DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8429]

RIN 1545-AO49

General Rule for Taxable Year of Inclusion-Election To Include Crop Insurance Proceeds in Gross Income in the Taxable Year Following the Taxable Year of Destruction or Damage; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains a correction to Treasury Decision 8429, which was published in the Federal Register Wednesday, August 26, 1992 (57 FR 38594), relating to the applicability of section 451(d) of the Internal Revenue Code (regarding the taxable year of inclusion for crop insurance proceeds) to certain federal payments made to farmers.

FOR FURTHER INFORMATION CONTACT: Douglas Fahey, (202) 622-4950 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of this correction implement the intent with which section 451(d) was initially enacted by treating qualifying disaster relief payments from the Federal Government as crop insurance proceeds for purposes of section 451(d).

Need for Correction

As published, T.D. 8429 contains an error which may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the publication of the final regulation (T.D. 8429), which was the subject of FR Doc. 92-20088, is corrected as follows:

1. On page 38594, column 1, in the preamble under the heading "**FOR FURTHER INFORMATION CONTACT:**", line 1, the language "Douglas Fahey, 202-535-5983 (not a toll-" is corrected to read "Douglas Fahey, 202-622-4950 (not a toll-".

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 92-25428 Filed 10-20-92; 8:45 am]

BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 180 and 186

[PP 9F3755 and FAP 9H5583/R1168; FRL-4168-5]

RIN 2070 AB-78

3,7-Dichloro-8-Quinoline Carboxylic Acid

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes tolerances for the residues of the herbicide 3,7-dichloro-8-quinoline carboxylic acid in or on the raw agricultural commodities (RACs) rice grain at 5.0 parts per million (ppm); rice straw at 12 ppm; milk at 0.05 ppm; eggs at 0.05 ppm; fat, meat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.05 ppm; poultry fat and meat at 0.05 ppm; and poultry byproducts at 0.1 ppm; and a feed additive regulation is also established for the same chemical on rice bran at 15.0 ppm. These rules were requested by BASF Corp. and establish the maximum permissible level for residues of the herbicide in or on these RACs and animal commodity.

EFFECTIVE DATE: Effective on October 21, 1992.

ADDRESSES: Written objections, identified by the document control number [PP 9F3755 and FAP 9H5583/R1168], may be submitted to the: Hearing Clerk (A-110), Rm. M3708, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail: Robert J. Taylor, Product Manager (PM) 25, Registration Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 241, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-305-6800.

SUPPLEMENTARY INFORMATION: EPA issued a notice in the Federal Register of June 29, 1989 (54 FR 27423) that the BASF Corp., Chemical Division, 100 Cherry Hill Rd., Parsippany, NJ 07054, proposed amending 40 CFR part 180 by establishing tolerances under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, for the residues of the herbicide 3,7 dichloro-8-quinoline carboxylic acid in or on rice at 5.0 ppm; rice straw at 12.0 ppm; milk at 0.05 ppm; fat, meat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.05 ppm; fat and meat of poultry at 0.05 ppm; meat byproduct of poultry at 0.1 ppm; and eggs at 0.05 ppm; and proposed amending 40 CFR part 186 under section 409 of the FFDCA (21 U.S.C. 348) by establishing a food additive regulation to permit the residues of 3,7 dichloro-8-quinoline carboxylic acid in or on rice bran at 15.0 ppm.

No comments were received in response to the notice of filing.

The data submitted in the petitions and other relevant material have been evaluated. The 3,7 dichloro-8-quinoline carboxylic acid data listed below were considered in support of these tolerances.

1. Several acute toxicology studies place technical-grade quinclorac in Toxicity Category III for acute oral, acute dermal, acute inhalation toxicity, and for eye irritation. Technical 3,7 dichloro-8-quinoline carboxylic acid is in category IV for primary dermal irritation and is a skin sensitizer.

2. A 1-year feeding study in dogs fed 0, 34, 142, and 513 (males) and 0, 35, 140, and 469 (females) milligrams/kilogram/day (mg/kg/day) with the no-observed-effect level (NOEL) of 140 mg/kg/day based on reduced body weight gains, adverse effect on food efficiency, hematological and clinical chemistry values, increased liver and kidney weights, and microscopic findings in liver and kidneys at 513 mg/kg/day (males) and 469 mg/kg/day (females), the highest dosages tested (HDT).

