some investor-owned or municipal utilities) of participating in direct sales or applying for written guarantees.

C. Paperwork Reduction Act

This rule does not provide for any new collection of information and, in fact, removes some information requirements of the current regulations. The removal of these requirements reduces the estimated burden, as compared to the burden under the current regulations, by an average of 48.5 hours per IPP guarantee application and 1.5 hours per direct sale application for an overall burden reduction from the original estimation of 4,850 hours. These estimates include time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. An Information Collection Request document and estimates of the public reporting burden were prepared in connection with the current regulations establishing the direct sale and guarantee programs. 56 FR 65601.

Send comments regarding this collection of analysis or any other aspect of this collection of information, including suggestions for reducing the burden, to Chief, Information Policy Branch, EPA, 401 M Street, SW. (Mail Code 2136), Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked ''Attention: Desk Officer for EPA.''

D. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601, et seq., requires each federal agency to consider potential impacts of its regulations on small business ''entities.'' Under 5 U.S.C. 604(a), an agency issuing a notice of proposed rulemaking must prepare and make available for public comment a regulatory flexibility analysis. Such an analysis is not required if the head of an agency certifies that a rule will not have a significant economic impact on a substantial number of small entities, pursuant to 5 U.S.C. 605(b).

In the preamble of the current regulations establishing the direct sale and guarantee programs, the Administrator certified that those regulations, including the provisions revised by today's final rule, would not have a significant impact. 56 FR 65601. The final rule revisions adopted today are not significant enough to change the economic impact addressed in that preamble. Pursuant to the provisions of 5 U. S.C. 605(b), I hereby certify that the revised rule will not have a significant, adverse impact on a substantial number of small entities.

E. Miscellaneous

In accordance with section 117 of the Act, issuance of this rule was preceded by consultation with any appropriate advisory committees, independent experts, and federal departments and agencies.

List of Subjects in 40 CFR Part 73

Environmental protection, Acid rain, Air pollution control, Electric utilities, Reporting and recordkeeping requirements, and Sulfur dioxide.

Dated: May 24, 1996.

Carol M. Browner,

Administrator, U.S. Environmental Protection Agency.

For the reasons set forth in the preamble, chapter I of title 40 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 42 U. S.C. 7601 and 7651, et seq.

2. Section 73.70 is amended by revising table I of paragraph (a) as follows: **§ 73.70 Auctions.**

(a) * * *

TABLE I.—ALLOWANCE SCHEDULE FOR AUCTIONS

Year of purchase	Spot auction	Advance auction	Advance auction*
1993	50,000 [a]	100,000 [b]	
1994	50,000 [a]	100,000 [b]	25,000 [c]
1995	50,000 [a]	100,000 [b]	25,000 [c]
1996	150,000	100,000 [b]	25,000 [c]
1997	150,000	125,000 [b]	25,000 [c]
1998	150,000	125,000 [b]	
1999	150,000	125,000 [b]	
2000 and after	125,000	125,000 [b]	

[a] Not usable until 1995.
[b] Not usable until 7 years after purchase.
[c] Not usable until 6 years after purchase.
*These are unsold advance allowances from the direct sale program for 1993, 1994, 1995, and 1996 respectively.

* * * *

3. Section 73.72 is revised to read as follows:

§ 73.72 Direct sales.

Allowances that were formerly part of the direct sale program, which has been terminated under § 73.73(b), will be included in the annual allowance auctions in accordance with § 73.70(a).

4. Sections 73.74, 73.75, 73.76, and 73.77 are removed from subpart E.

[FR Doc. 96–14114 Filed 6–5–96; 8:45 am]
BILLING CODE 6560–50–P

40 CFR Part 80

[FRL–5513–3]

RIN 2060–AD55

Prohibition on Gasoline Containing Lead or Lead Additives for Highway Use

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA published a direct final rule and an associated notice of proposed rulemaking of the same title on February 2, 1996 (61 FR 3832 and 61 FR 3894, respectively). Both actions were to revise EPA regulations to reflect the Clean Air Act's statutory prohibition of the introduction into commerce of gasoline containing lead or lead additives for use as a motor vehicle fuel after December 31, 1995. EPA received adverse comment on 40 CFR 80.24(b) as published in both the direct final rule and associated notice of proposed rulemaking. In response to that comment, EPA withdrew 40 CFR 80.24(b) from the direct final rule on March 4, 1996 (61 FR 8221). All other actions of the direct final rule became effective on March 4, 1996. In today's action, EPA is finalizing the revised 40 CFR 80.24(b) based on the February 2, 1996 notice of proposed rulemaking.

