ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD–FRL–5839–1]

RIN 2060–AH07

National Emission Standards for Hazardous Air Pollutants, from Secondary Lead Smelting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; amendments to rule.

SUMMARY: This action amends the national emission standards for hazardous air pollutants (NESHAP) for new and existing secondary lead smelters. Changes to the NESHAP are being made to address comments received in petitions to reconsider sent to the EPA following promulgation of the final rule. These changes affect several aspects of the final rule including applicability of the THC limit for collocated blast and reverberatory furnaces, minimum baghouse standard operating procedure (SOP) requirements, and bag leak detection system specifications and requirements. Several minor changes are also being made to clarify the intent of the rule.

In the Final Rules Section of this **Federal Register**, the EPA is also making these amendments as a direct final rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no significant adverse comments. A detailed rationale for the action is set forth in the direct final rule. If no significant adverse comments are received by the due date (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. If the EPA receives significant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this notice. Any parties interested in commenting on this notice should do so at this time.

DATES: *Comments.* Comments must be received on or before July 14, 1997, unless a hearing is requested by June 23, 1997. If a hearing is requested, written comments must be received by July 28, 1997.

Public Hearing. Anyone requesting a public hearing must contact the EPA no later than June 23, 1997. If a hearing is held, it will take place on June 30, 1997, beginning at 10:00 a.m.

ADDRESSES: *Docket.* Docket No. A–92–43, containing information considered by the EPA in development of the promulgated standards, is available for public inspection and copying between 8:00 a.m. and 5:30 p.m., Monday through Friday except for Federal holidays, at the following address: U.S. Environmental Protection Agency, Air and Radiation Docket and Information Center (MC–6102), 401 M Street, SW, Washington, DC 20460; telephone (202) 260–7548. The docket is located at the above address in Room M–1500, Waterside Mall (ground floor). A reasonable fee may be charged for copying.

Comments. Written comments should be submitted to: Docket A–92–43, U.S. EPA, Air & Radiation Docket & Information Center, 401 M. Street, S.W., Room 1500, Washington, D.C. 20460.

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 Mr. Kevin Cavender, Metals Group, Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone (919) 541–2364.

FOR FURTHER INFORMATION CONTACT: Mr. Kevin Cavender, Metals Group, Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone (919) 541–2364.

SUPPLEMENTARY INFORMATION: If no significant, adverse comments are received by July 14, 1997 no further activity is contemplated in relation to this proposed rule and the direct final rule in the final rules section of this **Federal Register** will automatically go into effect on August 4, 1997. If significant adverse comments are timely received, the direct final rule will be withdrawn and all public comment received will be addressed in a subsequent final rule. Because the EPA will not institute a second comment period on this proposed rule, any parties interested in commenting should do so during this comment period.

For further supplemental information, the detailed rationale, and the rule provisions, see the information provided in the direct final rule in the final rules section of this **Federal Register**.

Administrative Requirements

Docket

The docket is an organized and complete file of all the information considered by the EPA in the development of this rulemaking. The docket is a dynamic file, since material is added throughout the rulemaking development. The docket system is intended to allow members of the public and affected industries to readily identify and locate documents so that they can effectively participate in the rulemaking process. Along with the BID's and preambles to the proposed and promulgated standards, the contents of the docket will serve as the official record in case of judicial review (section 307(d)(7)(A) of the Act).

Executive Order 12866

The Agency must determine whether a regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the E.O. 12866 (58 FR 51735, October 4, 1993). The Executive Order defines ''significant regulatory action'' as one that is likely to result in 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, or 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.

It has been determined that this amendment to the final rule is not a ''significant regulatory action'' under the terms of the Executive Order and is therefore not subject to OMB review.

Unfunded Mandates Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act'') requires that the Agency prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditure by State, local, and tribal governments, in aggregate, or by the private sector, of $100 million or more in any 1 year. Section 203 requires the Agency to establish a plan for obtaining input from and informing, educating, and advising

any small governments that may be significantly or uniquely affected by the rule.

Under section 205 of the Unfunded Mandates Act, the Agency must identify and consider a reasonable number of regulatory alternatives before promulgating a rule for which a budgetary impact statement must be prepared. The Agency must select from those alternatives the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule, unless the Agency explains why this alternative is not selected or the selection of this alternative is inconsistent with law.

