

finds that the use of phosphoric acid in the subject sanitizing solution is safe.

D. Sodium 1-octanesulfonate

Sodium 1-octanesulfonate functions as a solubilizing and emulsifying agent in the subject sanitizing solution. Sodium 1-octanesulfonate is listed as a component in a regulated sanitizing solution under § 178.1010(b)(27). On the basis of the data submitted in support of this already regulated use and the data contained in the food additive petition submitted in support of this sanitizing solution, FDA finds that the use of sodium 1-octanesulfonate in the subject sanitizing solution is safe.

E. Propionic Acid

Propionic acid functions as a solubilizing agent for the fatty acids in the subject sanitizing solution. Propionic acid is listed as GRAS under 21 CFR 184.1081. On the basis of the data contained in the food additive petition submitted in support of this sanitizing solution and other available data, FDA finds that the use of propionic acid in the subject sanitizing solution is safe.

F. Sulfuric Acid

Sulfuric acid is listed as an optional ingredient that functions as an acidulant. It may optionally be used in the place of a portion of the phosphoric acid. Sulfuric acid is listed as GRAS under 21 CFR 184.1095. On the basis of the data contained in the food additive petition submitted in support of this sanitizing solution and other available data, FDA finds that the use of sulfuric acid in the subject sanitizing solution is safe.

G. Conclusion on Safety

FDA has evaluated the data in the petition and other relevant materials. On the basis of this evaluation, the agency concludes that these data and materials establish the safety of the level of use and the effectiveness of the additive as a sanitizing solution, and that the regulations should be amended in § 178.1010 as set forth below. The agency also finds that the data in this petition support the use of the subject sanitizing solution on dairy-processing equipment as well as on other food processing equipment and utensils.

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 approve 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 171.1(h), the agency will delete from the documents

any materials that are not available for public disclosure before making the documents available for inspection.

II. Environmental Impact

The agency has carefully considered 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 environmental impact statement 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 December 21, 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.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging. Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 178 is amended as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citation for 21 CFR part 178 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 178.1010 is amended by adding new paragraphs (b)(42) and (c)(37) to read as follows:

§ 178.1010 Sanitizing solutions.

(b) * * *

(42) An aqueous solution containing decanoic acid (CAS Reg. No. 334-48-5), nonanoic acid (CAS Reg. No. 112-05-0), phosphoric acid (CAS Reg. No. 7664-38-2), propionic acid (CAS Reg. No. 79-09-04), and sodium 1-octanesulfonate (CAS Reg. No. 5324-84-5). Sulfuric acid (CAS Reg. No. 7664-93-9) may be added as an optional ingredient. In addition to use on food-processing equipment and utensils, this solution may be used on dairy-processing equipment.

(c) * * *

(37)(i) The solution identified in paragraph (b)(42) of this section not containing sulfuric acid shall provide when ready for use not less than 45 parts per million and not more than 90 parts per million of decanoic acid; and all components shall be present in the following proportions (weight/weight (w/w)): 1 part decanoic acid to 1 part nonanoic acid to 9.5 parts phosphoric acid to 3.3 parts propionic acid to 3.3 parts sodium 1-octanesulfonate.

(ii) The solution identified in paragraph (b)(42) of this section containing sulfuric acid shall provide when ready for use not less than 45 parts per million and not more than 90 parts per million of decanoic acid; and all components shall be present in the following proportions (w/w): 1 part decanoic acid to 1 part nonanoic acid to 2.8 parts phosphoric acid to 3.3 parts propionic acid to 3.3 parts sodium 1-octanesulfonate to 3.2 parts sulfuric acid.

* * *

Dated: October 26, 1992.

Fred R. Shank,
Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 92-28179 Filed 11-19-92; 8:45 am]
BILLING CODE 4160-01-F

DEPARTMENT OF LABOR**Office of Labor-Management Standards****29 CFR Part 470**

RIN 1294-AA06

Obligations of Federal Contractors and Subcontractors; Notice of Employee Rights Concerning Payment of Union Dues or Fees**AGENCY:** Office of Labor-Management Standards, Labor.**ACTION:** Correction of final rule.

SUMMARY: This document contains a correction to the final rule which was published Monday, November 2, 1992 (57 FR 49588). The rule implements Executive Order 12800 which imposes obligations on federal contractors and subcontractors concerning notice of employee rights as to payment of union dues or fees.

EFFECTIVE DATE: December 2, 1992.

FOR FURTHER INFORMATION CONTACT: Kay H. Oshel, Chief, Division of Interpretations and Standards, Office of Labor-Management Standards, Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 219-7373. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:**Background**

The final rule that is the subject of this correction would add a new subchapter C, consisting of part 470, to 29 CFR chapter IV on the effective date. Part 470 implements Executive Order 12800. Section 470.2 requires that contractors or subcontractors post an employee notice informing employees of their rights as to payment of union dues or fees.

Need for Correction

As published, the final rule contains an error which may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the publication on November 2, 1992 of the final rule is corrected as follows:

§ 470.2(d) [Corrected]

Paragraph 1. On page 49596, in the second column, in § 470.2(d), beginning line 14, the word "must" in front of the word "reproduce" is corrected to read "may".

Signed at Washington, DC, this 16th day of November, 1992.

Lynn Martin,
Secretary of Labor.

[FR Doc. 92-28239 Filed 11-19-92; 8:45 am]

BILLING CODE 4510-86-M

DEPARTMENT OF AGRICULTURE**Forest Service****36 CFR Part 242****DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 100****Subsistence Management Regulations for Federal Public Lands in Alaska, Subpart D—1992—1993 Subsistence Taking of Fish and Wildlife Regulations****AGENCIES:** Forest Service, USDA, Fish and Wildlife Service, Interior.**ACTION:** Final rule.

SUMMARY: This rule modifies the regulations for deer harvest in Game Management Unit (GMU) 4, as indicated in Subsistence Management Regulations for Federal Public Lands in Alaska, Subpart D—1992-93 Subsistence Taking of Fish and Wildlife Regulations, which appeared in the Federal Register on May 28, 1992 (57 FR 22530). The harvest decisions reflect the capability of the deer populations to sustain the natural and human pressures on the herds. The modifications were taken to ensure the continued viability of the game populations.

EFFECTIVE DATE: July 29, 1992.

FOR FURTHER INFORMATION CONTACT: Richard S. Pospahala, Office of Subsistence Management, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503; telephone (907) 786-3447. For questions specific to National Forest System lands, contact Norman R. Howse, Assistance Director Subsistence, USDA, Forest Service, Alaska Region, P.O. Box 21628, Juneau, Alaska 99802-1628, telephone (907) 586-8890.

SUPPLEMENTARY INFORMATION: Changes to the 1992-93 seasons and bag limits for deer harvest on federal public lands in GMU-4 were determined by the Federal Subsistence Board (Board) at a public meeting in Juneau, Alaska on July 29, 1992. The public was notified of proposed changes and the opportunity to comment at the meeting through announcements made available on July 23, 1992 to newspapers and radio and television stations in Juneau, Sitka,

Petersburg, Wrangell, Anchorage, and Fairbanks. Paid announcements were also placed in the Juneau, Sitka, Petersburg, Wrangell, and Anchorage papers prior to the meeting. Subsistence Regional Advisory Councils and the Alaska Department of Fish & Game were given specific notice prior to the meeting. The decision was reached after careful analysis of available data including USDA Forest Service habitat capability models, deer populations surveys, hunter harvest surveys, and past weather conditions, and after considering public comment heard at the meeting.

Persuasive data indicate that current deer populations do not support the levels of subsistence and sport harvests that have occurred over the last few years. Deer populations are estimated to be down by as much as 31% on Admiralty Island, South Baranof and West Chichagof, 33% on Northeast Chichagof and 38% in the Sitka Sound/Peril Strait area. Deep and prolonged snowpack in recent years is the principal factor that has reduced deer numbers on portions of Chichagof and Baranof Islands. Despite the decreased deer population this year as compared to the last several years, liberal seasons and bag limits based upon an abundance of deer a few years ago were retained in the 1992-92 Subsistence Taking of Fish and Wildlife Regulations. Public comment included concern by subsistence hunters in the Hoonah area that competition from sport hunters was impairing their ability to obtain deer, opinion that the six deer bag limit established in the May 28, 1992 subpart D regulations reflects recent abundance of deer due to mild winters, and exceeds historical levels of subsistence or sport harvest, and lack of opposition to changes proposed for the Sitka Sound/Peril Straits portion of GMU-4.

Accordingly, the Board took action to restrict non-subsistence harvest of deer and to adjust seasons and bag limits for subsistence harvest in portions of GMU-4. These actions are effective for the 1992-93 harvest season only. Seasons and bag limits for the 1993-94 season will be considered by the Board along with any other proposed changes to the subpart D regulations according to a schedule to be separately published.

It is not practicable, necessary, or consistent with the public interest to provide for Federal Register notice and further public procedure prior to publication of this final rule, which implements the Board action taken on July 29, 1992. The deer harvest season under the May 28, 1992 regulations began on August 1, 1992. The Board was

unable to meet and consider changes to seasons and bag limits based upon the latest data collected in the spring of 1992 until late July. Public notice and an opportunity to comment upon the proposed changes was provided in potentially affected communities through newspaper publications and other means prior to the Board action. Action was necessary to assure the continued viability of game populations upon which subsistence and other hunters in the vicinity of GMU-4 depend, and to continue subsistence use of those populations.

List of Subjects

36 CFR Part 242

Administrative practice and procedure, Alaska, Fish, National Forests, Public Lands, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 100

Administrative practice and procedure, Alaska, Fish, Public Lands, Reporting and recordkeeping requirements, Wildlife.

For the reasons set out in the preamble, 36 CFR part 242 and 50 CFR part 100 are amended in identical fashion as follows:

36 CFR PART 242—[AMENDED]

50 CFR PART 100—[AMENDED]

1. The authority citation for 36 CFR part 242 and 50 CFR part 100 continues to read:

Authority: 16 U.S.C. 3, 472, 551, 668dd, 3101–3126; 18 U.S.C. 3551–3586; 43 U.S.C. 1733.

2. Subpart D is amended as follows:

1. In the table in § _____.25(m)(4) the listing for "Deer" in columns 1 and 2 (Bag Limits and Open Season) is revised to read: § _____.25 Subsistence Taking of Fish and Wildlife.

* * * * *

(m) * * *

(4) * * *

Bag limits	Open season
Deer: Unit 4—All drainages of Chichagof west of the drainage divide which begins at the southwest entrance of Gull Cove and extends southward to Point Leo. This includes all drainages into Slocum Arm, Lisianski Inlet, Idaho Inlet, and all offshore islands including the Inian Islands. Lemesurier Island is excluded. All of Admiralty Island and its associated offshore islands that lie within Unit 4. That portion of Baranof Island south of the divide from North Point to Kasnyku Bay southwest to North Cape of Whale Bay—6 deer; however, antlerless deer may be taken only from Sept. 15–Jan. 31.	Aug. 1–Jan. 31.
Unit 4—All drainages of Chichagof Island east of the drainage divide which begins at the southwest entrance of Gull Cove and extends southward to the divide between Trail River and Upper Tenakee Inlet and including all drainages into Chatham Straits north of the Kook Lake drainage. Lemesurier, Pleasant, and associated offshore islands are included—6 deer; however, antlerless deer may be taken only from Sept. 15–Jan. 31. For hunters who are not residents of GMU 4, Kake, Gustavus, Haines, Petersburg, Pt. Baker, Klukwan, Port Protection, or Wrangell, the limit is 3 deer. Federal public lands are closed beginning Nov. 1 to hunters who are not residents of GMU 4, Kake, Gustavus, Haines, Petersburg, Pt. Baker, Klukwan, Port Protection, or Wrangell.	Aug. 1–Jan. 31.
Unit 4—All drainages of Baranof Island north of the divide from North Point of Kasnyku Bay southwest to North Cape of Whale Bay; and all drainages of Chichagof Island draining into Peril Straits, Hoonah Sound, and Salisburys Sound east of Point Leo, and all offshore islands including Kruzof, Biorka, and Catherine—4 deer; however, antlerless deer may be taken only from Sept. 15–Dec. 31. Federal public lands are closed to the taking of deer by persons who are not residents of GMU 4, Kake, Gustavus, Haines, Petersburg, Pt. Baker, Klukwan, Port Protection, or Wrangell.	Aug. 1–Dec. 31.

* * * * *

Curtis V. McVee,

Chair, Federal Subsistence Board.

Michael A. Barton,

Regional Forester, USDA-Forest Service.

[FR Doc. 92-25989 Filed 11-19-92; 8:45 am]

BILLING CODE 4310-55-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL-4533-1]

Approval and Promulgation of Air Quality Implementation Plans; Connecticut: Single Source Revisions for Stone Connecticut Paperboard Corp. and Hartford Hospital

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Connecticut. This revision establishes and requires the use of low-sulfur fuels to control the emissions of sulfur dioxide by the Stone Connecticut Paperboard Corp. and the Hartford Hospital. The intended effect of this action is to approve two Connecticut state orders which limit emissions in accordance with the provisions of subsection 22a-174-24(d) of Connecticut's Administrative Regulations for the Abatement of Air Pollution. This action is being taken in accordance with section 110 of the Clean Air Act.

EFFECTIVE DATE: This action will become effective January 19, 1993, unless notice is received within 30 days that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Comments may be mailed to Linda M. Murphy, Director, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, JFK Federal Building, Boston, MA 02203. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency Region I, One Congress Street, 10th floor, Boston, MA; Public Information Reference Unit, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and the Bureau of Air Management, Department of Environmental Protection, State Office Building, 165 Capitol Avenue, Hartford, CT 06106.

FOR FURTHER INFORMATION CONTACT: Ian D. Cohen, (617) 565-3229.

SUPPLEMENTARY INFORMATION: On March 24, 1992, and April 23, 1992, the State of Connecticut submitted formal revisions to its State Implementation

Plan (SIP). The SIP revisions consist of two separate state orders issued by the Connecticut Department of Environmental Protection: State Order No. 1073B to the Stone Connecticut Paperboard Corp., and State Order No. 7016A to the Hartford Hospital.

Background Information: Stone Connecticut Paperboard Corp.

The Stone Connecticut Paperboard Corp. (also known as the Stone Container Co.) operates a facility located at 125 Depot Road in Uncasville, CT. The Stone Connecticut Paperboard Corp. operates a Riley Union Boiler and has a 77-foot stack. This stack is not sufficiently high to avoid aerodynamic downwash. In April 1989, a notice of violation was issued to the Stone Connecticut Paperboard Corp. as a result of a modeling study performed as part of a New Source Review required to issue a permit to the U.S. Naval Base in Groton, CT. This study showed that downwash from the Stone Connecticut Paperboard Corp. contributed to 3-hour and 24-hour violations of the SO₂ NAAQS. An agreement between the State of Connecticut and the Stone Connecticut Paperboard Corp. resulted in the issuing of State Order No. 1073. This order limits the Stone Connecticut Paperboard Corp. to the use of fuel oil with a sulfur content no greater than 0.49% (dry basis) by weight. A modeling study dated August 9, 1990 was conducted for the State of Connecticut. This study demonstrated that the use of fuel oil with a sulfur content of 0.49% (dry basis) by weight would reduce the plant's emission of sulfur dioxide to a level which would maintain the NAAQS in the New London, CT, area.

State Order No. 1073, as originally submitted, was not acceptable to EPA, since it contained a provision which would allow the Stone Connecticut Paperboard Corp. to return to the use of 1% sulfur fuel without the approval of EPA. Consequently, the Order did not adequately protect the NAAQS. This problem was brought to the attention of the Connecticut Department of Environmental Protection, and in response, an amendment, State Order No. 1073A, was issued. While EPA was processing State Order No. 1073A, Stone Connecticut Paperboard Corp. decided to convert its facility to natural gas. Connecticut then withdrew State Order No. 1073A, and on April 23, 1992, submitted State Order No. 1073B. This order requires Stone Connecticut Paperboard Corp. to use natural gas when available, allowing the use of low-

sulfur oil only when natural gas is unavailable.

Background Information: The Hartford Hospital

The Hartford Hospital, at 85 Seymour Street, Hartford, CT, operates five (5) Bigelow Watertube Boilers to provide steam for its facility. The Hartford Hospital has entered into a contractual agreement with the CCF-1 Corp. of Meridan, CT, allowing CCF-1 to construct a cogeneration facility on land leased by the Hospital. CCF-1 will provide the Hospital with some, but not all of the steam it needs. The Hospital must, therefore, retain its own steam generation facility. Since full operation of both facilities could lead to a violation of the NAAQS, a notice of violation was issued in January, 1989. A modeling study dated December 28, 1989, was performed by Environmental Risk Limited. In response to the results of this study, State Order No. 7016 was issued.

State Order No. 7016 places two types of restrictions on the Hartford Hospital. It limits the allowable fuel oil sulfur content to 0.3% sulfur by weight (dry basis) for the Hartford Hospital. In addition, it limits Hartford Hospital's maximum oil firing rate. These rates are: 555 gallons per hour if CCF-1 is operating at full capacity; 1125 gallons per hour if CCF-1 is not operating or in the process of starting up or shutting down its turbines. The restrictions are discussed in more detail in State Order No. 7016A. EPA was unable to approve State Order No. 7016, since it allowed Hartford Hospital to use steam pressure as a measure of the amount of steam used. EPA requested a change to monitor steam load instead of steam pressure. Connecticut revised State Order No. 7016, and resubmitted it as State Order No. 7016A. The restrictions imposed by State Order No. 7016A will remain in force until the Hartford Hospital is able to demonstrate that a relaxation of these restrictions will not cause violations of the NAAQS, and the demonstration is approved as a SIP revision by EPA.

Enforcement

State Orders Nos. 1073B and 7016A each contain requirements that the affected companies keep records of each purchase of fuel. In addition the Hartford Hospital must maintain records of hourly steam load and fuel usage for each of the 5 boilers. These records will allow the state to monitor compliance.

Each State Order also contains a schedule of fees which the affected

company must pay if a violation occurs, as well as the name and address of the individual responsible for collecting these payments on behalf of the State. EPA has legal authority to enforce these orders pursuant to federal law.

EPA has reviewed State Order No. 1073B and State Order No. 7016A and has determined that the restrictions in sulfur content and oil firing rate are sufficient to maintain the NAAQS in the vicinity of the Stone Connecticut Paperboard Corp. and the Hartford Hospital.

EPA is approving this SIP revision without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective 60 days from the date of this **Federal Register** notice unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted. If such notice is received, this action will be withdrawn before the effective date by simultaneously publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective on January 19, 1993.

Final Action

EPA is approving Connecticut State Orders No. 1073B and 7016A as revisions to Connecticut's SIP. The provisions of State Orders Nos. 1073B and 7016A limit the Stone Connecticut Paperboard Corp. and Hartford Hospital, respectively, to the use of fuels with sulfur content which is sufficiently low to maintain Ambient Air Quality Standards in the New London and Hartford areas.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

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, EPA 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 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 (1976); 42 U.S.C. 7410(a)(2).

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the *Federal Register* on January 19, 1989 (54 FR 2214-2225).

On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and Table 3 revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

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

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 January 19, 1992. 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

Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur oxides.

Note: Incorporation by reference of the State Implementation Plan for the State of Connecticut was approved by the Director of the Federal Register on July 1, 1982.

Dated: October 30, 1992.

Paul G. Keough,

Acting Regional Administrator.

Part 52 of 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.

2. Section 52.370 is amended by adding paragraph (c)(59) to read as follows:

§ 52.370 Identification of plan.

* * * * *

(c) * * *

(59) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on March 24 and April 23, 1992.

(i) Incorporation by reference.

(A) Letter from the Connecticut Department of Environmental Protection dated April 14, 1992, submitting a revision to the Connecticut State Implementation Plan.

(B) State Order No. 1073B and attached compliance timetable for the Stone Connecticut Paperboard Corporation of Uncasville, CT. State Order No. 1073B was effective on February 14, 1992.

(C) Letter from the Connecticut Department of Environmental Protection dated March 24, 1992, submitting a revision to the Connecticut State Implementation Plan.

(D) State Order No. 7016A and attached compliance timetable for the Hartford Hospital of Hartford, CT. State Order No. 7016A was effective on February 5, 1992.

(ii) Additional materials.

(A) Memorandum dated August 17, 1989, approving the modeling analysis for the Stone Container Co.

(B) Modeling Study dated August 9, 1989, for the Stone Container Co.

(C) State Order No 1073A, dated June 12, 1990, and effective July 9, 1990.

(D) Memorandum dated January 3, 1990, approving the modeling analysis for the Hartford Hospital.

(E) Modeling study dated December 28, 1989, for the Hartford Hospital.

* * * * *

[FR Doc. 92-28198 Filed 11-19-92; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 441

[BPD-485-F]

RIN 0938-AD69

Medicaid Program; Prohibitions on FFP for Educational and Vocational Training for Institutionalized Individuals

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

ACTION: Final rule.

SUMMARY: This final rule revises and clarifies the meaning of the prohibition against the use of Federal financial participation (FFP) for vocational training and educational activities in intermediate care facilities for the mentally retarded (ICFs/MR) and in psychiatric facilities or programs providing psychiatric services to individuals under age 21. It resolves issues that have been raised by the States and courts regarding the method and criteria that have been used by HCFA to determine which services are not eligible for FFP because of the educational and vocational training services exclusion.

EFFECTIVE DATE: These regulations are effective December 21, 1992.

FOR FURTHER INFORMATION CONTACT: Martha Kuespert (410) 966-1782.

SUPPLEMENTARY INFORMATION:

I. Background

Medicaid regulations have contained a provision prohibiting payment for educational and vocational services in intermediate care facilities for the mentally retarded (ICFs/MR) since 1974, when initial regulations for the ICF/MR program were published. The initial regulations implementing the psychiatric services benefit for those under age 21 also included the educational and vocational exclusion. This exclusion is found at 42 CFR 441.13(b). The exclusion was based on the fact that the Medicaid program is fundamentally a medical assistance program that has as its primary purpose the provision of medical care and services (which are defined in section 1905(a) of the Social Security Act (the Act)). It was also based on the principle of Medicaid as the "payor of last resort" under sections 1902(a)(25) and 1902(a)(17)(B) of the Act, which HCFA believed obligated State education agencies, not Medicaid, to pay for services related to special education. The exclusion was explained