

established administrative and legislative procedures in the State.

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## DEPARTMENT OF EDUCATION

### 34 CFR Part 86

RIN 1810-AA83

#### Drug and Alcohol Abuse Prevention

**AGENCY:** Department of Education.

**ACTION:** Final regulations.

**SUMMARY:** The Secretary amends the regulations on Drug-Free Schools and Campuses to incorporate changes made by the Improving America's Schools Act of 1994. As a result of that legislation, these regulations no longer apply to State educational agencies (SEAs) and local educational agencies (LEAs). The Secretary amends the regulations to conform them to these revised statutory provisions.

**EFFECTIVE DATE:** These regulations take effect January 16, 1997.

**FOR FURTHER INFORMATION CONTACT:** William Wooten, U.S. Department of Education, Office of Elementary and Secondary Education, Room 4000, Portals Bldg., 600 Independence Avenue, SW, Washington, DC 20202-6123. Telephone: (202) 260-1922.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8330 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** Provisions in 20 U.S.C. 3224a relating to certification of drug and alcohol abuse prevention programs by State and local educational agencies were eliminated by amendments to the Elementary and Secondary Education Act of 1965 contained in the Improving America's Schools Act of 1994, Pub. L. 103-382, enacted October 20, 1994. As a result of this statutory amendment, which became effective July 1, 1995, State and local educational agencies are no longer subject to the certification requirements contained in 34 CFR part 86.

The regulations in part 86 implemented the Drug-Free Schools and Communities Act requirement for a one-time certification by all SEAs and LEAs that they had adopted and implemented drug prevention policies and programs for their students and employees. Virtually all SEAs and LEAs had submitted the required certification by the time the statute was reauthorized,

and the certification requirement was no longer needed. Furthermore, by the time the statute was reauthorized as the Safe and Drug-Free Schools and Communities Act, LEAs were developing comprehensive, community-wide prevention strategies in addition to school-based programs, and were beginning to integrate drug prevention with activities designed to prevent other significant problems such as youth violence. Consequently, the Safe and Drug-Free Schools and Communities Act has eliminated the one-time certification requirement and replaced it with the requirement that LEAs adopt and carry out comprehensive drug and violence prevention programs designed for all students and employees. In keeping with this legislative change, the regulations in part 86 pertaining to SEAs and LEAs are no longer necessary and are being eliminated.

The regulations are amended in accordance with the President's Regulatory Reinvention Initiative in order to reflect removal of the statutory requirement and relieve a burden imposed on State and local educational agencies. Part 86 is still applicable to institutions of higher education.

#### Waiver of Proposed Rulemaking

In accordance with the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, these regulations merely reflect statutory changes and do not establish substantive policy. Therefore, the Secretary has determined, pursuant to 5 U.S.C. 553(b)(B), that public comment is unnecessary and contrary to the public interest.

#### Paperwork Reduction Act of 1980

These regulations have been examined under the Paperwork Reduction Act of 1980 and have been found to contain no information collection requirements.

#### Assessment of Educational Impact

Based on its own review, the Department has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

#### List of Subjects in 34 CFR Part 86

Drug abuse, Elementary and secondary education, Grant programs—education, Postsecondary education.

Dated: December 10, 1996.

Richard W. Riley,  
*Secretary of Education.*

(Catalog of Federal Domestic Assistance numbers do not apply)

The Secretary amends Title 34 of the Code of Federal Regulations by amending part 86 as follows:

Authority: 20 U.S.C. 1145g, unless otherwise noted.

## PART 86—DRUG AND ALCOHOL ABUSE PREVENTION

1. The authority citation for part 86 is revised to read as follows:

2. The heading of part 86 is revised to read as set forth above.

3. Part 86 is amended by removing “, SEA, or LEA” in the following places:

- (a) § 86.2(a) and (b);
- (b) § 86.3 heading, (a), and (b);
- (c) § 86.5 heading, (a), and (b);
- (d) § 86.301 heading, (a) introductory text (twice), (a)(2), (b) introductory text (twice), (b)(1), and (b)(2)(i)(B);
- (e) § 86.302(a) and (b);
- (f) § 86.303(a) introductory text, (b) (twice), (c), (d), and (e) (twice);
- (g) § 86.304(a) introductory text, (a)(1), (a)(2)(i), (a)(3) introductory text (twice), (a)(3)(ii), (b) introductory text, (b)(1), and (b)(2) introductory text;
- (h) § 86.400(a);
- (i) § 86.401(d)(1) and (2);
- (j) § 86.402(a);
- (k) § 86.407(a) and (d);
- (l) § 86.408(a)(1)(ii);
- (m) § 86.409(c) introductory text and (e)(2);
- (n) § 86.410(a)(1) introductory text and (d); and
- (o) § 86.411(a)(1), (a)(2), and (b).

4. Part 86 is amended by removing “, SEA's, or LEA's” in the following places:

- (a) § 86.301(b)(2)(i)(A); and
- (b) § 86.304 heading, (a) introductory text, and (a)(3)(ii).

5. Section 86.1 is revised to read as follows:

### § 86.1 What is the purpose of the Drug and Alcohol Abuse Prevention regulations?

The purpose of the Drug and Alcohol Abuse Prevention regulations is to implement section 22 of the Drug-Free Schools and Communities Act Amendments of 1989, which added section 1213 to the Higher Education Act. These amendments require that, as a condition of receiving funds or any other form of financial assistance under any Federal program, an institution of higher education (IHE) must certify that it has adopted and implemented a drug prevention program as described in this part.

(Authority: 20 U.S.C. 1145g)

6. In § 86.3 paragraphs (a) and (b) are amended by removing “for IHEs and §§ 86.200 and 86.201 for SEAs and LEAs”.

7. Section 86.4 is amended by removing “(a) *IHE drug prevention program certification.*” in paragraph (a) and by removing paragraphs (b) and (c).

8. Section 86.6 is amended by revising the heading; removing “, SEA, or LEA” both times it appears in paragraph (a), both times it appears in paragraph (b)(1), and in paragraph (b)(2); and revising paragraph (b)(3) to read as follows:

**§ 86.6 When must an IHE submit a drug prevention program certification?**

\* \* \* \*

(b) \*

(3) An IHE shall submit a request for an extension to the Secretary.

**§ 86.7 [Amended]**

9. Section 86.7 is amended by removing paragraph (a); redesignating paragraphs (b) and (c) as paragraphs (a) and (b), respectively; by removing “Local educational agency” and “State educational agency” from the list of terms in redesignated paragraph (a); and by removing “, SEA, or LEA” both times it appears in the definition of “Compliance agreement” in redesignated paragraph (b).

*Subpart C—[Removed and Reserved]*

10. Subpart C is removed and reserved.

*Subpart D—[Amended]*

11. The heading of Subpart D is amended by removing “, SEA, or LEA”.

**§ 86.300 [Amended]**

12. Section 86.300 is amended by removing “, SEA, or LEA” in the heading, the undesignated introductory text, and paragraph (b) introductory text; and by removing “or by an SEA or LEA under §§ 86.200(c) and 86.201(a)” in paragraph (b)(2).

13. The authority citation following each section of the regulations is revised to read as follows:

(Authority: 20 U.S.C. 1145g)

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 9 and 63**

[AD-FRL-5601-7]

RIN 2060-AE02

RIN 2060-AD98

**National Emission Standards for Hazardous Air Pollutants for Source Categories: Aerospace Manufacturing and Rework Facilities and Shipbuilding and Ship Repair (Surface Coating) Operations**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; correction.

**SUMMARY:** This action corrects the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Aerospace Manufacturing and Rework Facilities and Shipbuilding and Ship Repair (Surface Coating) Operations promulgated in the Federal Register on September 1, 1995 (60 FR 45948) and December 15, 1995 (60 FR 64330), respectively. This action also announces that the Information Collection Requirements (ICR) contained in the NESHAP for Shipbuilding and Ship Repair (Surface Coating) Operations have been approved by the Office of Management and Budget (OMB).

**EFFECTIVE DATE:** December 17, 1996.

**FOR FURTHER INFORMATION CONTACT:** For information on the aerospace manufacturing and rework facilities standard contact Mr. James Szykman at (919) 541-2452, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711. For information on the shipbuilding and ship repair (surface coating) standard contact Dr. Mohamed Serageldin at (919) 541-2379, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

**SUPPLEMENTARY INFORMATION:** The Administrator is invoking the “good cause” exception of the Administrative Procedures Act, 5 U.S.C. 553(b)(3)(B), which allows an agency to promulgate rules without notice or the opportunity for comment when it finds that such procedures would be “impracticable, unnecessary, or contrary to the public interest.” Following notice and comment procedures for this rule would be unnecessary because the changes effected here are only minor corrections that do not change the intended effect of the original rule. The Administrator is also invoking the good cause

provision to make this rule immediately effective upon its date of publication.

**I. Shipbuilding and Ship Repair (Surface Coating)**

The NESHAP for shipbuilding and ship repair (surface coating) operations was promulgated in the Federal Register on December 15, 1995 (60 FR 64330) as subpart II of 40 CFR Part 63.

The final rule contained (1) errors in numbering the incorporations by reference which were added to § 63.14; (2) improper punctuation in § 63.788(b)(3)(ii)(B); (3) a footnote to Table 2 of subpart II which incorrectly identified those coating categories that were not given cold-weather allowances; and (4) inappropriate use of the term “unaffected” major sources in § 63.788(b)(1). This action corrects these portions of the final rule. In addition, it amends the table in 40 CFR Part 9 of ICR control numbers issued by OMB for approved collections of information in certain EPA regulations. At the time of publication of the final rule, the EPA did not have an approved ICR control number to add to the table. The OMB subsequently approved the ICR for the final NESHAP, and the approved ICR control number (2060-0330) is being added to 40 CFR Part 9.

**II. Aerospace Manufacturing and Rework Facilities**

The NESHAP for aerospace manufacturing and rework facilities was promulgated in the Federal Register on September 1, 1995 (60 FR 45948). A document of correction to the final rule was published in the Federal Register on February 9, 1996 (61 FR 4902) which corrected the deadline for existing sources to submit an initial notification to the Administrator.

The amendatory language for this final rule correction inadvertently referenced paragraph (a)(1) instead of referencing paragraph (a)(2) of Section 63.753. The amendatory language should have read, “Section 63.753 is amended by adding a new sentence to the beginning of paragraph (a)(2) as follows:” This document includes the applicable language to make this correction.

**Administrative Requirements**

**I. Paperwork Reduction Act**

The information collection requirements of the previously promulgated NESHAP were submitted to and approved by the Office of Management and Budget (OMB). A copy of the Information Collection Request (ICR) documents (OMB number 1414.02 and 1687.01, for shipbuilding and