Advocacy of the Small Business Administration for comment on their impact on small businesses.

Drafting Information

The principal author of these regulations is Martin Schaffer of the Office of Assistant Chief Counsel (Passthroughs & Special Industries), Internal Revenue Service. However, other persons from the Internal Revenue Service and the Treasury Department participated in the development of these regulations.

List of Subjects in 26 CFR 1.461–1 through 1.469–11

Accounting, Income taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

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

Authority: 26 U.S.C. 7805. * * *

Par. 2. In § 1.469–0, the entries for designated sections 1.469–2(c)(6)(iv) Example 3 through (d)(2)(xii) are revised to read as follows:

§ 1.469–0 Table of contents.

* * * * *

§ 1.469–2 Passive activity loss.

* * * * *

(c)(6)(iv) Example 3 through (c)(7)(iii) [Reserved].

(c)(7)(iv) through (vi) (no paragraph headings).

(d)(1) through (d)(2)(viii) [Reserved].

(d)(2)(ix) through (d)(2)(xii) (no paragraph headings).

* * * * *

Par. 3. Section 1.469–2 is amended as follows:

1. The paragraph designation "(c)(6)(iv) *Example 3* through (c)(7)(vi) [Reserved]" is revised.

2. New paragraphs (c)(7) (iv) through (vi) are added.

3. Paragraph (d)(2)(ix) is revised.

4. New paragraphs (d)(2)(x) and (xi) are added.

5. The revised and added provisions read as follows:

§ 1.469–2 Passive activity loss.

* * * * *

(c) * * *

(c)(6)(iv) *Example 3* through (c)(7)(iii) [Reserved]

(c)(7)(iv) Gross income of an individual from a covenant by such individual not to compete;

(v) Gross income that is treated as not from a passive activity under any provision of the regulations under section 469, including but not limited to § 1.469–1T(h)(6) (relating to income from intercompany transactions of members of an affiliated group of corporations filing a consolidated return) and § 1.469–2T(f) and paragraph (f) of this section (relating to recharacterized passive income);

(vi) Gross income attributable to the reimbursement of a loss from fire, storm, shipwreck, or other casualty, or from theft (as such terms are used in section 165(c)(3)) if—

(A) The reimbursement is included in gross income under § 1.165–1(d)(2)(iii) (relating to reimbursements of losses that the taxpayer deducted in a prior taxable year); and

(B) The deduction for the loss was not a passive activity deduction; and

* * * * *

(d) * * *

(2) * * *

(ix) An item of loss or deduction that is carried to the taxable year under section 172(a), section 613A(d), section 1212(a)(1) (in the case of corporations), or section 1212(b) (in the case of taxpayers other than corporations);

(x) An item of loss or deduction that would have been allowed for a taxable year beginning before January 1, 1987, but for section 704(d), 1366, or 465;

(xi) A deduction for a loss from fire, storm, shipwreck, or other casualty, or from theft (as such terms are used in section 167(c)(3)) if losses that are similar in cause and severity do not recur regularly in the conduct of the activity; and

* * * * *

Par. 4. Section 1.469–2T is amended as follows:

1. Paragraphs (c)(7) (iv) through (vi) are revised.

2. Paragraphs (d)(2) (x) and (xi) are revised.

3. New paragraph (d)(2)(xii) is added.

4. The revised and added provisions read as follows:

§ 1.469–2T Passive activity loss.

* * * * *

(c) * * *

(7) * * *

(iv) [Reserved] See § 1.469–2(c)(7)(iv) for rules relating to this paragraph (c)(7)(iv).

(v) [Reserved] See § 1.469–2(c)(7)(v) for rules relating to this paragraph (c)(7)(v).

(vi) [Reserved] See § 1.469–2(c)(7)(vi) for rules relating to this paragraph (c)(7)(vi).

* * * * *

(d) * * *

(2) * * *

(x) [Reserved] See § 1.469–2(d)(2)(x) for rules relating to this paragraph (d)(2)(x).

