requirements of this AD can be accomplished.

(e) This amendment (39-8141), AD 92-02-05, becomes effective January 21, 1992.

Issued in Renton, Washington, on December 23, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-50 Filed 1-2-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 91-NM-78-AD; Amendment 39-8136; AD 91-25-03 R1]

Airworthiness Directives; McDonnell Douglas Model DC-9 Series Airplanes and C-9 (Military) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, correction.

SUMMARY: This amendment corrects information in an existing airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC-9 series airplanes. The AD currently requires that all landing gear brakes be inspected for wear and replaced if the wear limits prescribed in this rule are not met, and that the new wear limits be incorporated into the FAA-approved maintenance inspection program. This action corrects a typographical error in the listing of the part numbers of the affected landing gear brakes.

EFFECTIVE DATE: December 31, 1991.

FOR FURTHER INFORMATION CONTACT: Mr. Andrew Gfrerer, Aerospace Engineer, Los Angeles Aircraft Certification Office, ANM-131L, FAA, Transport Airplane Directorate, 3229 East Spring Street, Long Beach, California 90806-2425; telephone (213) 988-5338.

SUPPLEMENTARY INFORMATION: On November 14, 1991, the FAA issued AD 91-25-03, Amendment 39-8104, which was published in the **Federal Register** on November 26, 1991 (56 FR 59868). That AD is applicable to certain McDonnell Douglas DC-9 series airplanes, and requires that all landing gear brakes be inspected for wear and replaced if the wear limits prescribed in this rule are not met, and that the new wear limits be incorporated into the FAA-approved maintenance inspection program. That action was prompted by an accident in which a transport category airplane executed a rejected takeoff (RTO) and was unable to stop on the runway due to worn brakes. The requirements of the AD are intended to prevent loss of the main landing gear braking effectiveness during a high energy RTO.

Since issuance of that AD, the FAA has discovered a typographical error in the listing of affected brake part numbers that appears in paragraph (a) of the final rule. One of the ABS brake part numbers for Model DC-9-30 series airplanes was inadvertently listed as "9569788-7." The correct part number is "9560788-7." (This correct part number was listed in the notice of proposed rulemaking that preceded the final rule.)

Action is taken herein to correct this error and to correctly add the AD as an amendment to section 39.13 of the Federal Aviation Regulations (FAR). No other change has been made to the substance of the rule. The effective date of the rule remains December 31, 1991.

The final rule is being reprinted in its entirety (as follows) for the convenience of affected operators.

Since this action only corrects a typographical error in a final rule, it has no adverse economic impact and imposes no additional burden on any person. Therefore, notice and public procedures hereon are unnecessary.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by correctly adding the following airworthiness directive:

91-25-03 R1. McDonnell Douglas: Amendment 39-8136. Docket Number 91-NM-78-AD.

Applicablity: Model DC-9 series, including C-9 (military), airplanes equipped with Aircraft Braking System (ABS) brake part numbers identified in paragraph (a), of this AD, certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To prevent the loss of main landing gear braking effectiveness, accomplish the following:

(a) Within 270 days after the effective date of this AD, inspect the landing gear brakes, having brake numbers listed below, for wear. Any brake worn more than the maximum wear limit specified below must be replaced, prior to further flight, with a brake within these limits.

Series airplane	ABS brake part No.	Maximum wear limit (inches)
DC-9-10	9560746A	0.3
	B9560746A	0.3
	9560743	0.3
	A9560743	0.3
	B9560743	0.3
DC-9-20/30	9560786	0.3
	A9560786	0.3
	B9560786	0.3
DC-9-30	9560955	0.3
	9560788	0.3
	A9560788	0.3
	B9560788	0.3
	9560788-2/-3/-5/-6	0.3
	9560788-7	0.7
DC-9-30/40/50	B9560861	0.3
	9560861-1	0.2
	9560861-2	0.3
	9560861-3	0.8

(b) Within 270 days after the effective date of this AD, incorporate the maximum brake wear limits specified in paragraph (a) of this AD into the FAA-approved maintenance inspection program.

(c) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Los Angeles ACO.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

(e) This amendment (39-8136), AD 91-25-03 R1, is effective December 31, 1991.