3. A chronic feeding/carcinogenicity study in rats fed dosages of 1, 56, 186, 385, and 487 mg/kg/day (males) and 0, 60, 235, 478, and 757 mg/kg/day (females) with a NOEL of 478 mg/kg/day (females) and 385 mg/kg/day (males) based on slight decreases in weight for females at 757 mg/kg/day (HDT) and an eqivocal (uncertain) increase in acinar cell hyperplasia of the pancreas in males at 487 mg/kg/day (HDT). There were no carcinogenic effects noted for female rats under the conditions of the study up to 757 mg/kg/day (HDT).

4. A carcinogenic study in mice fed dosages of 0, 37.5, 150, 600, and 1,200 mg/kg/day with no carcinogenic effects observed under the conditions of the study up to and including 1,200 mg/kg/day (HDT) and a systemic NOEL of 37.5 mg/kg/day based on a reduction of body weight at 150 mg/kg/day.

5. A developmental study in rats fed dosages of 0, 24.4, 146, and 438 mg/kg/day (HDT) and a maternal toxicity NOEL of 146 mg/kg/day based on reduced food consumption, increased water intake, and mortality at 438 mg/kg/day (HDT).

6. A developmental study in rabbits fed dosages of 0, 70, 200, and 600 mg/kg/day with a developmental toxicity NOEL of 200 mg/kg/day based on an increase in resorptions and postimplantation loss; a decrease in the number of live fetuses and decreased fetal body weights at 600 mg/kg/day (HDT); a maternal toxicity NOEL of 70 mg/kg/day based on decreased body weight gain and food consumption at 200 mg/kg/day; and increased water consumption, increased mortality, and discoloration of the kidney at 600 mg/kg/day.

7. A two-generation reproduction study with rats fed dosages of 0, 50, 200, and 600 mg/kg/day with a reproductive NOEL of 200 mg/kg/day based on reduced pup viability and pup weight, and delay in development (pinna unfolding and eye opening) at 600 mg/kg/day with a maternal NOEL of 200 mg/kg/day based on reduced body weights at 600 mg/kg/day.

8. All Salmonella Assays testing the appropriate technical 3,7-dichloro-8-quinoline carboxylic acid were negative. The 3,7-dichloro-8-quinoline carboxylic acid was negative in the *in vivo* cytogenetics (Chinese hamster) at dose levels ranging from 2,000 to 8,000 mg/kg and did not induce unscheduled DNA synthesis in the UDS assay at levels ranging from 101 to 1,520 ug/ml.

The RfD based on a 2-year feeding study in mice (NOEL = 37.5 mg/kg/day) and using an uncertainty factor of 100 is calculated to be 0.38 mg/kg/day. The theoretical maximum residue contribution (TMRC) for the overall U.S. population from the proposed uses is 0.001485 mg/kg bwt/day which represents 0.39 percent of the RfD. In the subgroup exposed to the highest dietary risk, nonnursing infants less than 1 year old, the TMRC is 0.010065 mg/kg bwt/day or 2.65 percent of the RfD. There are no published tolerances for this new chemical.

There are no desirable data lacking for this pesticide. There are currently no actions pending against the registration of this pesticide. The Health Effects Peer Review Committee (PRC) evaluated the carcinogenic potential of 3,7-dichloro-8-quinoline carboxylic acid on February 6, 1992. The PRC concluded that 3,7-dichloro-8-quinoline carboxylic acid should be classified as a Group C Carcinogen (possible human carcinogen) based on an increased incidence of pancreatic acinar cell adenoma in high-dose male rats. The incidence of acinar cell adenoma was statistically significant in the comparison of pairs with control and was outside the range reported for historical control (20 percent animals affected versus 0 to 18 percent for historical control). The PRC also determined that there was a significant dose-related increasing trend in pancreatic adenomas. Although no progression to malignancy was noted, pancreatic cell hyperplasia was observed in the male high-dose animals. Other findings, relating to the classification, indicated no corresponding increase in incidence of acinar cell adenoma of the pancreas in feamle rats. No other neoplastic lesions were spotted. In mice, 3,7-dichloro-8-quinoline carboxylic acid was not associated with increases in neoplasms in either sex at a dose level of 1,200 mg/kg/day (above the limit test value of 1,050 mg/kg/day). The PRC concluded that doses used in the mouse study were adequate for assessing the carcinogenic potential of 3,7-dichloro-8-quinoline carboxylic acid.

