sanctions clock. Therefore, it is not in the public interest to initially apply sanctions or to keep applied sanctions in place when the State has most likely done all that it can to correct the deficiency that triggered the sanctions clock. 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, USEPA believes that it is necessary to use the interim final rulemaking process to temporarily stay or defer sanctions while USEPA completes its rulemaking process on the approvability of the State's submittal. In addition, USEPA is invoking 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).

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. Section 600 et seq., USEPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. sections 603 and 604. Alternatively, USEPA 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 CAA. Therefore, I certify that it does not have an impact on any 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, USEPA must undertake various actions in

¹ As previously noted, however, by this action USEPA is providing the public with a chance to comment on USEPA's determination after the effective date and USEPA will consider any comments received in determining whether to reverse such action.

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 a State, local and/or tribal government(s) in the aggregate. The USEPA must also develop a plan with regard to small governments that would be significantly or uniquely affected by the rule.

Because this direct final rule 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, USEPA 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, USEPA is not required to develop a plan for small governments. Further, this final rule only defers the imposition of sanctions; it imposes no new requirements.

List of Subjects in 40 CFR Part 52

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

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

Dated: April 15, 1996.

David A. Ullrich,

Acting Regional Administrator.

[FR Doc. 96-9913 Filed 4-19-96; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 3

[Docket No. OST-96-1264; Notice 96-11]

RIN 2105-AC39

Use of the Official Seal

AGENCY: Office of the Secretary, Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: DOT is removing from the Code of Federal Regulations regulations governing what uses may be made of its Official Seal and which officials have the authority to affix it because the regulations duplicate internal directives that are available to the public. This action is taken on the Department's initiative in response to the President's Regulatory Reinvention Initiative.

EFFECTIVE DATE: May 22, 1996.