EFFECTIVE DATE: This action will become effective on July 8, 1996.

ADDRESSES: Materials relevant to this rulemaking and written comments on the direct final rule and notice of proposed rulemaking have been placed in Public Docket No. A–95–13, Waterside Mall (Room M–1500), Environmental Protection Agency, Air Docket Section, 401 M Street, SW., Washington, DC 20460. Documents may be inspected between the hours of 8 a.m. to 5:30 p.m., Monday through Friday. A reasonable fee may be charged for copying docket material.

FOR FURTHER INFORMATION CONTACT: Richard Babst, U.S. Environmental Protection Agency, Office of Air and Radiation, (202) 233–9473.

SUPPLEMENTARY INFORMATION:

I. Regulated Entities

Regulated categories and entities potentially affected by this action include:

Category	Examples of regulated entities
Industry	Manufacturers of motor vehicles.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could be potentially regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your entity is regulated by this action, you should carefully examine the provision at 40 CFR 80.24(b) dealing specifically with specifications for fuel filler inlet restrictors. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

II. Introduction

A. Background

As amended in 1990, the Clean Air Act prohibits the introduction of gasoline containing lead or lead additives into commerce for use as a motor vehicle fuel after December 31, 1995. On February 2, 1996, EPA published in the Federal Register a direct final rule and associated notice of proposed rulemaking revising its regulations for consistency with this Clean Air Act prohibition.

Among other actions, the direct final rule and associated notice of proposed rulemaking revised 40 CFR 80.24(b). This paragraph had contained size specifications for the gasoline tank filler inlet of motor vehicles equipped with an emission control device that would be significantly impaired by the use of leaded gasoline. The purpose of the tank filler inlet restriction was to allow the insertion of an unleaded gasoline pump nozzle, but not a leaded gasoline pump nozzle. Specifically, paragraph 80.24(b) required that a manufacturer of motor vehicles ''equipped with an emission control device which the Administrator has determined will be significantly impaired by the use of leaded gasoline'' (per the former introductory language of paragraph 80.24) shall ''[m]anufacture such vehicle with each gasoline tank filler inlet having a restriction which prevents the insertion of a nozzle with a spout as described in § 80.22(f)(1) and allows the insertion of a nozzle with a spout as described in § 80.22(f)(2).'' Section 80.22(f)(1), which was deleted by the February 2, 1996 direct final rule, specified that ''[e]ach pump from which leaded gasoline is introduced into motor vehicles shall be equipped with a nozzle spout having a terminal end with an outside diameter of not less than 0.930 inch (2.363 centimeters).'' Section 80.22(f)(2), which the February 2, 1996 direct final rule left intact, specifies that ''[e]ach pump from which unleaded gasoline is introduced into motor vehicles shall be equipped with a nozzle spout which meets the following specifications: (I) The outside diameter of the terminal end shall not be greater than 0.840 inch (2.134 centimeters); (ii) . . .''

Paragraph 80.24(b) contained additional specifications to prevent misfueling of motor vehicles with leaded gasoline. Section 80.24(b)(1) required that the filler inlet restrictor must ''pool'' gasoline at the restrictor's opening, if fueling is attempted when the spout of a pump nozzle is not inserted into the restrictor opening. Historically, this has been accomplished by a spring-loaded door on the inside of the restrictor opening, which would be pushed open by inserting the spout of an unleaded gasoline nozzle. Since leaded gasoline nozzle spouts are larger than the inlet restrictor opening, they would not fit into the restrictor opening or push open the spring loaded door. Fueling with leaded gasoline would require the nozzle spout to be positioned in front of the restrictor opening and spring-loaded door. If fueling were attempted in this manner, the gasoline would pool at the restrictor opening and cause the nozzle's automatic shut-off device to activate. The related paragraph 80.24(b)(2) exempted motorcycle manufacturers from meeting the ''pooling'' requirements of paragraph 80.24(b)(1).

In the February 2, 1996 direct final rule and associated notice of proposed rulemaking, EPA removed various portions of section 80.24, including the introductory text, and modified section 80.24(b) to make the size requirements of the tank filler inlet applicable to all new motor vehicles, and not just to those equipped with an emission control device that would be significantly impaired by the use of leaded gasoline. EPA reasoned that retaining the tank filler inlet restrictor requirements would conform with the statutory ban prohibiting the use of gasoline containing lead or lead additives as a motor vehicle fuel. The restrictor requirements for motor vehicles would match the nozzle size requirement for dispensing unleaded gasoline, which EPA had retained in paragraph 80.22(f)(2). Further, General Motors and several gasoline pump nozzle manufacturers had requested that the specification for the fuel filler inlet size be retained so that automobile equipment will continue to be compatible with Stage II vapor recovery pump nozzles. EPA simplified the applicability language of paragraph 80.24(b) to refer to all motor vehicles, instead of motor vehicles equipped with an emission control device that would be significantly impaired by the use of leaded gasoline, because it thought that all motor vehicles are currently manufactured with tank filler inlet restrictors. The agency did not intend to broaden the applicability of 80.24(b).

In the February 2, 1996 direct final rule and associated notice of proposed rulemaking, EPA also removed sections 80.24(b)(1) and 80.24(b)(2). As stated in the February 2, 1996 direct final rule (see discussion of sections 80.24 and 80.22(d) and (e)), EPA believes misfueling is unlikely, making the paragraph 80.24(b)(1) ''pooling'' safeguard against misfueling unnecessary. Once section 80.24(b)(1) is removed, it is appropriate to remove section 80.24(b)(2) as well, since 80.24(b)(2) exempts motorcycle manufacturers from the requirements of 80.24(b)(1).

On February 22, 1996, EPA received an adverse comment from Harley Davidson, Inc. (Harley) on the revised language of 40 CFR 80.24(b).[1] In its comment, Harley states that motorcycles generally do not use emission control devices that would be significantly impaired by the use of leaded gasoline (e.g., catalytic converters) and are therefore not manufactured with tank filler inlet restrictors matching the requirements of the existing paragraph 80.24(b). The February 2, 1996 direct final rule and associated notice of proposed rulemaking would require these motorcycles to meet the fuel inlet size requirements of 40 CFR 80.24(b), thereby causing additional economic burden and manufacturing complexity for Harley.

EPA did not intend or foresee that it would be expanding the applicability of 80.24(b) by revising the applicability language. Because of this adverse comment, EPA published in the Federal Register a ''Partial Withdrawal of Direct Final Rule'' on March 4, 1996 (61 FR 8221). That action removed 40 CFR 80.24(b) from the direct final rule. All other provisions of the direct final rule became effective on March 4, 1996, as planned.

In addition to the above issue, EPA has determined that the version of 40 CFR 80.24(b) in the February 2, 1996 direct final rule and related notice of proposed rulemaking inadvertently

[1] This comment has been included in docket no. A–95–13.

tightened the specifications for the motor vehicle fuel inlet restrictor. The existing regulations at 40 CFR 80.24(b) require that the restrictor must prevent ''the insertion of a nozzle with a spout as described in § 80.22(f)(1).'' 40 CFR 80.22(f)(1) specified a nozzle spout having a terminal end with an ''outside diameter of not less than 0.930 inch (2.363 centimeters).'' Because the February 2, 1996 direct final rule and associated notice of proposed rulemaking deleted 40 CFR 80.22(f)(1), the text of the proposed 40 CFR 80.24(b) was changed. As proposed, 80.24(b) would specify that the restrictor must prevent the insertion of a nozzle of ''greater size than prescribed in § 80.22(f)(2).'' 40 CFR 80.22(f)(2) specifies a spout terminal end having an ''outside diameter . . . not . . . greater than 0.840 inch (2.134 centimeters).'' Thus, the proposed regulation would require that the fuel inlet restrictor prevent the insertion of a smaller-diameter nozzle spout than that allowed in the existing regulation.

B. Statutory Authority

EPA promulgates this final rule pursuant to its authority under Sections 211(c), 211(n), and 301(a) of the Clean Air Act, 42 U.S.C. 7545(c), 7545(n), 7601(a).

III. Description of Today's Action

Today's final rule revises 40 CFR 80.24(b) to complete the regulatory revisions contemplated by the February 2, 1996 direct final rule. Those regulatory revisions were rendered incomplete by the March 4, 1996 (61 FR 8221) partial withdrawal of the direct final rule.

Section 80.24(b)(1) and (2). As proposed, this rule deletes section 80.24(b)(1) and 80.24(b)(2), because EPA believes these ''pooling'' safeguards against misfueling are no longer necessary (see ''Background'' above).

Section 80.24(b). As finalized today, 40 CFR 80.24(b) differs from the proposal in two respects. First, the text of 40 CFR 80.24(b) has been changed from the proposal to retain its previous applicability. Specifically, EPA has incorporated into the revised paragraph 80.24(b) the introductory text previously contained in section 80.24 that described which motor vehicle manufacturers are subject to 80.24(b) fuel inlet restrictor specifications.[2]

EPA has changed the proposed language of 80.24(b) in this way to avoid creating additional compliance burdens for manufacturers of motorcycles and other motor vehicles currently produced without the fuel inlet restrictors. In its February 2, 1996 notice of proposed rulemaking, EPA proposed to expand the requirement for fuel inlet restrictors to all motor vehicles. EPA reasoned that retaining the fuel inlet restrictor requirement would conform with the statutory ban, and did not realize that some motor vehicles continue to be produced without fuel inlet restrictors. EPA therefore proposed to retain the fuel inlet restrictor requirement and simplify the applicability language to refer to all motor vehicles.

After reviewing the comment submitted by Harley, EPA now recognizes that the proposed revisions to the applicability language would impose additional burden for motor vehicles that are not required to have the fuel inlet restrictor under the previous regulations. The Agency believes that expansion of the applicability of the restrictor requirement is not appropriate. The economic burden of applying the restrictor requirement to motorcycles and any other motor vehicles not previously subject to the requirement outweighs the benefit of facilitating the statutory ban by installing restrictors on these vehicles.

Second, the text of 80.24(b) finalized today has been changed from the proposal to retain the size specifications for the fuel inlet restrictor set forth in the previous version of this regulation. As explained above (see ''Background''), that previous version referenced the specification set forth in section 80.22(f)(1), which was deleted by the February 2, 1996 direct final rule. The proposed text of 80.24(b) failed to incorporate the nozzle specification set forth in deleted 80.22(f)(1). In today's final rule, EPA has incorporated the nozzle specification contained in the previous section 80.22(f)(1). EPA makes this change to insure that the Agency does not increase the burden of complying with the fuel inlet restrictor size specifications of section 80.24(b).

IV. Environmental Impact

This rule is expected to have no net environmental impact.

V. Economic Impact

The Regulatory Flexibility Act (Act), 5 U.S.C. 601–612, requires that Federal Agencies examine the impacts of their regulations on small entities. The Act requires an Agency to prepare a regulatory flexibility analysis in conjunction with notice and comment rulemaking, unless the Agency head certifies that the rule will not have a significant impact on a substantial number of small entities. 5 U.S.C. 605(b). The Administrator certifies that this rule will not have a significant impact on a substantial number of small entities. Because this rule deletes a previous requirement and retains another requirement without substantive change, it is not expected to result in any additional compliance cost to regulated parties, and in fact, is expected to reduce compliance cost to regulated parties.

VI. Effective Date

This action will become effective on July 8, 1996.

VII. Executive Order 12866

Under Executive Order 12866,[3] the Agency must determine whether a regulation is ''significant'' and therefore subject to OMB review and the requirements of the Executive Order. The 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 of 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 this Executive Order.[4]

It has been determined that this rule is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is therefore not subject to OMB review.

VIII. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''UMRA''), Pub. L. 104–4, EPA must prepare a budgetary impact statement to accompany any general notice of proposed rulemaking or final rule that includes a Federal mandate which may

[2] The phrase ''leaded gasoline'' in the former introductory text is changed to ''gasoline other than unleaded gasoline'', because the term ''leaded gasoline'' has been deleted from the regulations. This textual change does not change the scope of the regulation, because the deleted term ''leaded gasoline'' encompassed all gasoline which did not qualify as unleaded gasoline.

[3] 58 FR 51735 (October 4, 1993).

[4] *Id.* at section 3(f)(1)-(4).

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, for any rule subject to Section 202 EPA generally must select the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Under Section 203, before establishing any regulatory requirements that may significantly or uniquely affect small governments, EPA must take steps to inform and advise small governments of the requirements and enable them to provide input.

EPA has determined that the final rule promulgated today does not trigger the requirements of UMRA. The rule does not include a Federal mandate that may result in estimated annual costs to State, local or tribal governments in the aggregate, or to the private sector, of $100 million or more, and it does not establish regulatory requirements that may significantly or uniquely affect small governments.