The above findings were referred to the FIFRA Scientific Advisory Panel (SAP) on June 25, 1992. The SAP found equivocal the observation of benign pancreatic acinar cell adenomas in male rats and concluded that the incidence of these adenomas is not indicative of a compound-related response. The Panel recommended that 3,7-dichloro-8-quinoline carboxylic acid be classified as a Group D carcinogen based on lack of evidence for carcinogenicity in two animal species. The Panel's classification was based on the small sample size in the high-dose group; difficulty in differentiating hyperplasia from adenoma, which the SAP said was actually a continuum (biological potential of both hyperplasia and adenoma may be the same); lack of detection of sessions at necroposy (compound-related tumors are typically detected grossly); lack of consistent sample size of pancreatic tissue examined; and the incidence of pancreatic tumors in high-dose test animals (20 percent) was just outside the historical range (0 to 18 percent).

A second PRC (August 26, 1992) reviewed the conclusions and comments of the SAP and agreed to classify 3,7-dichloro-8-quinoline carboxylic acid as a Group D carcinogen because the animal evidence on carcinogenicity was equivocal (not classificable as to human carcinogenicity).

The pesticide is useful for the purposes for which these tolerances are sought and capable of achieving the intended physical or technical effect. The nature of the residue is adequately understood for the purpose of establishing these tolerances. Adequate analytical methodology—GC chromatography using DB-5 as a stationary phase and electron capture detection—is available for enforcement purposes. Because of the long lead time from establishing these tolerances to publication, the enforcement methodology is being made available in the interim to anyone interested in pesticide enforcement when requested by mail from: Calvin Furlow, Public Response Branch, Field Operations Division (H-7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 1138C, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-5232).

There are currently no actions pending against regulation of this chemical. Any secondary residues occurring in meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep, milk, eggs, or poultry fat, meat, and meat byproducts will be covered by the tolerances in this section.

Based upon the information cited above, the Agency has determined that the establishment of a tolerance by amending 40 CFR part 180 will protect the public health and use of the pesticide in accordance with the terms of the food additive regulation amending 40 CFR part 186 will be safe. Therefore, the tolerances and food additive regulation are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above (40 CFR 178.20). The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the requestor (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 92 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statment to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Parts 180 and 186

Administrative practice and procedure, Agricultural commodities, Feed additives, Pesticides and pests, Recording and recordkeeping requirements.

Dated: October 9, 1992.

Dougals D. Campt,

Director, Office of Pesticide Programs.

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

PART 180—[AMENDED]

1. In part 180:

a. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

b. By adding new § 180.463, to read as follows:

§ 180.463 3,7-Dichloro-8-quinoline carboxylic acid; tolerances for residues.

Tolerances are established for residues of the herbicide 3,7-dichloro-8-quinoline carboxylic acid in or on the following raw agricultural commodities:

Commodity	Parts per million
Cattle, fat	0.05
Cattle, mbyp	0.05
Cattle, meat	0.05
Eggs	0.05
Goats, fat	0.05
Goats, mbyp	0.05
Goats, meat	0.05
Hogs, fat	0.05
Hots, mbyp	0.05
Hogs, meat	0.05
Horses, fat	0.05
Horses, mbyp	0.05
Horses, meat	0.05
Milk	0.05
Poultry, fat	0.05
Poultry, mbyp	0.1
Poultry, meat	0.05
Rice grain	5.0
Rice, straw	12.0
Sheep, fat	0.05
Sheep, mbyp	0.1
Sheep, meat	0.05

PART 186—[AMENDED]

2. In part 186:

a. The authority citation for part 186 continues to read as follows:

Authority: 21 U.S.C. 348.

b. By adding new § 186.1860, to read as follows:

§ 186.1860 3,7-Dichloro-8-quinoline carboxylic acid.

A tolerance is established to permit residues of the herbicide 3,7-dichloro-8-quinoline carboxylic acid in or on the feed commodity rice bran at 15.0 ppm when present therein as a result of application of the herbicide to the growing crop.

[FR Doc. 92-25411 Filed 10-20-92; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Part 271

[FRL-4525-3]

Alabama; Final Authorization of Revisions to State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: Alabama has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). Alabama's revisions consist of the provisions contained in Non-HSWA Cluster V, and the Toxicity Characteristic Leaching Procedure (TCLP), a HSWA requirement. These requirements are listed in section B of this document. The Environmental Protection Agency (EPA) has reviewed Alabama's applications and has made a decision, subject to public review and comment, that Alabama's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Alabama's hazardous waste program revisions. Alabama's applications for program revisions are available for public review and comment.

DATES: Final authorization for Alabama's program revisions shall be effective December 21, 1992 unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on Alabama's program revision applications must be received by the close of business, November 20, 1992.