Issued in Renton, Washington, on December 23, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-51 Filed 1-2-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 655

RIN 1205-AA90

Wage and Hour Division

29 CFR Part 506

RIN 1215-AA

Attestations by Employers Using Alien Crewmembers for Longshore Activities in U.S. Ports

AGENCIES: Employment and Training Administration, Labor; and Wage and

Hour Division, Employment Standards Administration, Labor.

ACTION: Interim final rule; extension of effective date.

SUMMARY: The Department of Labor has promulgated regulations for filing and enforcement of attestations by employers seeking to use certain alien crewmembers to perform longshore work at U.S. ports. This document extends the expiration date of the interim final rule.

DATES: *Effective Dates:* May 28, 1991, through March 31, 1992.

In FR Doc. 91–12718, 56 FR 24648 (May 30, 1991), the Department of Labor published an interim final rule effective through December 31, 1991. This document extends the expiration date through March 31, 1992.

FOR FURTHER INFORMATION CONTACT: On 20 CFR part 655, subpart F, and 29 CFR part 506, subpart F, contact David O. Williams, Chair, Immigration Task Force, Employment and Training Administration, Department of Labor, room N–4470, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: (202) 535–0174 (this is not a toll-free number).

On 20 CFR part 655, subpart G, and 29 CFR part 506, subpart G, contact Solomon Sugarman, Wage and Hour Division, Employment Standards Administration, Department of Labor, room S–3502, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: (202) 523–7605 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: On May 30, 1991, the Department of Labor (DOL) published in interim final rule adding, at 20 CFR part 655, subparts F and G, and at 29 CFR part 506, subparts F and G, regulations for filing and enforcement of attestations by employers seeking to use certain alien crewmembers to perform longshore work at U.S. ports, pursuant to section 258 of the Immigration and Nationality Act. 56 FR 24648 (May 30, 1991); see 8 U.S.C. 1288. Public comments were invited through July 29, 1991, and the interim final rule was effective from May 28, 1991, through December 31, 1991.

DOL has determined that it requires additional time to review and consider the information presented in the public and agency comments. This review will extend past December 31, 1991. So as not to have an interruption in the regulations governing the program, DOL is extending the expiration date for the interim final by three months, before which time a final rule is expected to be published.

Accordingly, FR Doc. 91–12718, 56 FR 24648 (May 30, 1991), is amended, by revising the first sentence in the "**DATES**" section to read "*Effective dates:* May 28, 1991, through March 31, 1992."

Signed at Washington, D.C., this 30th day of December, 1991.

Lynn Martin,

Secretary of Labor.

[FR Doc. 91–31333 Filed 12–31–91; 11:34 am]

BILLING CODE 4510–30–M, 4510–27–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 177

[Docket No. 87F–0332]

Indirect Food Additives; Polymers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of ethylene-chlorotrifluoroethylene copolymer in repeated use articles intended for use in contact with food. This action is in response to a petition filed by Ausimont USA, Inc.

DATES: Effective January 3, 1992; written objections and requests for a hearing by February 3, 1992. The Director of the Office of the Federal Register approves the incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 of a certain publication in 21 CFR 177.1380(a)(4), effective January 3, 1992.

ADDRESSES: Written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parkawn Dr. Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Vir Anand, Center for Food Safety and Applied Nutrition (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of November 6, 1987 (52 FR 42728), FDA announced that a food additive petition (FAP 7B4040) had been filed by Ausimont USA, Inc., Fluoropolymer Division, P.O. Box 2332 R, Morristown, NJ 07960, proposing that § 177.1380 *Fluorocabon resins* (21 CFR 177.1380) be amended to provide for the safe use of ethylene-chlorotrifluoroethylene copolymer in articles intended for repeated use contact with food.

In its evaluation of the safety of this additive, FDA has reviewed the safety of both the additive itself and the starting materials used to manufacture the additive. Although the additive itself has not been found to cause cancer, it has been found to contain minute amounts of chloroform, a carcinogen, used in the manufacturing process. Residual amounts of reactants and manufacturing aids, such as chloroform, are commonly found a contaminants in chemical products, including food additives.