This amendment reduces the costs of complying with the final rule, it will not increase expenditures by State, local, and tribal governments or the private sector. Therefore, the Agency 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, the Agency is not required to develop a plan with regard to small governments.

Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C 3501 et seq., the EPA must consider the paperwork burden imposed by any information collection request in a proposed or final rule. This amendment to the rule will not impose any new information collection requirements.

Regulatory Flexibility Act

The Regulatory Flexibility Act generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies 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 small governmental jurisdictions. This proposed rule would not have a significant impact on a substantial number of small entities because this proposed rule will not result in increased economic impacts to small entities, and will result in reduced impacts in all cases. Therefore, I certify that this action will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 63

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

Dated: June 4, 1997.

Carol M. Browner,

Administrator.

[FR Doc. 97–15571 Filed 6–12–97; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 101

[WT Docket No. 97–81; DA 97–839]

Multiple Address Systems

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action provides for an extension of time to file comments and reply comments in this proceeding. The effect of this action is to grant a short extension of time to file comments (ten extra days) and reply comments (fifteen days thereafter). This action provides additional time to respond to issues in this proceeding.

DATES: Comments on or before May 1, 1997, and Reply Comments on or before May 16, 1997.

FOR FURTHER INFORMATION CONTACT: Susan Magnotti of the Commission's Wireless Telecommunications Bureau at (202) 418–0680.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Memorandum Opinion and Order,* DA 97–839, adopted April 18, 1997, and released April 18, 1997 (62 FR 11407, Mar. 12, 1997). The full text of this *Memorandum Opinion and Order* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239) 1919 M Street, NW, Washington, DC. The complete text may be purchased from the Commission's copy contractor, ITS, Inc., 2100 M Street NW, Suite 140, Washington, DC 20037, telephone (202) 857–3800.

Summary of Order

1. Before us are a Motion for Extension of Time filed by UTC, The Telecommunications Association (''UTC''), for an extension of time to file comments and reply comments in this proceeding, and its concurrently filed Motion to Supplement the Record. Currently, comments in this proceeding are due on April 21, 1997, and reply comments are due on May 6, 1997. In support of its Motion for Extension of Time, UTC argues that the Commission needs this additional time to respond to UTC's Motion to Supplement the Record, and to allow the parties to evaluate the material that UTC seeks to add to the record. In the latter pleading, UTC requests the Commission to place in the record ''the applications or other information forming the factual basis of the FCC's 'preliminary examination' of the pending 932–941 MHz [Multiple Address System (''MAS'')] applications,'' or ''the basis for the FCC's characterization of the 'vast majority' of the pending 932–941 MHz MAS applicants as 'seemingly proposing to use their licenses principally to provide subscriber-based services.' '' UTC argues that commenters should have a ''meaningful opportunity'' to respond to the Commission's assessment that the MAS applications in question primarily proposed to provide subscriber-based services, and, hence, that competitive bidding procedures rather than random selection procedures should be used to choose among mutually exclusive applicants in the MAS service.

2. The Commission's assessment of the 932/941 MHz MAS applications was made using its staff's expertise to review the applications both in paper form and as input into its database. Unfortunately, the paper versions of the applications were destroyed in a flood in Gettysburg on June 18–19, 1996. Data recorded in the Commission's database from the applications, however, have been and continue to be available to the public from the Commission's Gettysburg Public Reference Room and from the Commission's copy contractor, International Transcription Service (ITS).

3. Since all existing data regarding the MAS applications are and have been available to the public, UTC's stated reasons for an extension of time are moot. To accommodate any confusion that may have resulted from the circumstances described above, however, we will grant a short extension of time to file comments (ten extra days) and reply comments (fifteen days thereafter).

4. Accordingly, it is ordered, that the Motion to Supplement the Record filed by UTC, The Telecommunications Association, is denied;

5. It is further ordered, that the Motion for Extension of Time filed by UTC, The Telecommunications Association, is granted in part, to allow the filing of comments on or before May 1, 1997, and reply comments on or before May 16, 1997.

List of Subjects 47 CFR Part 101

Communications equipment, Radio.