ADDRESSES: Copies of Alabama's program revision applications are available during 8 a.m. to 4:30 p.m. at the following addresses for inspection and copying: Alabama Department of Environmental Management, 1751 Congressman W.L. Dickinson Drive, Montgomery, Alabama 36130: (205) 271-7737; U.S. EPA Region IV, Library, 345 Courtland Street NE., Atlanta, Georgia 30365; (404) 347-4216. Written comments should be sent to Narindar Kumar at the address listed below.

FOR FURTHER INFORMATION CONTACT: Narindar Kumar, Chief, State Programs Section, Waste Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365; (404) 347-2234.

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. 6926(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 other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 260-268 and 124 and 270.

B. Alabama

Alabama initially received final authorization for its base, RCRA program effective on December 22, 1987. Alabama received authorization for revisions to its program on January 28, 1992, and July 12, 1992. On January 14, 1991, Alabama submitted program revision applications for additional program approvals. Today, Alabama is seeking approval of its program revisions in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Alabama's applications and has made an immediate final decision that Alabama's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to Alabama. The public may submit written comments on EPA's immediate final decision up until November 20, 1992. Copies of Alabama's applications for these program revisions are available for inspection and copying at the locations indicated in the "Addresses" section of this notice.

Approval of Alabama's program revisions shall become effective December 21, 1992, unless an adverse comment pertaining to the State's revisions 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.

EPA shall administer any RCRA hazardous waste permits, or portions of permits that contain conditions based upon the Federal program provisions for which the State is applying for authorization and which were issued by EPA prior to the effective date of this authorization. EPA will suspend issuance of any further permits under the provisions for which the State is being authorized on the effective date of this authorization.

Alabama is today seeking authority to administer the following Federal requirements promulgated on July 1, 1988–June 30, 1989, and on March 29, 1990.

Federal requirement	FR Reference	Federal promulgation date	State authority
Identification and listing of hazardous waste; treatability studies sample exemption	53 FR 27290	7/19/88	335-14-1.02(1) 335-14-2-.02(1) (4)(e)1.(i)(ii)(iii) 335/-14-2-.01 (4)(e)2.(v)(vi)
3 3 5 - 1 4 - 2 . 0 1 (4) (e)3.(4)(f)-11			
Hazardous waste management system; standards for hazardous waste storage and treatment tank systems.	53 FR 34079	9/2/88	335-14-1-.02(1) 335-14-5.07(5) 335-14-5-.10 335-14-6-.07(1) (b)2 335-14-6-.07(5) 335-14-6-.10(1)(a) 1(b)(4)(f)3
Identification and listing of hazardous waste; and designation reportable quantities, and notification.	53 FR 35412	9/13/88	335-14-2-.04(3) 335-14-2-App. VII
Statistical methods for evaluating ground water monitoring data from hazardous waste facilities	53 FR 39720	10/11/88	335-14-5-.06 2(a)1,(2)(a)2, (3)(8)(a)1, (8)(a)1.(i), (8)(h)(1-5) 335-14-5-.06(8)(i)1-6 335-14-5.-06(9)(j) 335-14-5-.06(9)(c-g)
Identification and listing of hazardous waste; removal of iron dextran from the list of hazardous wastes.	53 FR 43878	10/31/88	335-14-2-.04(4)(f) 335-14-2, App. VIII
Identification and listing of hazardous waste; removal of strontium sulfide from the list of hazardous wastes.	53 FR 43881	10/31/88	335-14-2-.04(4)(e) Appendix VIII
Standards for generators of hazardous wastes; manifest renewal	53 FR 45089	11/8/88	335-14-3-.02(1)(a) Appendix 1
Amendment to requirements for hazardous waste incinerator permits	54 FR 4286	1/30/89	335-14-8-.06(2)(d)
Changes to interim status facilities for hazardous waste management permits; modifications of hazardous waste management permits; procedures for post-closure permitting (selected portions).	54 FR 9596 270.1(c) 270.10(c) 270.29 270.72	3/7/89 270.23	335-14-8.01(1)(c) 335-14-8-.02(1)(c) 335-14-8-.02(20) 335-14-8-.07(3)(a)4, 5,(3)(b)1-6 335-14-8-.07(4)(f) 335-14-8-.07(4)(g)
Toxicity characteristic (TC) revision	53 FR 11798	3/29/90	335-14-2-.01(4)(b)6.(i) 335-14-2-.01(4)(b)9 335-14-2-.01(4)(b)1 335-14-2-.01(8) 335-14-2-.03(5)(a)(5)(b) 335-14-2-.04(1)(b) 335-14-2 Appendix II 335-14-6-.13(4)(a) 335-14-9 Appendix I

