

applications. Thus, like geographic distribution, diversity in the overall competition is not a factor that peer reviewers can judge. Because the program has only limited funding, but is nonetheless intended to improve elementary and secondary education nationally, it is necessary to fund a diverse mix of projects. To achieve this mix, it may be necessary to choose, from among the most highly rated applications that address a range of different topics or present a range of different approaches to educational problems.

Changes: None.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Assessment of Educational Impact

In the NPRM the Secretary requested comments on whether the proposed regulations would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Based on the response to the proposed rules and 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 760

Education, Grant programs-education, Reporting and recordkeeping requirements.

(Catalog of Federal Domestic Assistance Number 84.122, Secretary's Discretionary Program).

Dated: June 9, 1987.

William J. Bennett,
Secretary of Education.

The Secretary amends Part 760 of Title 34 of the Code of Federal Regulations as follows:

PART 760—SECRETARY'S DISCRETIONARY PROGRAM

1. The authority citation for Part 760 continues to read as follows:

Authority: 20 U.S.C. 3851, unless otherwise noted.

§ 760.32 [Redesignated as 760.33]

2. Section 760.32 is redesignated as § 760.33, and is amended by revising the reference to "§ 760.31" in paragraph (a) to read "§ 760.32", and by revising paragraph (b) to read as follows:

§ 760.33 How does the Secretary select an application for funding?

(b) The Secretary may select other applications for funding if doing so would improve—

(1) The geographic distribution of projects funded under a particular competition or under this program; or

(2) The diversity of activities or projects funded under a particular competition or under this program.

§ 760.31 [Redesignated as § 760.32]

3. Section 760.31 is redesignated as § 760.32, and is amended by revising the points assigned under paragraphs (a) and (f) to read as follows:

§ 760.32 [Amended]

(a) *Plan of operation.* (15 Points)

(f) *Improving elementary and secondary education.* (15 Points)

4. A new § 760.31 is added to read as follows:

§ 760.31 How does the Secretary evaluate unsolicited applications?

(a) At any time during a fiscal year, the Secretary may accept and consider for funding unsolicited applications for projects that do not meet a priority established in accordance with § 760.11(a) and (b).

(b) Notwithstanding the provisions of 34 CFR 75.100, the Secretary may fund an unsolicited application without publishing an application notice in the Federal Register.

(c) The Secretary may select an unsolicited application for funding in accordance with the procedures contained in § 760.30(a) through (c).

(d) The Secretary assigns the reserved 15 points under § 760.30(b) to the selection criterion at § 760.32(g) [National significance] so that the maximum number of possible points for this criterion is 30.

(Authority: 20 U.S.C. 3851)

§ 760.30 [Amended]

5. Section 760.30 is amended by revising "§ 760.31" in paragraphs (a), (b), and (d), to read "§ 760.32".

[FR Doc. 87-13469 Filed 6-11-87; 8:45 am]

BILLING CODE 4000-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A-1-FRL-3218-1]

Designation of areas for Air Quality Planning Purposes; New Hampshire; Androscoggin Valley Interstate Air Quality Control Region

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a request by the State of New Hampshire to redesignate the New Hampshire portion of the Androscoggin Valley Interstate Air Quality Control Region (AQCR 107) from unclassifiable to attainment of the National Ambient Air Quality Standards (NAAQS) for ozone. Under section 107 of the Clean Air Act, the designation of attainment status may be changed where warranted by the available data.

EFFECTIVE DATE: This action will be effective August 11, 1987, unless notice is received within 30 days that adverse or critical comments will be submitted.

ADDRESSES: Comments may be mailed to Louis F. Gitto, Director, Air Management Division, Room 2311, JFK Federal Building, Boston, MA 02203. Copies of the submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Room 2311, JFK Federal Bldg., Boston, MA 02203; and the New Hampshire Air Resources Agency, Health and Welfare Building, Hazen Drive, Concord, NH 03301.

FOR FURTHER INFORMATION CONTACT: Richard Burkhart, (617) 565-3223; FTS 835-3223.