I. Determination of Safety

Under section 409(c)(3)(A) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 348(c)(3)(A)), the so-called "general safety clause" of the statute, a food additive cannot be approved for a particular use unless a fair evaluation of the data available to FDA establishes that the additive is safe for that use. The concept of safety embodied in the Food Additives Amendment of 1958 is explained in the legislative history of the provision: "Safety requires proof of a reasonable certainty that no harm will result from the proposed use of an additive. It does not—and cannot—require proof beyond any possible doubt that no harm will result under any conceivable circumstance." (H. Rept. 2234, 85th Cong., 2d Sess. 4 (1958)). This definition of safety has been incorporated into FDA's food additive regulations (21 CFR 170.3(i)). The anticancer, or Delaney clause, of the Food Additives Amendment (section 409(c)(3)(A) of the act) provides further that no food additive shall be deemed to be safe if it is found to induce cancer when ingested by man or animal.

In the past, FDA has refused to approve the use of an additive that contained or was suspected of containing even minor amounts of a carcinogenic chemical, even though the additive as a whole had not been shown to cause cancer. The agency now believes, however, that developments in scientific technology and experience with risk assessment procedures make it possible for FDA to establish the safety of additives that contain carcinogenic chemicals but that have not themselves been shown to cause cancer.

In the preamble to the final rule permanently listing D&C Green No. 6, published in the **Federal Register** of April 2, 1982 (47 FR 14138), FDA explained the basis for approving the use of a color additive that had not been shown to cause cancer, even though it

contains a carcinogenic impurity. Since that decision, FDA has approved the use of other color additives and food additives on the same basis.

An additive that has not been shown to cause cancer, but that contains a carcinogenic impurity, may properly be evaluated under the general safety clause of the statute using risk assessment procedures to determine whether there is a reasonable certainty that no harm will result from the proposed use of the additive.

The agency's position is supported by *Scott* v. *FDA*. 728 F.2d 322 (6th Cir. 1984). That case involved a challenge to FDA's decision to approve the use of D&C Green No. 5, which contains a carcinogenic chemical but has itself not been shown to cause cancer. Relying heavily on the reasoning in the agency's decision to list this color additive, the U.S. Court of Appeals for the Sixth Circuit rejected the challenge to FDA's action and affirmed the listing regulation.

II. Safety of Petitioned Use

FDA estimates that the petitioned use of the additive, ethylene-chlorotrifluoroethylene copolymer, will result in extremely low levels of exposure to the additive. The agency calculated the estimated daily intake of the additive based on several factors, including the migration of the additive under the most severe intended conditions of use and the probable concentration of the additive oligomers in the daily diet from its use in contact with repeat use food contact articles. The agency estimated the daily intake of the additive oligomers to be 28 nanograms per person per day.

FDA does not ordinarily consider chronic testing necessary to determine the safety of an additive whose use will result in such low exposure levels (Refs. 1 and 2), and the agency has not required such testing here.

Because ethylene-chlorotrifluoroethylene copolymer, which may contain chloroform, has not been shown to cause cancer, the Delaney anticancer clause (section 409(c)(3)(A) of the act) does not apply to it. However, FDA has evaluated the safety of this additive under the general safety clause, considering all available data and using risk assessment procedures to estimate the upper bound limit of risk presented by chloroform, the carcinogenic chemical that may be present as an impurity in the additive.

The risk assessment procedures that FDA used in this evaluation are similar to the methods that the agency has used to examine the risk associated with the presence of minor carcinogenic impurities in various other food and color additives that contain carcinogenic impurities (see e.g., 49 FR 13018 at 13019, April 2, 1984). This risk evaluation of the carcinogenic impurity, chloroform, has two aspects: (1) Assessment of the worst case exposure to the impurity from the proposed use of the additive; and (2) extrapolation of the risk observed in the animal bioassays to the conditions of probable exposure to humans.

A. Chloroform

Based on the fraction of the daily diet that may be in contact with surfaces containing ethylene-chlorotrifluoroethylene copolymer, and on the level of chloroform that may be present in the additive, FDA estimated the hypothetical worst case exposure to chloroform from the use of ethylene-chlorotrifluorethylene copolymer food contact articles to be less than 2 nanograms per person per day (Ref. 3). The agency used data in a 1985 study by Jorgenson et al., in male Osborne Mendel rats and female B6C3F1 mice to estimate the upper bound limit of lifetime human risk from exposure to this chemical stemming from the proposed use of ethylene-chlorotrifluoroethylene copolymer (Ref. 4). The results of the bioassay demonstrated that chloroform was carcinogenic in male rats when administered in drinking water.

