accompany any final rule that includes a Federal mandate that may 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, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action does not include a Federal mandate that may result in estimated costs of $100 million or more to State, local, or tribal governments in the aggregate or to the private sector. This Federal action approves pre-existing requirements under state or local law, and imposes no new requirements. Accordingly, no additional costs to State, local or tribal governments, or to the private sector, result from this action.

D. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

E. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in The United States Court of Appeals for the appropriate circuit by October 20, 1997. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by Reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: May 22, 1997.

R.F. McGhee,

Acting Regional Administrator.

Part 52 of chapter I, title 40, Code of Federal Regulations, is amended as follows:

PART 52—[AMENDED]

Authority: 42 U.S.C. 7401–7671q.

Subpart PP—South Carolina

2. In § 52.2120(c), the table is amended by adding an entry for Supplement C under the entry Regulation No. 62.5, Section III, at the end of Standard No. 7 in the ''Air pollution Control Regulations for South Carolina'' to read as follows:

§ 52.2120 Identification of plan.

* * * * *

(c) * * *

AIR POLLUTION CONTROL REGULATIONS FOR SOUTH CAROLINA

State citation	Title/subject	State effective date	EPA approval date	Federal Register notice
* * *	*	*	*	*
Regulations No. 62.5	Air Pollution Control Standards			
* * *	*	*	*	*
Section III Enforceability				
Standard No. 7 Prevention of Significant Deterioration				
* * *	*	*	*	*
Supplement C	05/26/96	August 20, 1997		[Insert citation for page No. of publication]

* * * * *

[FR Doc. 97–21919 Filed 8–19–97; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MO–029–1029; FRL–5875–4]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is taking final action to approve revisions to Missouri's State Implementation Plan (SIP) concerning Missouri rules 10 CSR 10–2.260 and 10 CSR 10–5.220, ''Control of Petroleum Liquid Storage, Loading, and Transfer.'' The purpose of these revisions is to modify the required testing periods for petroleum delivery vessels in the Kansas City metropolitan area and in the St. Louis nonattainment area. These revisions are designed to reduce volatile organic compound emissions from the loading and unloading of gasoline delivery vessels during the ozone season. The reduction in emissions is part of the state's plan under the Clean Air Act (CAA) to reduce ozone levels in the St. Louis nonattainment area. This action will also ensure progress toward improved air quality in Kansas City.

DATES: This rule is effective on September 19, 1997.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the: Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101; and the EPA Air & Radiation Docket and Information Center, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Stan Walker at (913) 551–7494.

SUPPLEMENTARY INFORMATION: On December 27, 1996 (61 FR 68199), the EPA proposed to approve an

amendment to Missouri rules 10 CSR 10–2.260 and 10 CSR 10–5.220, ''Control of Petroleum Liquid, Storage, Loading, and Transfer.'' Revisions to 10 CSR 10–2.260 are being submitted to help Kansas City maintain the ozone standard. Revisions to 10 CSR 10–2.250 are being submitted as part of the state's plan to attain the ozone standard in St. Louis.

The amendment to Missouri rule 10 CSR 10–2.260 (specific to the Kansas City metropolitan area) changes the period for testing tank trucks that have rubber hoods from April 1 through July 1 to January 1 through May 30 of each year. The purpose of requiring tank trucks with rubber hoods to be tested according to the aforementioned schedule is to give the state an opportunity to identify problems or possible leaks in the gasoline transfer process before the ozone season. The testing period for aluminum hoods will occur throughout each year. This schedule provides the state the opportunity to test trucks before the ozone season, but also provides the flexibility to continue testing throughout the year.

In addition, the revisions add two forms for reporting. One form is a leak test application which must be completed by the owner or operator of the facility and provided to the director of the Missouri Department of Natural Resources. This form provides documentation certifying that testing requirements have been met. The second form is a request for exemption form which must be submitted by facility personnel to be exempt for the testing requirements.

The amendment to Missouri rule 10 CSR 10–5.220 (specific to the St. Louis nonattainment area) requires bulk plants to use two new forms. One form requires bulk plants to report the throughput when they apply for an exemption. This form requires information documenting that facilities are eligible facilities for an exemption. The second revision requires sources to submit an application form to obtain a sticker that certifies passage of required tests by gasoline tank trucks.

Response to Comments

Comment: The EPA received one comment with regard to this proposal. The comment, which was submitted by Farmland Industries, generally supports the proposed rulemaking. However, the commenter was concerned that the change in the state regulation would require companies to test their tank trucks in Missouri even if the testing requirement may have been fulfilled in another state.

Response: The EPA understands Farmland's concerns and encourages consistency among states where possible. However, if state regulations meet Federal requirements as specified in section 110 of the Act and related provisions, the EPA is required to approve the rule. The EPA has determined that the rule meets those requirements, and is, therefore, approving the rule.

In this particular situation, Missouri does provide some flexibility regarding testing in other states. According to the Missouri rule, if an owner or operator of a gasoline delivery vessel can demonstrate, to the satisfaction of the director, that the vessel has passed a comparable annual leak test in another state, the owner or operator shall be deemed to have satisfied the requirements of the Missouri rule. The other state's leak test program must require the same gauge pressure and test procedures, and the test must be conducted during the same time period as required under the Missouri rule. For additional background on this action and the EPA's detailed rationale for approval, please refer to the Technical Support Document of the aforementioned notice of proposed rulemaking (61 FR 68199).

I. Final Action

The EPA is taking final action to approve amendments to rules 10 CSR 10–2.260 and 10 CSR 10–5.220 as a revision to the Missouri SIP.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors, and in relation to relevant statutory and regulatory requirements.

II. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

B. Regulatory Flexibility Act

SIP approvals under section 110 and subchapter I, part D of the CAA do not create any new requirements but simply approve requirements that the state is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids the EPA to base its actions concerning SIPs on such grounds (*Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2)).

C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, the EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to state, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, the EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires the EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either state, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves preexisting requirements under state or local law, and imposes no new requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

D. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, the EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the General Accounting Office prior to publication of this rule in today's **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

E. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 20, 1997. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the

purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: July 31, 1997.

William Rice,

Acting Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart AA—Missouri

2. Section 52.1320 is amended by adding paragraph (c)(99) to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

(99) Revisions to the ozone attainment plan were submitted by the Governor on February 1, 1996.

(i) Incorporation by reference.

(A) Missouri Rule 10 CSR 10–2.260, ''Control of Petroleum Liquid Storage, Loading, and Transfer,'' effective December 30, 1995.

(B) Missouri Rule 10 CSR 10–5.220, ''Control of Petroleum Liquid Storage, Loading, and Transfer,'' effective December 30, 1995.

[FR Doc. 97–22064 Filed 8–19–97; 8:45 am]

BILLING CODE 6560–50–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 488

[HSQ–156–CN]

RIN 0938–

Medicare and Medicaid Programs; Survey, Certification and Enforcement of Skilled Nursing Facilities and Nursing Facilities

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

ACTION: Correcting amendment.

SUMMARY: In the November 10, 1994 issue of the **Federal Register** (FR Doc. 94–27703) (59 FR 56116), we established rules for survey of skilled nursing facilities that participate in the Medicare program, and nursing facilities that participate in the Medicaid program. We also established remedies that we impose on facilities that do not comply with Federal participation requirements, as alternatives to program termination. This amendment corrects an error in that document.

EFFECTIVE DATE: July 1, 1995.

FOR FURTHER INFORMATION CONTACT: Kathy Lochary, (410) 786–6770.

SUPPLEMENTARY INFORMATION:

Background

On November 10, 1994, we published in the **Federal Register**, at 59 FR 56116, a final rule that established significant revisions to the process we use to survey skilled nursing facilities that participate in the Medicare program, and nursing facilities that participate in the Medicaid program. The rule also established, as alternatives to, or in addition to, termination, remedies that we impose on facilities that do not comply with the Federal participation requirements.

On September 28, 1995, we published in the **Federal Register**, at 60 FR 50115, a correction notice that made many corrections to the final rule. One of those corrections was to § 488.434(a)(1).

Need for Additional Correction

Sections 488.434(a)(1) and 488.436(a) both refer to a HCFA civil money penalty written notice. When we corrected an inadvertent error in terminology in § 488.434(a)(1), we failed to make a corresponding change in terminology in § 488.436(a). We are now making that correction to § 488.436(a) by removing the words ''of intent to impose'' from the phrase ''notice of intent to impose the civil money penalty'' and adding the word ''imposing'' to the phrase. Therefore, the phrase ''notice of intent to impose the civil money penalty'' is corrected to read ''notice imposing the civil money penalty.''

List of Subjects in 42 CFR Part 488

Health facilities, Medicare, Reporting and recordkeeping requirements.

Accordingly, 42 CFR Part 488 is corrected by making the following correcting amendment:

PART 488—SURVEY, CERTIFICATION, AND ENFORCEMENT PROCEDURES

1. The authority citation for part 488 continues to read as follows:

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1895hh).

§ 488.436 [Corrected]

2. In § 488.436 paragraph (a), the phrase ''notice of intent to impose the civil money penalty'' is corrected to read ''notice imposing the civil money penalty''.

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: August 11, 1997.

Neil J. Stillman,

Deputy Assistant Secretary for Information Resources Management.

[FR Doc. 97–22036 Filed 8–19–97; 8:45 am]

BILLING CODE 4120–01–M

DEPARTMENT OF DEFENSE

48 CFR Parts 204 and 253

[DFARS Case 97–D013]

Defense Federal Acquisition Regulation Supplement; Contract Action Reporting

AGENCY: Department of Defense (DOD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to revise DD Form 350 and DD Form 1057 contract action reporting requirements for compliance with the Clinger-Cohen Act of 1996 and for enhancement of data collection procedures.

EFFECTIVE DATE: October 1, 1997.

FOR FURTHER INFORMATION CONTACT: Ms. Melissa Rider, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062.