SUPPLEMENTARY INFORMATION: On October 2, 1986, pursuant to section 107(d)(5) of the Clean Air Act, the State of New Hampshire submitted a request to redesignate the New Hampshire portion of the Androscoggin Valley Interstate AQCR from unclassifiable for the NAAQS for ozone to attainment. EPA reviewed the request and the air quality data for the area. Recent monitored ozone data (1983-1985) for the area show no violations of the primary or secondary standards. The highest hourly concentration during this period was 0.098 ppm. In addition, New Hampshire has certified that no exceedances were measured through September, 1986.

The request satisfies all of the necessary criteria for ozone redesignations. Only one year of data

showing no more than one exceedance per year is required to redesignate from unclassifiable to attainment. The data for three years have been presented and are satisfactory and complete. To redesignate the Androscoggin Valley Interstate Area from unclassifiable to attainment does not involve any regulatory change. The formal table in the Code of Federal Regulations containing the designation status is not changed since the attainment and unclassifiable designations are combined for ozone.

Final Action: EPA is approving the redesignation to attainment of the NAAQS for ozone in the New Hampshire portion of the Androscoggin Valley Interstate AQCR, submitted on October 2, 1986.

Since EPA views the redesignation as noncontroversial, we are taking this action without prior proposal. This action will be effective August 11, 1987. However, if EPA is notified within 30 days that adverse or critical comments will be submitted, we will withdraw this action and publish a new rulemaking proposing the action and establishing a comment period.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 11, 1987. This action may not be challenged later in proceedings to enforce its requirements (see 307(b)(2)).

List of Subjects in 40 CFR Part 81

Air pollution control.

Authority: 42 U.S.C. 7401-7642.

Dated: April 22, 1987.

Lee M. Thomas,

Administrator.

[FR Doc. 87-13471 Filed 6-11-87; 8:45 am]

BILLING CODE 5560-50-M

40 CFR Part 272

[FRL-3217-4]

Tennessee; Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Tennessee has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has reviewed Tennessee's application and has made a decision, subject to public review and comment, that Tennessee's hazardous waste program revision for the hazardous components of radioactive mixed wastes satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Tennessee's hazardous waste program revision for the hazardous components of radioactive mixed wastes. Tennessee's application for program revision is available for public review and comment.

DATES: Final authorization for Tennessee shall be effective August 11, 1987, unless EPA publishes a prior Federal Register action withdrawing this immediate final rule. All comments on Tennessee's program revision application must be received by the close of business June 30, 1987.

ADDRESSES: Copies of Tennessee's program revision application are available during 8:30 A.M. to 4:30 P.M., Monday through Friday, at the following addresses for inspection and copying: Division of Solid Waste Management, Tennessee Department of Health and Environment, 701 Broadway, Nashville, Tennessee 37219; US EPA Headquarters Library, PM 211A, 401 M Street, SW., Washington, DC 20460, Phone: 202/382-5926; US EPA, Region IV, Library, 345 Courtland St., NE., Atlanta, Georgia 30365, Phone: 404/347-4216, Gayle Alston, Librarian. Written comments should be sent to Otis Johnson, Jr., 345 Courtland St., NE., Atlanta, Georgia 30365, Phone: 404/347-3016.

FOR FURTHER INFORMATION CONTACT: Otis Johnson, Jr., 345 Courtland St., NE., Atlanta, Georgia 30365, Phone: 404/347-3016.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA") or "the Act", 42 U.S.C. 6929(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-616, November 8, 1984, hereinafter "HSWA") allows States to revise their programs to become

substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive "interim authorization" for the HSWA requirements under section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR Parts 260 through 266 and 124 and 270.

B. Tennessee

Tennessee initially received final authorization on February 5, 1985. On March 12, 1987, Tennessee submitted a program revision application for additional program approval for the hazardous components of radioactive mixed wastes. Today, Tennessee is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Tennessee's application, and has made an immediate final decision that Tennessee's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to Tennessee. The public may submit written comments on EPA's immediate final decision up until June 30, 1987. Copies of Tennessee's application for program revision are available for inspection and copying at the locations indicated in the "ADDRESSES" section of this notice.