The Center for Food Safety and Applied Nutrition's Cancer Assessment Committee (the committee) reviewed this bioassay and other relevant data available in the literature and concluded that the findings of carcinogenicity were supported by this information on chloroform. The committee further concluded that an estimate of the upper bound human risk from exposure to chloroform stemming from the proposed use of ethylene-chlorotrifluoroethylene copolymer could be calculated from these data.

The agency used a quantitative risk assessment procedure (linear proportional model) to extrapolate from the dose used in the study with male rats (the most sensitive animals) to the very low doses encountered under the proposed conditions of use. This procedure is not likely to underestimate the actual risk from very low doses and may, in fact, exaggerate it because the extrapolation models used are designed to estimate the maximum risk consistent with the data. For this reason, the estimate can be used with confidence to determine to a reasonable certainty whether any harm will result from the proposed conditions and levels of use of the food additive.

Based on a worst case exposure of less than 2 nanograms per person per day, FDA estimates that the upper bound limit of individual lifetime risk from potential exposure to chloroform from the use of ethylene-chlorotrifluoroethylene copolymer is 1×10^{-11}, or less than 1 in 100 billion (Ref. 5). Because of numerous conservatisms in the exposure estimate, lifetime-averaged individual exposure to chloroform is expected to be substantially less than the estimated daily intake, and therefore, the calculated upper bound limit of risk would be less. Thus, the agency concludes that there is a reasonable certainty of no harm from exposure to chloroform that might result from the proposed use of ethylene-chlorotrifluoroethylene copolymer repeat use food-contact articles.

B. Need for Specifications

The agency has also considered whether a specification is necessary to control the amount of chloroform impurity in the food additive. The agency finds that a specification is not necessary for the following reasons: (1) Because of the low level at which chloroform may be expected to remain as an impurity following production of the additive, the agency would not expect this impurity to become a component of food at other than extremely small levels; and (2) the upper bound limit of lifetime risk from exposure to this impurity, even under worst case assumptions, is very low (less than 1 in 100 billion).

C. Conclusion on Safety

FDA has evaluated the data in the petition and other relevant material. The agency concludes that the proposed use for the additive in repeat use food-contact articles is safe. Based on this information the agency has also concluded that the additive will have its intended technical effect and therefore, § 177.1380 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approved the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

D. Potential Environmental Effects

The agency has carefully considered the potential environmental effects of this action, including potential effects on stratospheric ozone and potential impacts associated with incineration of halogenated polymers.

1. Potential Effects On Stratospheric Ozone

This action will permit a new use for one of the chlorofluorocarbons (CFC's), a class of chemicals that has been implicated in the destruction of the stratospheric ozone layer. During its review of this petition, FDA consulted with the Environmental Protection Agency (EPA) to determine whether FDA approval of the petition would be consistent with EPA's efforts to control CFC's. On March 3, 1989, EPA advised FDA that the proposed new use of this CFC would not be inconsistent with EPA's current regulatory program to protect stratospheric ozone, which restricts allowable production in lieu of controls on particular uses (40 CFR Part 82). EPA advised FDA that approval would not add to total CFC emissions to the atmosphere but would instead mean that less CFC's were available for current uses. EPA stated that the rate of CFC emissions from the proposed use will be far less than from most current uses of these chemicals. EPA also noted that the projected use of CFC's is very small, that the recycling system proposed by the petitioner would capture virtually all of the CFC emissions, and that it should be feasible to switch to a chemical alternative to CFC's when one becomes available.

2. Potential Impacts Associated With Incineration of Halogenated Polymers

In the **Federal Register** of November 22, 1989 (53 FR 47264), FDA published a notice of intent to prepare an environmental impact statement (EIS) on the effects of the proposed amendments to its food additive regulations to provide for the safe use of vinyl chloride polymers. In the notice of intent, FDA considered whether several food additive petitions that involved halogenated polymers, including the subject petition, should be included as part of the environmental review of the proposed rule on vinyl chloride. FDA decided not to consider the environmental impact of the subject petition in the EIS. This petition concerns a copolymer that will be used in food-processing plants as piping to carry various foods, including hot water. In contrast to disposable food-packaging materials, this type of product is likely to be disposed of by methods other than incineration, such as special landfills. Consequently, any environmental impact associated with incineration of this halogenated polymer would be averted.

Based on full consideration of the potential environmental effects of this action, FDA has concluded that the action will not have a significant impact on the human environment and that an EIS is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

III. Objections

Any person who will be adversely affected by this regulation may at any time on or before February 3, 1992 file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

IV. References

The following references have been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Carr, G.M., "Carcinogen Testing Programs," in "Food Safety: Where are We?", Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, p. 59, July 1979.

2. Kokoski, C.J., "Regulatory Food Additive Toxicology," in *Chemical Safety Regulation and Compliance*, ed. by F. Homburger and J.K. Marquis, *S. Karger*, New York, NY, pp. 24–33, 1985.

3. Memorandum dated November 17, 1989, from the Food and Color Additives Review Section to Indirect Additives Branch, "FAP 7B4040—Ausimout USA, Inc.—Exposure to Components of the Copolymer."

4. "Carcinogenicity of Chloroform in Drinking Water to Male Osborne Mendel Rats and Female B6C3F1 Mice," Jorgenson, T.A., E.F. Meierhenry, C.J. Rushbrook, R.J. Bull, and M. Robinson, *Fundamental and Applied Toxicology*, 5:760–769, (1985).

5. Memorandum dated January 30, 1990, from Quantitative Risk Assessment Committee, "Estimation of Upper Bound Risks for Chloroform in Ethylene/chlorotrifluoroethylene (E/CTFE) Copolymers," (Ausimont USA, Inc.), FAP 7B4040.

List of Subjects in 21 CFR Part 177

Food additives, Food packaging, Incorporation by reference.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 177 is amended as follows:

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

1. The authority citation for 21 CFR part 177 continues to read as follows:

Authority: Secs. 201, 402, 409, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 376).

2. Section 177.1380 is amended by adding new paragraph (a)(4) and by revising paragraph (b) to read as follows:

§ 177.1380 Fluorocarbon resins.

* * * * *

(a) * * *

(4) Ethylene-chlorotrifluoroethylene copolymer resins produced by copolymerization of nominally 50 mole percent of ethylene and 50 mole percent of chlorotrifluoroethylene. The copolymer shall have a melting point of 239 to 243°C and a melt index of less than or equal to 20 as determined by ASTM Method D 3275–89 "Standard Specification for E–CTFE–Fluoroplastic Molding, Extrusion, and Coating Materials," which is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained from the American Society for Testing and Materials, 1916 Race St., Philadelphia, PA 19013, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC.

(b) Fluorocarbon resins that are identified in paragraph (a) of this section and that comply with extractive

limitations prescribed in paragraph (c) of this section may be used as articles or components of articles intended for use in contact with food as follows:

(1) Fluorocarbon resins that are identified in paragraphs (a)(1), (a)(2), and (a)(3) of this section and that comply only with the extractive limitations prescribed in paragraphs (c)(1) and (c)(2) of this section may be used when such use is limited to articles or components of articles that are intended for repeated use in contact with food or that are intended for one-time use in contact with foods only of the types identified in § 176.170(c) of this chapter, Table 1, under Types I, II, VI, VII–B, and VIII.

(2) Fluorocarbon resins that are identified in paragraph (a)(4) of this section and that comply with the extractive limitations prescribed in paragraphs (c)(1) and (c)(2) of this section may be used only when such use is limited to articles or components of articles that are intended for repeated use in contact with food.

(3) In accordance with current good manufacturing practice, those food-contact articles intended for repeated use shall be thoroughly cleansed prior to their first use in contact with food.

* * * * *

Dated: December 27, 1991.

Robert L. Spencer,

Acting Deputy Commissioner for Policy

[FR Doc. 92–55 Filed 1–2–92; 8:45 am]

BILLING CODE 4160–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FR 4090–8]

40 CFR Part 281

Vermont; Final Approval of State Underground Storage Tank Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of final determination on Vermont's application for final approval.

SUMMARY: The State of Vermont has applied for final approval of its underground storage tank program under subtitle I of the Resource Conservation and Recovery Act. The Environmental Protection Agency (EPA) has reviewed Vermont's application and has reached a final determination that Vermont's underground storage tank program satisfies all the requirements necessary to qualify for final approval. Thus, EPA is granting final approval to the State of Vermont to operate its program.

EFFECTIVE DATE: Final approval for Vermont shall be effective at 1 p.m. on February 3, 1992.

FOR FURTHER INFORMATION CONTACT: Joan Coyle, Office of Underground Storage Tanks, HPU–1, U.S. EPA, Region I, JFK Federal Building, Boston, MA 02203, (617) 573–9667.

SUPPLEMENTARY INFORMATION:

A. Background

Section 9004 of the Resource Conservation and Recovery Act (RCRA) enables EPA to approve state underground storage tank programs to operate in a state in lieu of the Federal underground storage tank program. To qualify for final authorization, a state's program must: (1) Be "no less stringent" than the Federal program, and (2) provide for adequate enforcement. Section 9004 (a) and (b) of RCRA, 42 U.S.C. 6991c (a) and (b).

On July 3, 1991, as required by 40 CFR 281.50(c), EPA acknowledged receiving from the State of Vermont a complete official application requesting final approval to administer its underground storage tank program. On September 16, 1991, EPA published a tentative decision announcing its intent to grant Vermont final approval of its program. See 56 FR 46756 (1991). Further background on EPA's tentative decision to grant approval is included in that decision.

Along with the tentative determination, EPA announced the availability of the application for public comment and the date of a public hearing on the application. EPA requested advance notice for testimony and reserved the right to cancel for lack of public interest. Since there was no public interest, the public hearing was cancelled. No public comments were received regarding EPA's approval of Vermont's underground storage tank program.

B. Decision

I conclude that the State of Vermont's application for final approval meets all of the statutory and regulatory requirements established by subtitle I of RCRA. Accordingly, Vermont is granted final approval to operate its underground storage tank program. The State of Vermont now has the responsibility for managing all regulated underground storage tank facilities within its borders and carrying out all aspects of the Federal underground storage tank program except with regard to Indian lands, where EPA will continue to have regulatory authority. Vermont also has primary enforcement responsibility, although EPA retains the right to conduct inspections under section 9005 of RCRA, 42 U.S.C. 6991d, and to take enforcement actions under section 9006 of RCRA, 42 U.S.C. 6991e.

Authority: Section 9004 of the Solid Waste Disposal Act as amended, 42 U.S.C. 6991c.

Dated: December 30, 1991.

Julie Belaga,

Regional Administrator.

[FR Doc. 92–81 Filed 1–2–92; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[Gen. Docket No. 90–312, FCC 91–397]

Denials of Federal Benefits

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission is adopting final rules to implement the provisions of section 5301 of the Anti-Drug Abuse Act of 1988 concerning denial of federal benefits to persons convicted of drug related crimes. The rules require applicants for professional or commercial licenses to certify that they are not subject to a section 5301 denial of benefits. This will help ensure that applicants subject to a section 5301 denial are not granted licenses by the Commission. [Initiating document: NPRM 55 FR 37438 (Sept. 11, 1990)].

EFFECTIVE DATE: February 3, 1992.

FOR FURTHER INFORMATION CONTACT: Sharon Diskin, Office of General Counsel, Federal Communications Commission (202) 632–6990.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, adopted December 11, 1991 and released December 27, 1991. The full text of the Report and Order including a Final Regulatory Flexibility Analysis, is available for inspection and copying during normal business hours in the FCC Docket Branch (room 230), 1919 M Street NW., Washington, DC. The full text of this Report and Order may also be purchased from the Commission's contractor, Downtown Copy Center, 1114 21st Street, NW. Washington, DC 20036, (202) 452–1422.

Summary of Report and Order

1. These rules implement section 5301 of the Anti-Drug Abuse Act of 1988 with respect to professional and commercial licenses issued by the Commission. Section 5301 provides Federal and state court judges the discretion to deny Federal benefits to individuals