During EPA's review of Alabama's application for the TCLP Rule, a concern arose pertaining to the difference in the effective date of Alabama's TCLP Rule (12/6/90) and the effective date of the Federal TCLP Rule (9/25/90) and its impact on the regulated community. A later State effective date/submission deadline for its counterpart to a HSWA listing or characteristic has no effect on whether a facility qualifies for RCRA interim status. A facility must qualify for RCRA interim status by the Federal deadline, which because of HSWA, becomes the compliance date for facilities in all States simultaneously. RCRA Section 3009 and 40 CFR 271.1(j) and 271.25 preclude a State from enacting laws that would extend a HSWA compliance date that has already taken effect under Federal law.

Alabama is not authorized to operate the Federal program on Indian Lands. This authority remains with EPA unless provided otherwise in a future statute or regulation.

C. Decision

I conclude that Alabama's applications for these program revisions meet all of the statutory and regulatory requirements established by RCRA. Accordingly, Alabama is granted final authorization to operate its hazardous waste program as revised.

Alabama 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 limitations of its program revision application and previously approved authorities. Alabama also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under sections 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 5 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 Alabama'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 271

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)).

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 92-25544 Filed 10-20-92; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

[Docket No. 920246-2229]

Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of closure.

SUMMARY: NMFS closes the commercial fishery in the exclusive economic zone (EEZ) for king mackerel from the western zone of the Gulf migratory group. NMFS has determined that the commercial quota for Gulf group king mackerel from the western zone was reached on October 17, 1992. This closure is necessary to protect the overfished Gulf king mackerel resource.

EFFECTIVE DATE: Closure is effective on October 18, 1992, through June 30, 1993.

FOR FURTHER INFORMATION CONTACT: Mark F. Godcharles, 813-893-3161.

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, cero, cobia, little tunny, dolphin, and, in the Gulf of Mexico only, bluefish) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic, prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils), and its implementing regulations at 50 CFR part 642, under the authority of the Magnuson Fishery Conservation and Management Act.

Catch limits recommended by the Councils and implemented by NMFS for the Gulf of Mexico migratory group of king mackerel for the current fishing year (July 1, 1992, through June 30, 1993) set the commercial allocation at 2.50 million pounds (1.13 million kg), divided into quotas of 1.73 million pounds (0.78 million kg) for the eastern zone and 0.77 million pounds (0.35 million kg) for the western zone. The boundary between the eastern and western zones is a line directly south from the Florida/Alabama boundary (87°31'06"W. longitude) to the outer limit of the EEZ.

Under § 642.22(a), NMFS is required to close any segment of the king mackerel commercial fishery when its allocation or quota has been reached, or is projected to be reached, by publishing a notice in the **Fedeal Register.** NMFS has determined that the commercial quota of 0.77 million pounds (0.35 million kg) for the western zone of the Gulf migratory group of king mackerel was reached on October 17, 1992. Hence, the commercial fishery for Gulf group king mackerel from the western zone is closed effective 12:01 a.m., local time, October 18, 1992, through June 30, 1993, the end of the fishing year.

Except for a person aboard a charter vessel, during the closure, no person aboard a vessel permitted to fish under a commercial allocation may fish for, retain, or have in possession in the EEZ king mackerel from the western zone. A person aboard a charter vessel may continue to fish for king mackerel in the western zone under the bag limit set forth in § 642.28(a)(1)(i), provided the vessel is under charter and the vessel has an annual charter vessel permit, as specified in § 642.4(a)(2). A charter vessel with a permit to fish on a commercial allocation is under charter when it carries a passenger who fishes for a fee or when there are more than three persons aboard, including operator and crew.

During the closure, king mackerel from the western zone taken in the EEZ, including those harvested under the bag limit, may not be purchased, bartered, traded, or sold. This prohibition does not apply to trade in king mackerel from the western zone that were harvested, landed, and bartered, traded, or sold prior to the closure and held in cold storage by a dealer or processor.

Classification

This action is required by 50 CFR 642.22(a) and complies with E.O. 12291.

Authority: 16 U.S.C. 1801 *et seq.*

List of Subjects in 50 CFR Part 642

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: October 16, 1992.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92-25522 Filed 10-16-92; 2:38 pm]

BILLING CODE 3510-22-M