Approval of Tennessee's program revision for the hazardous components of radioactive mixed wastes shall become effective in 60 days unless an adverse comment pertaining to the State's revision discussed in this notice is received by the end of the comment period. If an adverse comment is received EPA will publish either (1) a withdrawal of the immediate final decision or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

The State of Tennessee has issued one storage permit to the US Department of Energy (DOE) at Oak Ridge, Tennessee which allows the facility to store certain specific hazardous wastes. Although the Region does not believe that any radioactive mixed wastes are currently stored at this facility, their RCRA permit does not preclude them from storing the

specific hazardous wastes covered by their permit if the waste is also radioactively contaminated. This permit will continue in force and will be considered the RCRA permit.

The State of Tennessee anticipates issuing in the very near future, the public notice of the draft permit for the DOE K-1435 incinerator at Oak Ridge. The K-1435 incinerator, if permitted, will incinerate hazardous wastes which are radioactive and nonradioactive, as well as PCBs and other solid wastes.

EPA's intent is to authorize Tennessee for radioactive mixed hazardous wastes before they issue the final permit for this incinerator so the K-1435 incinerator permit will be the RCRA permit. Tennessee is not seeking authorization to operate in Indian lands.

C. Decision

I conclude that Tennessee's application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Tennessee is granted final authorization to operate its hazardous waste program as revised. Tennessee now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA-program, subject to the limitation of its revised program application and previously approved authorities. Tennessee also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under section 3008, 3013 and 7003 of RCRA.

Compliance With Executive Order 12291:

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act:

Pursuant to the provisions of 4 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Tennessee's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 272

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: May 21, 1987.

Jack E. Ravan,

Regional Administrator.

[FR Doc. 87-13472 Filed 6-11-87; 8:45am]

BILLING CODE 6560-50-M

40 CFR Part 716

[OPTS-84026A; FRL-3217-5]

Addition of Chemicals to the Preliminary Assessment Information and Health and Safety Data Reporting Rule; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; Correction.

SUMMARY: This document corrects the CAS number entry for ethylbenzene listed under § 716.120 which was incorrectly listed.

DATE: This document is effective June 12, 1987.

FOR FURTHER INFORMATION CONTACT: John A. Richards (TS-788B), Federal Register Staff, Environmental Protection Agency, 401 M St., SW., Rm. NE-G009, Washington, DC 20460, (202)-382-3415.

SUPPLEMENTARY INFORMATION: In the Federal Register of May 20, 1987, (52 FR 19027), in FR Doc. 87-11479, EPA added four substances to two model information-gathering rules: The Toxic Substances Control Act (TSCA) section 8(a) Preliminary Assessment Information Rule and the TSCA section 8(d) Health and Safety Data Reporting Rule. The CAS number for ethylbenzene was incorrectly listed under the 8(d) amendment.

Dated: June 3, 1987.

Joseph J. Merenda,

Director, Existing Chemical Assessment Division, Office of Toxic Substances.

PART 716—[AMENDED]

Therefore, 40 CFR 716.120(a)(1) is corrected by revising the CAS number entry for ethylbenzene to read as follows:

§ 716.120 Substances and listed mixtures to which this subpart applies.

(a) * * *

(1) * * *

CAS No.	Substances	Special Exemptions	Effective date	Sunset date
100-41-4	Ethylbenzene	* * *	6/19/87	6/19/97

[FR Doc. 87-13474 Filed 6-11-87; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 405, 416, 420, 431, 485, 489, 498, 1001 and 1004

[BERC-371-FC]

Medicare Program; Appeals Procedures for Determinations That Affect Participation in Medicare

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule with comment period.

SUMMARY: These rules update and clarify policy and appeals from determinations that affect participation of providers, suppliers, and practitioners in the Medicare program. This policy is currently set forth in Subpart O of Part 405 of the Medicare rules. Revision is needed to conform these rules with changes that have been made in other regulations and in the delegations of authority since Subpart O was published. The purpose is to achieve internal consistency of all Medicare rules and to ensure that users of our regulations are not misled or confused by language that does not reflect current policy and delegations of authority.

DATES: 1. These rules are effective on June 12, 1987.

2. To be considered, comments must be mailed or delivered to the appropriate address, as provided below, and must be received by 5:00 p.m. on August 11, 1987.

ADDRESS: Mail comments to the following address: Health Care Financing Administration, Department of Health and Human Services, Attention: BERC-371-FC, P.O. Box 26676, Baltimore, Maryland 21207.

If you prefer, you may deliver your comments to one of the following addresses: