Dated: January 15, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–1795 Filed 1–25–93; 8:45 am]

BILLING CODE 4160–01–F

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21 CFR Part 520

Oral Dosage Form New Animal Drugs; Sulfadimethoxine Oral Solution and Soluble Powder

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of an abbreviated new animal drug application (ANADA) filed by Agri Laboratories, Ltd. The ANADA provides for the use of a generic sulfadimethoxine oral solution as an antibacterial in drinking water for the treatment of broiler and replacement chickens for coccidiosis, fowl cholera, and infectious coryza; meat-producing turkeys for coccidiosis and fowl cholera; and in drinking water and as a drench for the treatment of dairy calves, dairy heifers, and beef cattle for shipping fever complex, bacterial pneumonia, calf diphtheria, and foot rot.

EFFECTIVE DATE: January 26, 1993.

FOR FURTHER INFORMATION CONTACT: Steven D. Vaughn, Center for Veterinary Medicine (HFV–135), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–295–8648.

SUPPLEMENTARY INFORMATION: Agri Laboratories, Ltd., P.O. Box 3103, St. Joseph, MO 64503, is the sponsor of ANADA 200–030, which provides for the use of a generic sulfadimethoxine oral solution as an antibacterial in drinking water for the treatment of broiler and replacement chickens for coccidiosis, fowl cholera, and infectious coryza; meat-producing turkeys for coccidiosis and fowl cholera; and in drinking water and as a drench for the treatment of dairy calves, dairy heifers, and beef cattle for shipping fever complex, bacterial pneumonia, calf diphtheria, and foot rot.

Approval of ANADA 200–030 for Agri Laboratories, Ltd.'s sulfadimethoxine 12.5 percent oral solution is as a generic copy of Hoffmann-La Roche's NADA 031–205 for Albon® 12.5 percent drinking water solution (sulfadimethoxine). The ANADA is approved as of December 31, 1992, and 21 CFR 520.2220a is amended to reflect the approval. The basis for approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

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.

List of Subjects in 21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

2. Section 520.2220a is amended by revising the section heading and paragraphs (a), (b), and the introductory text of paragraph (e) to read as follows:

§ 520.2220a Sulfadimethoxine oral solution and soluble powder.

(a) *Specifications.* (1) The oral solution contains 12.5 percent (3.75 grams per ounce) sulfadimethoxine.

(2) Each packet of powder contains the equivalent of 94.6 grams of sulfadimethoxine (as the sodium salt).

(b) *Sponsors.* See Nos. 000004 and 057561 in § 510.600(c) of this chapter.

* * * * *

(e) *Conditions of use.* The oral solution is administered as a cattle drench or diluted as directed to prepare drinking water. The powder is used to prepare a drench or drinking water. The concentrations and uses of the various solutions are as follows:

* * * * *

Dated: January 14, 1993.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 93–1794 Filed 1–25–93; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

24 CFR Parts 905 and 906

[Docket No. R–93–1529; FR–2810–N–04]

RIN 2577–AA90

Extension of Section 5(h) Homeownership Program for Public and Indian Housing

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: This notice extends the period that the interim rule for the Section 5(h) Homeownership Program will be in effect, from January 20, 1993 until the effective date of final rule.

EFFECTIVE DATE: January 20, 1993.

FOR FURTHER INFORMATION CONTACT: C. Wayne Hunter, Senior Homeownership Programs Advisor, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., room 4118, Washington, DC 20410. Telephone number (202) 708–4233, TDD (202) 708–0850. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: A regulatory codification of the requirements of the Section 5(h) Homeownership Program for public (24 CFR part 906) and Indian (24 CFR part 905) housing was published as an interim rule in the **Federal Register** on September 20, 1991 (56 FR 47852). The primary statutory mandate for this program is section 5(h) of the United States Housing Act of 1937 (Act). Secondary authority is found in section 6(c)(4)(D) of the Act.

As the primary statutory mandate, section 5(h) authorizes PHAs to sell public housing to residents "on such terms and conditions as the [PHA] may determine." That emphasis on local initiative and discretion is reinforced by section 6(c)(4)(D), which speaks of "the development by local housing authority managements of viable homeownership opportunity programs." These two complementary portions of the Act constitute what is essentially one provision that established the statutory basis for local homeownership activities under the section 5(h) Homeownership Program.

The preamble to the interim rule stated that the rule would cease to be effective after July 20, 1992, unless before that date the Department published it as a final rule. Because the Department determined that some additional time and experience in working with the interim rule would be appropriate before issuing a final rule, a notice extending the time period during which the interim rule would be in effect for an additional six months (to January 20, 1993) was published on July 20, 1992 (57 FR 31962).

Although the Department expects to publish the final rule in the very near future, the final rule cannot be effective until 30 days following **Federal Register** publication. To prevent a transition period during which there is no rule in effect, this notice extends the effective date of the interim rule for the Section 5(h) Homeownership Program at 24 CFR part 905, subpart O, and 24 CFR part 906, from January 20, 1993 until the effective date a final rule for the Section 5(h) Homeownership Program.

Dated: January 15, 1993.

Joseph G. Schiff,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 93-1766 Filed 1-25-93; 8:45 am]

BILLING CODE 4210-33-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IA-7-1-5652; FRL-4552-2]

Approval and Promulgation of Implementation Plans; State of Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: On November 29, 1991 (56 FR 60924), EPA approved with a few exceptions Chapter V, Air Pollution, of the Polk County, Iowa, Board of Health Rules and Regulations, as part of the Iowa State Implementation Plan (SIP). Portions of Chapter V, Article VI, Section 5-16, Specific emission standards, were inadvertently omitted from the codification portion of the rulemaking, which identifies the regulations approved by EPA. This action will correct that error and approve paragraphs (a)-(m) of Section 5-16. The intended effect of this notice is to correct the earlier rulemaking and to approve the aforementioned paragraphs of the Polk County, Iowa, air rules.

EFFECTIVE DATE: January 26, 1993.

FOR FURTHER INFORMATION CONTACT: Wayne A. Kaiser at (913) 551-7603.

SUPPLEMENTARY INFORMATION: As noted in the summary section above, this action corrects an omission in the earlier rulemaking. Article VI of Chapter V of the county rules, Section 5-16, Specific emission standards, paragraphs (a)-(m), contain particulate emission standards for specific source categories such as asphalt batch plants, cement plants, lime kilns, etc. In the November 29, 1991, rulemaking, EPA stated that it was approving Article VI, except for the portions relating to EPA standards promulgated under sections 111 and 112 of the Clean Air Act. Section 5-16 (a) through (m) does not relate to the sections 111 and 112 standards, and they were intended to be approved. However, they were inadvertently omitted from the incorporation by reference in the codified portion of the rulemaking. EPA, therefore, approves these paragraphs of Section 5-16.

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Particulate matter, Sulfur oxides.

Dated: December 9, 1992.

Morris Kay,

Regional Administrator.

40 CFR part 52, subpart Q, is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401-7671q.

Subpart Q—Iowa

2. Section 52.820 is amended by revising paragraph (c)(55) to read as follows:

§ 52.820 Identification of plan.

* * * * *

(c) * * *

(55) * * *

(i) Incorporation by reference.

(A) Polk County Board of Health Rules and Regulations, Chapter V, Air Pollution, Ordinances 28, 72 and 85, effective May 1, 1991, except for the following: Article I, definition of variance; Article VI, Section 5-16 (n), (o), and (p); Article VI, Section 5-17(d), variance provision; Article VIII; Article IX, Sections 5-27(3) and 5-27(4); and Article X, Division 5—Variance.

* * * * *

[FR Doc. 93-1797 Filed 1-25-93; 10:17 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[GA-020-3-5417; FRL-4537-6]

Approval and Promulgation of Implementation Plans; Georgia: Approval of Revisions to the Stack Definitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On December 15, 1986, the State of Georgia through the Georgia Department of Natural Resources submitted revised regulations which limit stack height credit and dispersion techniques in accordance with EPA's requirements. EPA proposed approval of the Georgia Stack Height regulations, but noted that Georgia had not yet adopted the definitions of "stack" and "stack in existence." On January 3, 1991, the State of Georgia submitted a revision incorporating these definitions into the stack height regulations. However, it was not until April 3, 1991, that all the required elements were submitted, making the package a complete submittal. The revisions meet the requirements of title 40, part 51, subpart I of the Code of Federal Regulations. The revisions define "stack in existence" and also define "stack" to include any point designed to emit solids, liquid or gases into the air. EPA is approving the revisions to the Georgia State Implementation Plan (SIP) which were submitted to EPA by the State of Georgia on December 15, 1986, January 3, 1991, and April 3, 1991.

EFFECTIVE DATE: This action will become final February 25, 1993.

ADDRESSES: Copies of the material submitted by the Georgia Department of Natural Resources may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Region IV Air Programs Branch, Environmental Protection Agency, 345 Courtland Street, Atlanta, Georgia 30365.

Air Protection Branch, Georgia Environmental Protection Division, Georgia Department of Natural Resources, 205 Butler Street, Southeast, room 1162, East Tower, Atlanta, Georgia 30334.

FOR FURTHER INFORMATION CONTACT: Diane Altsman of the EPA, Region IV, Air Programs Branch at (404) 347–2864 and at the above address.

SUPPLEMENTARY INFORMATION: On July 8, 1985 (50 FR 27892), EPA published a final rule for the Stack Height Regulations. It required states to: (1) Review and revise as necessary, their State Implementation Plans (SIP) to include provisions that limit stack height credits and dispersion techniques in accordance with this regulations and (2) review all existing emission limitations to determine whether any of these limitations have been affected by stack height credits above "Good Engineering Practice" (GEP), or by any other dispersion techniques. On June 15, 1989 (54 FR 25451), and September 29, 1989 (54 FR 40001), EPA published final rules approving Georgia's declaration that the stack height revisions did not necessitate source specific revisions to the SIP.

On February 15, 1989 (54 FR 6937), EPA published a proposed rule to approve revisions to the Georgia Stack Height regulations. At that time Georgia did not have a definition for stack or existing stack, and did not have grandfathering provisions. The proposal was made on the condition that the State of Georgia would adopt the definition of "stack" and "stack in existence" and incorporate into their rules the grandfathering provisions before final rulemaking. On December 5, 1990, the Georgia Department of Natural Resources adopted the revisions to the Georgia SIP, which define "stack" and "stack in existence." They have not adopted the grandfathering provisions. The Georgia Department of Natural Resources submitted the revisions to EPA on January 3, 1991, which were State effective January 9, 1991. Georgia requested that the revisions be adopted as part of the federally approved SIP. EPA is approving the Georgia Stack Height regulations even though the grandfathering provisions have not been adopted, not been adopted, because the **Federal Register** of June 15, 1989 (54 FR 25451), approved Georgia's grandfathered sources. EPA is today approving revisions to the stack height regulations proposed in the **Federal Register** of February 15, 1989 (54 FR 6936), and the following additions:

391–3–1–.01 Definitions

Add the following definitions:

(bbbb) "stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct but not including flares;

(cccc) "stack in existence" means that the owner or operator had: (1) Begun, or caused to begin, a continuous program of physical on-site construction of the stack, or (2) entered into binding agreements or contractual obligations, which could not be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed within a reasonable time.

FINAL ACTION: EPA is today approving the revision to the Georgia air quality regulations listed above. All of the revisions being approved are consistent with agency policy.

Today's action makes final the action proposed at 54 FR 6936, February 15, 1989. EPA has received no adverse public comments relevant to this action. As a direct result, the Regional Administrator has reclassified this action from Table 1 to Table 2 under the processing procedures established at 54 FR 2214, January 19, 1989.

On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP 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 until such time as it rules on EPA's request.

The Agency has reviewed this request for revision of the federally approved State Implementation Plan for conformance with the provisions of the 1990 Amendments enacted on November 15, 1990. The Agency has determined that this action conforms with those requirements irrespective of the fact that the submittal preceded the date of enactment.

Although the EPA generally approves Georgia's stack height rules on the grounds that they satisfy 40 CFR part 51, the EPA also provides notice that this action may be subject to modification when EPA completes rulemaking to respond to the decision in *NRDC* v. *Thomas*, 838 F.2d 1224 (D.C. Cir. 1988). If the EPA's response to the NRDC remand modifies the July 8, 1985 regulations, the EPA will notify the State of Georgia that its rules must be changed to comport with the EPA's modified requirements. This may result in revised emission limitations or may affect other actions taken by Georgia and source owners or operators.

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals of the appropriate circuit by March 29, 1993. 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 307(b)(2)).

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a revision to the 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 technical statutory and regulatory requirements.

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, I certify 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 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirement, Sulfur oxides.

Dated: October 22, 1992.
Patrick M. Tobin,
Acting Regional Administrator.

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

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart L—Georgia

2. Section 52.570 is amended by adding paragraph (c)(42) to read as follows:

§ 52.570 Identification of plan.

* * * * *

(c) * * *

(42) Revisions to the Georgia stack height regulations; Chapter 391–3–1 of the Georgia Department of Natural Resources Administrative Code which were submitted on December 15, 1986, and January 3, 1991.

(i) Incorporation by reference.

(A) Rule 391–3–1–.02 (2)(g), which was adopted by the Georgia Dept. of Natural Resources on December 3, 1986.

(B) Rule 391–3–1–.01 (Definitions) to include definitions (bbbb) and (cccc) for "stack" and "stack in existence"; and Rule 391–3–1–.02 (2)(a)4., which were adopted on December 5, 1990 by the Georgia Department of Natural Resources, and became State law effective January 9, 1991.

[FR Doc. 93–1798 Filed 1–25–93; 8:45 am]

BILLING CODE 6560–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 433 and 447

[MB–062–CN]

RIN 0938–AF42

Medicaid Program; Limitations on Provider-Related Donations and Health Care-Related Taxes; Limitations on Payments to Disproportionate Share Hospitals; Corrections

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

ACTION: Correction notice.

SUMMARY: **Federal Register** document 92–28621, published on November 24, 1992, beginning on page 55118, amended 42 CFR parts 433 and 447 to revise Medicaid rules applicable to limitations on Federal financial participation (FFP) in State medical assistance expenditures when States receive funds from provider-related donations and revenues generated by certain health care-related taxes. The document also revised Medicaid rules applicable to limitations on the aggregate amount of payments a State may make to disproportionate share hospitals for which FFP is available. This notice:

- Corrects an editing error that resulted in duplicated regulatory text;
- Corrects in 42 CFR 447.297(d)(1) the method of notifying States of updated national and State DSH allotments to make it consistent with the description of the method in the preamble (see description beginning on page 55132, third column, third line from the bottom of the page); and
- Corrects editorial and typographical errors in the interim final rule.

FOR FURTHER INFORMATION CONTACT: Valerie Krauss (410) 966–4670.

Corrections

1. On page 55123, in the second column, in the third full paragraph, in line 12 "regulatory" should read "regularly".

2. On page 55124, in the first column:

(a) In line 6 "outstanding" should read "outstationing".

(b) In line 27 "§ 433.58k(e)" should read "§ 433.58(e)".

3. On page 55125, in the second column, in the first paragraph, in the third line "denied" should read "denies".

4. On page 55127, in the second column, in line 8 "1903(a)(w)(3)(A)(i)" should read "1903(w)(3)(A)(i)".

5. On page 55128:

(a) In the second column, in the first bullet in the first full paragraph, in the second line "is" should read "in".

(b) In the third column, in lines 5 and 6 from the bottom of the page, the phrase "+ Physicians in primarily medically underserved areas" should be deleted.

6. On page 55130, in the second column, in line 11 the word "or" should be inserted between the comma and "any".

7. On page 55131, in the first column, in the third full paragraph, in line 10 "1991" should read "1992".

8. On page 55132, in the third column, in the third line from the bottom of the page "are" should read "as".

9. On page 55133:

(a) In the first column, in the first full paragraph, beginning in line 19 "Those allotments DSH expenditures that are in excess of the final State DSH will be disallowed." should read "Those DSH expenditures that are in excess of the final State DSH allotments will be disallowed.".

(b) In the second column, in the third full paragraph, in the third line "§ 447.297(c)" should read "§ 447.272(c)".

(c) In the third column, in the second full paragraph, in the first line "§ 447.299(a)(3)" should read "§ 447.298(a)(3)".

10. On page 55138:

(a) In the first column, in subpart A, two additional amendatory language instructions should be inserted after instruction 3., and instruction 4. should be renumbered as 6., to read as follows:

§ 433.33 [Redesignated and Amended]

4. Section 433.33 is redesignated as § 433.53 of subpart B and the title is revised to read *"State plan requirements."*

§ 433.45 [Redesignated]

5. Section 433.45 is redesignated as § 433.51 under subpart B.

(b) In the second column, in § 433.50(b)(2), in the first line "Defense" should read "Defines".

11. On page 55140, in the third column, in the third line "§" should be inserted before "433.60(a)".

12. On page 55141, in the first column, in the second line "paragraph (b)(1)(i)" should read "paragraph (b)(1)".

13. On page 55143:

(a) In the first column, line 15 "requirement by April 1, 1993 the tax is" should read "requirement by April 1, 1993. If, by April 1, 1993, the tax is".

(b) In the third column, in part 447, two additional amendatory language instructions should be inserted after instruction 2., and instruction 3. should be renumbered as 5., to read as follows:

"Subpart D—[Redesignated as Subpart F]

3. Subpart D is redesignated as subpart F.

Subpart D—[Reserved]

4. Subpart D is reserved."

14. On page 55144, in the second column, in § 447.297(d)(1), the first sentence "HCFA will advise the State Medicaid Directors by April 1 of each year of updated national limits and updated State DSH allotments." should read "HCFA will publish in the **Federal Register** by April 1 of each year updated national limits and updated State DSH allotments.".

(Catalog of Federal Domestic Assistance Program No. 93.714, Medical Assistance)

Dated: January 15, 1993.

Neil J. Stillman,

Deputy Assistant Secretary for Information Resources Management.

[FR Doc. 93-1740 Filed 1-25-93; 10:15 am]

BILLING CODE 4120-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA-7562]

Suspension of Community Eligibility

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If FEMA receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register.**

EFFECTIVE DATES: The effective date of each community's suspension is the third date ("Susp.") listed in the third column of the following tables.

ADDRESSES: If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, 500 C Street SW., room 417, Washington, DC 20472, (202) 646-2717.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 *et seq.*, unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 *et seq.* Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register.**

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Federal Insurance Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless they take remedial action.

Regulatory Impact Analysis

This rule is not a major rule under Executive Order 12291, Federal Regulation, February 17, 1981, 3 CFR, 1981 Comp., p. 127. No regulatory impact analysis has been prepared.

Paperwork Reduction Act

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp., p. 252.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date of authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
Suspensions				
Region IV				
North Carolina: Mecklenburg County, unincorporated areas.	370158	May 17, 1973, Emerg.; June 1, 1981, Reg.; Feb. 3, 1993, Susp.	Feb. 3, 1993	Feb. 3, 1993.
Region V				
Illinois:				
Aroma Park, village of Kankakee County	170740	Aug. 25, 1975, Emerg.; Nov. 2, 1977, Reg.; Feb. 3, 1993, Susp.	......do	Do.
Kankakee County, unincorporated areas	170336	Apr. 28, 1972, Emerg.; July 2, 1979, Reg.; Feb. 3, 1993, Susp.	......do	Do.
Kankakee, city of Kankakee County	170339	May 29, 1973, Emerg.; Apr. 17, 1978, Reg.; Feb. 3, 1993, Susp.	......do	Do.
Momence, city of Kankakee County	170340	Aug. 8, 1975, Emerg.; Nov. 2, 1977, Reg.; Feb. 3, 1993, Susp.	......do	Do.
Sun River Terrace, village of Kankakee County.	171015	Oct. 26, 1984, Emerg.; June 19, 1985, Reg.; Feb. 3, 1993, Susp.	......do	Do.
Indiana: Warrick County, unincorporated areas	180418	Apr. 11, 1975, Emerg.; May 17, 1982, Reg.; Feb. 3, 1993, Susp.	......do	Do.
Michigan:				
Greenbush, township of Alconia County	260001	Aug. 26, 1975, Emerg.; Sept. 30, 1988, Reg.; Feb. 3, 1993; Susp.	......do	Do.
Pinconning, township of Bay County	260025	Mar. 30, 1973, Emerg.; Sept. 1, 1978, Reg.; Feb. 3, 1993, Susp.	......do	Do.
Sims, township of Arenac County	260015	May 7, 1973, Emerg.; June 1, 1978, Reg.; Feb. 3, 1993, Susp.	......do	Do.
Region VI				
Texas: San Diego, city of Duval and Jim Wells Counties.	481199	Dec. 26, 1975, Emerg.; Mar. 1, 1987, Reg., Feb. 3, 1993, Susp.	......do	Do.
Region VII				
Kansas: St. George, city of Pottawatomi County	200274	Apr. 8, 1988, Emerg.; Feb. 3, 1993, Reg.; Feb. 3, 1993, Susp.	......do	Do.
Region IV				
Georgia: Chattooga County, unincorporated areas.	130036	Apr. 13, 1989, Emerg.; Feb. 17, 1993, Reg.; Feb. 17, 1993, Susp.	Feb. 17, 1993	Feb. 17, 1993.
Region V				
Michigan: Alpena, township of Alpena County	260011	Oct. 2, 1975, Emerg.; Jan. 21, 1983, Reg.; Feb. 17, 1993, Susp.	Feb. 3, 1993	Do.
Wisconsin:				
Biron, village of Wood County	555545	Apr. 2, 1971, Emerg.; Mar. 25, 1973, Reg.; Feb. 17, 1993, Susp.	Feb. 17, 1993	Do.
Nekoosa, city of Wood County	550516	May 16, 1975, Emerg.; July 16, 1987, Reg.; Feb. 17, 1993, Susp.	......do	Do.
Port Edwards, village of Wood County	555572	July 2, 1971, Emerg.; Apr. 13, 1973, Reg.; Feb. 17, 1993, Susp.	......do	Do.
Wisconsin Rapids, city of Wood County	555587	Apr. 30, 1971, Emerg.; Sept. 14, 1973, Reg.; Feb. 17, 1993, Susp.	......do	Do.
Wood County, unincorporated areas	550513	Mar. 5, 1971, Emerg.; Mar. 15, 1978, Reg.; Feb. 17, 1993, Susp.	....	Do.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Issued: January 19, 1993.

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 93-1882 Filed 1-25-93; 8:45 am]

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Proposed Rules

Federal Register
Vol. 58, No. 15
Tuesday, January 26, 1993

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 40, 72, 74, 75, 150

RIN 3150-AE35

Licensee Submittal of Data in Computer Readable Form

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is proposing an amendment to its regulations that would require certain licensees to submit data to the NRC in computer readable form. The proposed rule is intended to streamline the collection of nuclear material transaction data and increase the accuracy of the reported information. The proposed rule would result in an annual cost savings of approximately $100,000 in the data collection effort.

DATES: Comments must be received on or before April 26, 1993. Comments received after this date will be considered if it is practical to do so, but only those comments received on or before this date can be assured of consideration.

ADDRESSES: Comments or suggestions regarding the proposed amendments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Copies of comments received will be available in the NRC Public Document Room at 2120 L Street NW. (Lower Level), Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: Richard H. Gramann, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 504-2456.

SUPPLEMENTARY INFORMATION: The NRC has a major interest in the potential use for computer readable submittal. This innovation not only can result in monetary savings but also can increase efficiency and accuracy of data collection efforts. In April 1989 the NRC notified licensees reporting special nuclear material transactions on hard copy forms that they could instead submit their reports in machine readable form. Specific submittal procedures, as detailed in the "Personal Computer Data Input for NRC Licensees" (Nuclear Materials Management and Safeguards System (NMMSS) Report D-24) was to be followed.

The NRC is proposing to amend its regulations to require licensees satisfying reporting requirements using DOE/NRC Form 741, "Nuclear Material Transaction Report," DOE/NRC Form 741A, "Nuclear Material Transaction Report (Continuation Page)," DOE/NRC Form 740M, "Concise Note," DOE/NRC Form 742, "Material Balance Report," and DOE/NRC Form 742C, "Physical Inventory Listing," to submit the reports in computer readable form. This proposed regulatory change makes mandatory the reporting in computer readable form in the format prescribed by that document. This proposed change would streamline the collection of nuclear material transaction data and result in greater accuracy. It would eliminate the need for paper forms, thus providing a cost savings for the NRC in satisfying its statutory and treaty obligations.

The proposed amendments would affect each specific licensee who transfers, receives, or adjusts the inventory in any manner by 1 kilogram or more of uranium or thorium source material of foreign origin or who imports or exports 1 kilogram or more of uranium or thorium source material of any origin. Each specific licensee who transfers or receives 1 gram or more of contained uranium-235, uranium-233, or plutonium would also be affected.

These proposed amendments are intended only to take advantage of current computer technology to make more efficient and less costly the data collection process. The Commission believes there will be minimal costs associated with implementation of these proposed amendments but nonetheless encourages licensees to comment on the cost impact of complying with the rule, if such impact is considered significant.

Most licensees already have their material accounting automated and can easily generate computer readable reports. For those licensees who have not yet automated their reporting, a diskette with the appropriate formats and user prompts may be obtained from the NRC to facilitate this process. Licensees may obtain a copy of the NMMSS report or the diskette by writing the U.S. Nuclear Regulatory Commission, Division of Safeguards and Transportation, Washington, DC 20555.

Submission of Comments in Electronic Format

Commenters are encouraged to submit, in addition to the original paper copy, a copy of the letter in electronic format on 5.25 or 3.5 inch computer diskette; IBM PC/DOS or MS/DOS format. Text files should be provided in WordPerfect format or unformatted ASCII code. The format and version should be identified on the diskette's external label.

Environment Impact: Categorical Exclusion

The NRC has determined that this proposed change is the type of action described in the categorical exclusion 10 CFR 51.33(c)(2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for the proposed rule.

Paperwork Reduction Act Statement

This proposed rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). This rule has been submitted to the Office of Management and Budget for review and approval of the paperwork requirements.

Since the rule would eliminate the need for certain paper forms, the public reporting burden for the collection of information is expected to be reduced. The resulting burden reduction for DOE/NRC Forms 741, 741A, 742, and 740M is estimated to average .25 hours per response. The resulting burden reduction for DOE/NRC Form 742C is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the estimated burden reduction or any other aspect of this collection of information, including suggestions for further reducing reporting burden, to the Information and Records Management Branch (MNBB-7714), U.S. Nuclear Regulatory Commission, Washington, DC 20555; and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-3019, (3150-0003, -0004, -00057, and -0058), Office of Management and Budget, Washington, DC 20503.

Regulatory Analysis

These proposed amendments would have no significant impact on State and local governments and geographical regions. They would have a significant positive impact on the efficiency and accuracy of the data collection process. The proposed amendments would not have a significant impact on health, safety, and the environment. This rule would make all licensees submit computer readable reports regarding special nuclear material transactions. The NRC would realize a cost savings of approximately $100,000. Licensees have already demonstrated their computer expertise by generating near perfect copies of the current forms on Laser Jet printers. Generating computer readable data in accordance with a prescribed format offers less burden than producing these forms. The rule would facilitate the collection of data by the NRC to satisfy its statutory and treaty obligations. This constitutes the regulatory analysis for this proposed rule.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the Commission certifies that this change will not, if promulgated, have a significant economic impact on a substantial number of small entities. This proposed rule would affect all licensees required to report special nuclear material transactions using DOE/NRC Forms 741, 741A, 742, 742C, and 740M. The companies that own nuclear power plants or nuclear fuel fabrication plants have already automated their material accounting program and can easily generate computer readable reports. Other companies that have not yet automated their reporting may obtain a diskette from the NRC to assist them in satisfying their reporting requirements. These companies may fall within the scope of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121.

Backfit Analysis

The NRC has determined that a backfit analysis is not required for this proposed change because these amendments do not involve any provisions that would impose backfits as defined in 10 CFR 50.109(a)(1).

List of Subjects

10 CFR Part 40

Criminal penalties, Government contracts, Hazardous materials-transportation, Nuclear materials, Reporting and recordkeeping requirements, Source material, Uranium.

10 CFR Part 72

Manpower training programs, Nuclear materials, Occupational safety and health, Reporting and recordkeeping requirements, Security measures, Spent fuel.

10 CFR Part 74

Accounting, Criminal penalties, Hazardous materials-transportation, Material control and accounting, Nuclear materials, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Special nuclear material.

10 CFR Part 75

Criminal penalties, Intergovernmental relations, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 150

Criminal penalties, Hazardous materials—transportation, Intergovernmental relations, Nuclear materials, Reporting and recordkeeping requirements, Security measures, Source material, Special nuclear material.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is proposing to adopt the following amendments to 10 CFR parts 40, 72, 74, 75, and 150.

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

1. The authority citation for part 40 continues to read as follows:

Authority: Secs. 62, 63, 64, 65, 81, 161, 182, 183, 186, 68 Stat. 932, 933, 935, 948, 953, 954, 955, as amended, secs. 11e(2), 83, 84, Pub. L. 95-604, 92 Stat. 3033, as amended, 3039, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2014(e)(2), 2092, 2093, 2094, 2095, 2111, 2113, 2114, 2201, 2232, 2233, 2236, 2282); sec. 274, Pub. L. 86-373, 73 Stat. 688 (42 U.S.C. 2021); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); sec. 275, 92 Stat. 3021, as amended by Pub. L. 97-415, 96 Stat. 2067 (42 U.S.C. 2022).

Section 40.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 40.31(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 40.46 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 40.71 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 40.3, 40.25(d)(1)-(3), 40.35 (a)-(d) and (f), 40.41 (b) and (c), 40.46, 40.51 (a) and (c), and 40.63 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b); 40.10 is issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201 (b); (42 U.S.C. 2201(i)); and 40.5, 40.9, 40.25 (c), (d)(3), and (4), 40.26(c)(2), 40.35(e), 40.42, 40.60, 40.61, 40.62, 40.64, and 40.65 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. In § 40.64, paragraph (a) is revised to read as follows:

§ 40.64 Reports.

(a) Except as specified in paragraphs (d) and (e) of this section, each specific licensee who transfers, receives, or adjusts the inventory in any manner by 1 kilogram or more of uranium or thorium source material of foreign origin or who imports or exports 1 kilogram of uranium or thorium source material of any origin shall complete a Nuclear Material Transaction Report in computer readable form in accordance with instructions (NUREG/BR-0006 and NMMSS Report D-24 "Personal Computer Data Input for NRC Licensees"). Copies of the instructions may be obtained from the U.S. Nuclear Regulatory Commission, Division of Safeguards and Transportation, Washington, DC 20555. Each licensee who transfers the material shall submit a Nuclear Material Transaction Report in computer readable form in accordance with instructions no later than the close of business the next working day. Each licensee who receives the material shall submit a Nuclear Material Transaction Report in computer readable form in accordance with instructions within ten (10) days after the material is received. The Commission's copy of the report must be submitted to the address specified in the instructions. These prescribed computer readable forms replace the DOE/NRC Form 741 which has been submitted in paper form.

* * * * *

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE

3. The authority citation for part 72 continues to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); Secs. 131, 132, 133, 135, 137, 141, Pub. L. 97–425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168).

Section 72.44(g) also issued under secs. 142(b) and 148 (c), (d), Pub. L. 100–203, 101 Stat. 1330–232, 1330–236 (42 U.S.C. 10162(b), 10168 (c), (d)). Section 72.46 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97–425, 96 Stat. 2202, 2203, 2204, 2222, 2244 (42 U.S.C. 10101, 10137(a), 10161(h)). Subparts K and L are also issued under sec. 133, 98 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 72.6, 72.12, 72.22, 72.24, 72.26, 72.28(d), 72.30, 72.32, 72.44(a), (b)(1), (4), (5), (c), (d)(1), (2), (e), (f), 72.48(a), 72.50(a), 72.52(b), 72.72(b), (c), 72.74(a), (b), 72.76, 72.78, 72.104, 72.106, 72.120, 72.122, 72.124, 72.126, 72.128, 72.130, 72.140(b), (c), 72.148, 72.154, 72.156, 72.160, 72.166, 72.168, 72.170, 72.172, 72.176, 72.180, 72.184, 72.186 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 72.10(a), (e), 72.12, 72.22, 72.24, 72.26, 72.28, 72.30, 72.32, 72.44(a), (b)(1), (4), (5), (c), (d)(1), (2), (e), (f), 72.48 (a), 72.50(a), 72.52(b), 72.90(a)-(d), (f), 72.92, 72.94, 72.98, 72.100, 72.102(c), (d), (f), 72.104, 72.106, 72.120, 72.122, 72.124, 72.126, 72.128, 72.130, 72.140(b), (c), 72.142, 72.144, 72.146, 72.148, 72.150, 72.152, 72.154, 72.156, 72.158, 72.160, 72.162, 72.164, 72.166, 72.168, 72.170, 72.172, 72.176, 72.180, 72.182, 72.184, 72.186, 72.190, 72.192, 72.194 are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 72.10(e), 72.11, 72.16, 72.22, 72.24, 72.26, 72.28, 72.30, 72.32, 72.44(b)(3), (c)(5), (d)(3), (e), (f), 72.48(b), (c), 72.50(b), 72.54(a), (b), (c), 72.56, 72.70, 72.72, 72.74(a), (b), 72.76(a), 72.78(a), 72.80, 72.82, 72.92(b), 72.94(b), 72.140(b), (c), (d), 72.144(a), 72.146, 72.148, 72.150, 72.152, 72.154(a), (b), 72.156, 72.160, 72.162, 72.168, 72.170, 72.172, 72.174, 72.176, 72.180, 72.184, 72.186, 72.192, 72.212(b), 72.216, 72.218, 72.230, 72.234 (e) and (g) are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

4. In § 72.76, paragraph (a) is revised to read as follows:

§ 72.76 Material status reports.

(a) Except as provided in paragraph (b) of this section, each licensee shall complete in computer readable form and submit to the Commission a material status report in accordance with instructions (NUREG/BR–0007 and NMMSS Report D–24 "Personal Computer Data Input for NRC Licensees"). Copies of these instructions may be obtained from the U.S. Nuclear Regulatory Commission, Division of Safeguards and Transportation, Washington, DC 20555. These reports provide information concerning the special nuclear material contained in the spent fuel possessed, received, transferred, disposed of, or lost by the licensee. Material status reports must be made as of March 31 and September 30 of each year and filed within 30 days after the end of the period covered by the report. The Commission may, when good cause is shown, permit a licensee to submit material status reports at other times. The Commission's copy of this report must be submitted to the address specified in the instructions. These prescribed computer readable forms replace the DOE/NRC Form 742 which has been submitted in paper form.

* * * * *

5. Section 72.78 is revised to read as follows:

§ 72.78 Nuclear material transfer reports.

(a) Except as provided in paragraph (b) of this section, whenever the licensee transfers or receives spent fuel, the licensee shall complete in computer readable form a Nuclear Material Transaction Report in accordance with instructions (NUREG/BR–0006 and NMMSS Report D–24, "Personal Computer Data Input for NRC Licensees"). Copies of these instructions may be obtained from the U.S. Nuclear Regulatory Commission, Division of Safeguards and Transportation, Washington, DC 20555. Each ISFSI licensee who receives spent fuel from a foreign source shall complete both the supplier's and receiver's portion of the Nuclear Material Transaction Report, verify the identity of the spent fuel, and indicate the results on the receiver's portion of the form. These prescribed computer readable forms replace the DOE/NRC Form 741 which has been submitted in paper form.

(b) Any licensee who is required to submit Nuclear Material Transactions Reports pursuant to § 75.34 of this chapter (pertaining to implementation of the US/IAEA Safeguards Agreement) shall prepare and submit the reports only as provided in that section instead of as provided in paragraph (a) of this section.

PART 74—MATERIAL CONTROL AND ACCOUNTING OF SPECIAL NUCLEAR MATERIAL

6. The authority citation for part 74 continues to read as follows:

Authority: Secs. 53, 57, 161, 182, 183, 68 Stat. 930, 932, 948,953, 954, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2073, 2077, 2201, 2232, 2233, 2282); secs. 201, as amended 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 74.17, 74.31, 74.33, 74.51, 74.53, 74.55, 74.57, 74.59, 74.81, and 74.82 are issued under secs. 161b and 161i, 68 Stat. 948, 949, as amended (42 U.S.C. 2201(b) and 2201(i)); and §§ 74.11, 74.13, 74.15, and 74.17 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

7. In § 74.13, paragraph (a)(1) is revised to read as follows:

§ 74.13 Material status reports.

(a)(1) Each licensee authorized to possess at any one time and location special nuclear material in a quantity totaling more than 350 grams of contained uranium-235, uranium-233, or plutonium, or any combination thereof, shall complete and submit in computer readable form material balance reports concerning special nuclear material received, produced, possessed, transferred, consumed, disposed of, or lost by it. These prescribed computer readable reports replace the DOE/NRC Form 742 which has been submitted in paper form. Each nuclear reactor licensee, as defined in §§ 50.21 and 50.22 of this chapter, also shall prepare in computer readable form a statement of the composition of the ending inventory. The inventory composition report must be submitted with each material balance report. This prescribed computer readable report replaces the DOE/NRC Form 742C which has been submitted in paper form. Each licensee shall prepare and submit the reports described in this paragraph in accordance with instructions (NUREG/BR–0007 and NMMSS Report D–24 "Personal Computer Data Input for NRC Licensees"). Copies of these instructions may be obtained from the U.S. Nuclear Regulatory Commission, Division of Safeguards and Transportation, Washington, DC 20555. Each licensee shall compile a report as of March 31 and September 30 of each year and file it within 30 days after the end of the period covered by the report. The Commission may permit a licensee to submit the reports at other times when good cause is shown.

* * * * *

8. Section 74.15 is revised to read as follows:

§ 74.15 Nuclear material transfer reports.

(a) Each licensee who transfers and each licensee who receives special nuclear material shall complete in computer readable form a Nuclear Material Transaction Report. This should be done in accordance with instructions whenever the licensee transfers or receives a quantity of special nuclear material of 1 gram or more of contained uranium-235, uranium-233, or plutonium. Copies of these instructions (NUREG/BR-0006 and NMMSS Report D-24 "Personal Computer Data Input for NRC Licensees") may be obtained from the U.S. Nuclear Regulatory Commission, Division of Safeguards and Transportation, Washington, DC 20555. This prescribed computer readable form replaces the DOE/NRC Form 741 which has been submitted in paper form.

(b) Each licensee who receives 1 gram or more of contained uranium-235, uranium-233, or plutonium from a foreign source shall:

(1) Complete in computer readable form both the supplier's and receiver's portion of the Nuclear Material Transaction Report;

(2) Perform independent tests to assure the accurate identification and measurement of the material received, including its weight and enrichment; and

(3) Indicate the results of these tests on the receiver's portion of the form.

(c) Any licensee who is required to submit inventory change reports pursuant to § 75.34 of this chapter (pertaining to implementation of the US/IAEA Safeguards Agreement) shall prepare and submit these reports only as provided in that section (instead of as provided in paragraphs (a) and (b) of this section).

PART 75—SAFEGUARDS ON NUCLEAR MATERIAL—IMPLEMENTATION OF US/IAEA AGREEMENT

9. The authority citation for Part 75 continues to read as follows:

Authority: Secs. 53, 63, 103, 104, 122, 161, 68 Stat. 930, 932, 936, 937, 939, 948, as amended (42 U.S.C. 2073, 2093, 2133, 2134, 2152, 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841). Section 75.4 also issued under secs. 135, 141, Pub. L. 97-425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); the provisions of this part are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

10. Section 75.31 is revised to read as follows:

§ 75.31 General requirements.

Each licensee who has been given notice by the Commission in writing that its installation has been identified under the Agreement shall make an initial inventory report in computer readable form, and thereafter shall make accounting reports, with respect to such installation and, in addition, licensees who have been given notice, pursuant to § 75.41, that their installations are subject to the application of IAEA safeguards, shall make the special reports described in § 75.36. These reports must be based on the records kept in accordance with § 75.21. At the request of the Commission, the licensee shall amplify or clarify any report with respect to any matter relevant to implementation of the Agreement. Any amplification or clarification must be in writing and must be submitted, to the address specified in the request, within twenty (20) days or other time as may be specified by the Commission.

11. In § 75.32, paragraph (b) is revised to read as follows:

§ 75.32 Initial inventory report.

* * * * *

(b) The initial inventory report, to be submitted to the Commission in computer readable form, in accordance with instructions (NUREG/BR-0007 and NMMSS Report D-24 "Personal Computer Data Input for NRC Licensees"), must show the quantities of nuclear material contained in or at an installation as of the initial inventory reporting date. The information is the initial inventory report may be based upon the licensee's book record.

* * * * *

12. In § 75.33, paragraph (a) is revised to read as follows:

§ 75.33 Accounting reports.

(a) (1) The accounting reports for each IAEA material balance area consists of

(i) Computer readable Nuclear Material Transaction Reports (Inventory Change Reports) and

(ii) Computer readable Material Balance Reports showing the material balance based on a physical inventory of nuclear material actually present.

(2) These prescribed computer readable forms replace the following forms which have been submitted in paper form:

(i) The DOE/NRC Form 741; and

(ii) The DOE/NRC Form 742.

* * * * *

13. Section 75.34 is revised to read as follows:

§ 75.34 Inventory change reports.

(a) Nuclear Material Transaction Reports (Inventory Change Reports) in computer readable form to be completed in accordance with instructions (NUREG/BR-0006 and NMMSS Report D-24 "Personal Computer Data Input for NRC Licensees"), must specify identification and batch data for each batch of nuclear material, the date of the inventory change, and, as appropriate,

(1) The originating IAEA material balance area or the shipper; and

(2) The receiving IAEA material balance area or the recipient.

Each licensee who receives special nuclear material from a foreign source shall complete both the supplier's and receiver's portion of the form.

(b) Nuclear Material Transactions Reports (Inventory Change Reports), when appropriate, must be accompanied by computer readable Concise Notes, completed in accordance with instructions (NUREG/BR-0006 and NMMSS Report D-24 "Personal Computer Data Input for NRC Licensees"). Copies of these instructions may be obtained from the U.S. Nuclear Regulatory Commission, Division of Safeguards and Transportation, Washington, DC 20555. This prescribed computer readable form replaces the DOE/NRC Form 740M which has been submitted in paper form. This Concise Note is used in:

(1) Explaining the inventory changes on the basis of the operating records provided for under § 75.23; and

(2) Describing, to the extent specified in the license conditions, the anticipated operational program for the installation, including particularly, but not exclusively, the schedule for taking physical inventory.

14. In § 75.35, paragraph (a) is revised to read as follows:

§ 75.35 Material status reports.

(a) A material status report must be submitted for each physical inventory which is taken as part of the material accounting and control procedures required by § 75.21. The material status report must include a computer readable Material Balance Report and a computer readable Physical Inventory Listing which lists all batches separately and specifies material identification and batch data for each batch. When appropriate, the material status report must be accompanied by a computer readable Concise Note. The reports described in this section must be prepared and submitted in accordance with instructions (NUREG/BR–0007, NUREG/BR–0006 and NMMSS Report D–24 "Personal Computer Data Input for NRC Licensees"). Copies of these instructions may be obtained from the U.S. Nuclear Regulatory Commission, Division of Safeguards and Transportation, Washington, DC 20555. These prescribed computer readable forms replace the DOE/NRC Form 742, 742C, and 740M which have been submitted in paper form.

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PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES AND IN OFFSHORE WATERS UNDER SECTION 274

15. The authority citation for part 150 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended, sec. 274, 73 Stat. 688 (42 U.S.C. 2201, 2021); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

Sections 150.3, 150.15, 150.15a, 150.31, 150.32 also issued under secs. 11e(2), 81, 68 Stat. 923, 935, as amended, secs. 83, 84, 92 Stat. 3033, 3039 (42 U.S.C. 2014e(2), 2111, 2113, 2114). Section 150.14 also issued under sec. 53, 68 Stat. 930, as amended (42 U.S.C. 2073). Section 150.15 also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 150.17a also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 150.30 also issued under sec. 234, 83 Stat. 444 (42 U.S.C. 2282).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 150.20(b)(2)–(5) and 150.21 are issued under sec.161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); § 150.14 and 150.20(b)(5) are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 150.16–150.19 and 150.20(b)(1) are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

16. In § 150.16, paragraph (a) is revised to read as follows:

§ 150.16 Submission to Commission of nuclear material transfer reports.

(a) Each person who transfers and each person who receives special nuclear material pursuant to an Agreement State license shall complete and submit in computer readable form Nuclear Material Transaction Reports in accordance with instructions (NUREG/BR–0006 and NMMSS Report D–24 "Personal Computer Data Input for NRC Licensees") whenever he transfers or receives a quantity of special nuclear material of 1 gram or more of contained uranium-235, uranium-233, or plutonium. Each person who transfers this material shall submit in accordance with instructions the computer readable form promptly after the transfer takes place. Each person who receives special nuclear material shall submit in accordance with instructions the computer readable form within ten (10) days after the special nuclear material is received. Copies of the instructions may be obtained from the U.S. Nuclear Regulatory Commission, Division of Safeguards and Transportation, Washington, DC 20555. These prescribed computer readable forms replace the DOE/NRC Form 741 which have been submitted in paper form.

* * * * *

17. In § 150.17, paragraph (a) is revised to read as follows:

§ 150.17 Submission to Commission of source material reports.

(a) Except as specified in paragraph (d) of this section and § 150.17a, each person who, pursuant to an Agreement State specific license, transfers or receives or adjusts the inventory in any manner by 1 kilogram or more of uranium or thorium source material of foreign origin or who imports 1 kilogram or more of uranium or thorium source material of any origin shall complete and submit in computer readable form Nuclear Material Transaction Reports in accordance with instructions (NUREG/BR–0006 and NMMSS Report D–24 "Personal Computer Data Input for NRC Licensees"). Copies of the instructions may be obtained from the U.S. Nuclear Regulatory Commission, Division of Safeguards and Transportation, Washington, DC 20555. Each person who receives the material shall submit in accordance with instructions the computer readable form within ten (10) days after the material is received.

* * * * *

Dated at Rockville, MD this 19th day of January 1993.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 93–1809 Filed 1–25–93; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 355

[Docket No. 80N–0042]

RIN 0905–AA06

Anticaries Drug Products for Over-the-Counter Human Use; Tentative Final Monograph; Reopening of Administrative Record; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending to March 26, 1993, the comment period for the reopening of the administrative record for the proposed rulemaking for over-the-counter (OTC) anticaries drug products to obtain public comment on whether the labeling of OTC fluoride-containing drug products should include the quantity of fluoride, i.e., the specific amount of fluoride present in the product (57 FR 55199, November 24, 1992). This action is being taken because the agency recognizes the possible relevance to this issue of data and information presented at a National Institute of Dental Research (NIDR) workshop entitled "Methods for Assessing Fluoride Accumulation and Effects in the Body," held on January 13 to 15, 1993. This proposal is part of the ongoing review of OTC drug products conducted by FDA.

DATES: Written comments by March 26, 1993.

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

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Center for Drug Evaluation and Research (HFD–810), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–295–8000.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 24, 1992 (57 FR 55199), FDA published a notice of proposed rulemaking reopening the administrative record for the rulemaking for OTC anticaries drug products. Interested persons were given until January 25, 1993 to respond.

In that document, the agency discussed recommendations made by the Public Health Service Ad Hoc Subcommittee on Fluoride of the

Committee to Coordinate Environmental Health and Related Programs (the Subcommittee) that the U.S. Public Health Service sponsor a scientific conference(s) to recommend both the optimal level of flouride exposure from all sources combined (including drinking water) and the appropriate usage of flouride-containing dental products. In considering the Subcommittee's recommendations, FDA requested input from three professional associations on the possibility of having OTC fluoride-containing drug products labeled to identify their fluoride levels. One association (dental group) submitted information in support of having fluoride levels listed in product labeling as percent weight/volume. The other two associations (trade groups) responded in opposition to changing the labeling of OTC fluoride-containing drug products to identify fluoride levels.

FDA has received a request from the latter two associations to extend the comment period for an additional 60 days to permit industry and other interested parties to prepare and submit additional information that may be developed for or in response to a NIDR workshop to be held on January 13 to 15, 1993. The request included a copy of the preliminary agenda for the workshop entitled "Methods for Assessing Fluoride Accumulation and Effects in the Body" (Ref. 1). The request stated its belief that important information may be forthcoming from the workshop.

FDA has carefully considered the request and believes that additional time for comment is in the public interest. The agency concurs with the request that important information may be forthcoming from the workshop. In fact, agency staff attended the workshop. Thus, the agency considers the limited extension of the comment period requested to be appropriate. Accordingly, the comment period is extended to March 26, 1993.

Interested persons may, on or before March 26, 1993, submit to the Dockets Management Branch (address above) written comments on whether the labeling of OTC fluoride-containing drug products should include the quantity of fluoride present in the product and how that information should be presented. Three copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Reference

(1) Comment No. EXT 8, Docket No. 80N–0042, Docket Management Branch.

Dated: January 15, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–1826 Filed 1–25–93; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[EE–62–92]

RIN 1545–AR09

Nondiscrimination Requirements for Qualified Plans; Hearing

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed Income Tax Regulations requiring contributions or benefits provided under a tax-qualified retirement plan not discriminate in favor of highly compensated employees.

DATES: The public hearing will begin on Friday, April 23, 1993, and continue if necessary, on Monday, April 26, 1993, beginning each day at 10 a.m. Requests to speak and outlines of oral comments must be received by Friday, April 2, 1993.

ADDRESSES: The public hearing will be held in the IRS Auditorium, Seventh floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. Requests to speak and outlines of oral comments should be submitted to the Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Attn: CC:CORP:T:R [EE–62–92], room 5228, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Mike Slaughter of the Regulations Unit, Assistant Chief Counsel (Corporate), 202–622–7190 (not a toll-free number).

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed amendments to the final regulations under section 401(a)(4) of the Internal Revenue Code of 1986. These proposed regulations were published in the **Federal Register** on Tuesday, January 12, 1993 (58 FR 3876).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who also desire to present oral comments at the hearing on the proposed regulations should submit not later than Friday, April 2, 1993, an outline of the oral comments/testimony to be presented at the hearing and the time they wish to devote to each subject.

Each speaker (or group of speakers representing a single entity) will be limited to 10 minutes for an oral presentation exclusive of the time consumed by the questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the persons testifying. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue.

Dale D. Goode,

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

[FR Doc. 93–1404 Filed 1–25–93; 8:45 am]

BILLING CODE 4830–01–M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

48 CFR Part 9904

Cost Accounting Standards Board; Cost Accounting Standards for Composition, Measurement, Adjustment, and Allocation of Pension Costs

AGENCY: Cost Accounting Standards Board, Office of Federal Procurement Policy, OMB.

ACTION: Advance notice of proposed rulemaking (ANPRM).

SUMMARY: The Office of Federal Procurement Policy, Cost Accounting Standards Board (CASB), proposes to revise the Cost Accounting Standards relating to accounting for pension costs under negotiated government contracts. Section 26(g)(1) of the Office of Federal Procurement Policy Act, 41 U.S.C. 422(g)(1), requires that the Board, prior to the promulgation of any new or revised Cost Accounting Standard, publish a report and an ANPRM. This ANPRM addresses certain problems that