IX. Judicial Review

Because this action promulgates a control or prohibition under Section 211 of the Clean Air Act and is nationally applicable, under Section 307(b)(1) of the Clean Air Act judicial review of this action is available only by the filing of a petition for review in the U.S. Court of Appeals for the D.C. Circuit within sixty days of publication of this action in the Federal Register.

List of Subjects in 40 CFR Part 80

Environmental Protection, Air Pollution Control, Fuel Additives, Gasoline, Leaded Gasoline, Unleaded Gasoline, and Motor Vehicle Pollution.

Dated: May 24, 1996.

Carol M. Browner,

Administrator.

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

1. The authority citation for part 80 continues to read as follows:

Authority: Section 114, 211 and 301(a) of the Clean Air Act as amended (42 U.S.C. 7414, 7545, and 7601(a)).

2. Section 80.24 is amended by revising paragraph (b) to read as follows:

§ 80.24 Controls applicable to motor vehicle manufacturers.

* * * * *

(b) The manufacturer of any motor vehicle equipped with an emission control device which the Administrator has determined will be significantly impaired by the use of gasoline other than unleaded gasoline shall manufacture such vehicle with each gasoline tank filler inlet having a restriction which prevents the insertion of a nozzle with a spout having a terminal end with an outside diameter of 0.930 inch (2.363 centimeters) or more and allows the insertion of a nozzle with a spout meeting the specifications of § 80.22(f)(2).

[FR Doc. 96–14307 Filed 6–5–96; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 73 and 74

[FCC 96–218]

Implementation of Section 403(l) of the Telecommunications Act of 1996 (Silent Station Authorizations)

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission is implementing Section 403(l) of the Telecommunications Act of 1996, which provides for the accelerated expiration of broadcast station licenses upon a broadcast station's failure to broadcast for 12 consecutive months. The action is necessary in order to conform the Commission's rules to section 403(l) of the Telecommunications Act, and the intended effect of the action is to conform the rules to those statutory provisions.

EFFECTIVE DATE: June 6, 1996.

FOR FURTHER INFORMATION CONTACT: Irene Bleiweiss, Mass Media Bureau, Audio Services Division (202) 418–2780.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Order (In the Matter of Implementation of section 403(l) of the Telecommunications Act of 1996 (Silent Station Authorizations)), adopted May 14, 1996, and released May 17, 1996. The complete text of this Order is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

Synopsis of Order

1. This Order implements section 403(l) of the Telecommunications Act of 1996 (''Telecom Act'') [Pub. L. No. 104–104, 110 Stat. 56 (1996)], which adopts a new section 312(g) of the Communications Act providing for accelerated expiration of broadcast station licenses upon failure to broadcast for 12 consectuive months.

2. New Section 312(g) states:

> If a broadcasting station fails to transmit broadcast signals for any consecutive 12-month period, then the station license granted for the operation of that broadcast station expires at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary. 47 U.S.C. 312(g).

3. The Order provides that the first date of such license expiration will be February 9, 1997. The following broadcast stations will be affected: Commercial and noncommercial AM, FM, and TV stations, International Broadcast Stations, Low Power Television Stations, FM and TV Translator and Booster stations, broadcast experimental stations, and other classes of broadcast stations that may be established in the future. With the expiration of any AM, FM, or TV broadcasting station license, the licensee's associated remote pickup and auxiliary stations authorized in connection with the operation of the broadcast station would also necessarily expire. A station's other FCC applications and authorizations will not toll or extend the 12-month period, notwithstanding any provision in any authorization to the contrary.

4. *Administrative Matters.* We are revising the rules as detailed below without providing prior notice and an opportunity for comment. We find that notice and comment procedures are unnecessary, and that this action therefore falls within the ''good cause'' exception of the Administrative Procedure Act (''APA''). *See* 5 U.S.C. 553(b)(B) (notice requirements inapplicable ''when the agency for good cause * * * finds that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest''). We further find for the same reasons that good cause exists to make the rule changes adopted herein effective upon publication of this Order in the Federal Register. *See id.* at section 553(d)(3). The rule changes adopted in this Order do not involve discretionary action by the Commission. Rather, they simply codify provisions of the Telecom Act.

5. *Effective Dates.* The rules adopted in the Order will become effective upon publication in the Federal Register. The ''clock'' for periods of continued silence triggering automatic expiration began to run on the date of enactment of the Telecom Act (February 8, 1996). The first date of accelerated license