(xi) [Reserved] See § 1.469–2(d)(2)(xi) for rules relating to this paragraph (d)(2)(xi).

(xii) [Reserved] See § 1.469–2(d)(2)(xii) for rules relating to this paragraph (d)(2)(xii).

* * * * *

Michael P. Dolan,
Commissioner of Internal Revenue.

Approved: February 16, 1993.

James Fields,
(Acting) Assistant Secretary of the Treasury.

[FR Doc. 93–4423 Filed 2–22–93; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF EDUCATION

34 CFR Part 206

Special Educational Programs for Students Whose Families Are Engaged in Migrant and Other Seasonal Farmwork

AGENCY: Department of Education.

ACTION: Final rule; correction.

SUMMARY: This document corrects an error made in the final regulations published in the **Federal Register** on December 18, 1992 (57 FR 60406) concerning the High School Equivalency Program (HEP) and the College Assistance Migrant Program (CAMP), by removing 34 CFR part 81 (General Education Provisions Act—Enforcement) as applicable regulations. Section 81.2 excludes all programs authorized by the Higher Education Act of 1965, as amended, including HEP and CAMP.

EFFECTIVE DATE: This correction is effective February 1, 1993.

FOR FURTHER INFORMATION CONTACT: Lorraine Wise, Office of Migrant Education, Department of Education, 400 Maryland Avenue, SW., room 2149, Washington, DC 20202. Telephone: (202) 401–0744. Deaf and hearing impaired individuals may call (202) 401–1985 for TDD services.

Dated: February 17, 1993.

Mary Jean LeTendre,
Acting Assistant Secretary for Elementary and Secondary Education.

(Catalog of Federal Domestic Assistance Numbers: 84.141 Migrant Education-High

School Equivalency Program; and 84.149 Migrant Education-College Assistance Migrant Program)

The following correction is made in FR Doc. 92–30588, 57 FR 60406 in the issue of December 18, 1992:

§ 206.4 [Corrected]

On page 60407, column 2, remove § 206.4(a)(5), and renumber (a)(6) to (8) as (a)(5) to (7), respectively.

[FR Doc. 93–4324 Filed 2–25–93; 8:45 am]

BILLING CODE 4000-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–4561–3]

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

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: Georgia has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). Georgia has adopted by reference and is seeking authority to regulate certain revisions promulgated between July 1, 1990, and June 30, 1991, otherwise known as RCRA Cluster I. These requirements are listed in Section B of this notice. The Environmental Protection Agency (EPA) has reviewed Georgia's application and has made a decision, subject to public review and comment, that Georgia hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Georgia's hazardous waste program revisions. Georgia's application for program revision is available for public review and comment.

DATES: Final authorization for Georgia's program revision shall be effective April 27, 1993, unless EPA publishes a prior Federal Register action withdrawing this immediate final rule. All comments on Georgia's program revision application must be received by the close of business, March 29, 1993.

ADDRESSES: Copies of Georgia's program revision application are available during normal business hours at the following addresses for inspection and copying: Georgia Department of Natural Resources, Waste Management Branch, 205 Butler Street, SE., Floyd Towers East, Atlanta, Georgia 30334, 404–656–2833. U.S. EPA Region IV, Library, 345 Courtland Street, NE., Atlanta, Georgia 30365; 404–347–4216. Written comments should be sent to Leonard W. Nowak at the address listed below.

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

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or "the Act"), 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98–616, November 8, 1984, hereinafter "HSWA") allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive "interim authorization" for the HSWA requirements under section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 260–266, 268, 124, and 270.

B. Georgia

Georgia initially received final authorization for its base RCRA program effective on August 21, 1984, and the latest Immediate Final Rule for authorizing revisions to its program was published at (57 FR 55465) on November 25, 1992. Today Georgia is seeking approval of its program revisions in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Georgia's application and has made an immediate final decision that Georgia's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to Georgia. The public may submit written comments on EPA's immediate final decision up until March 29, 1993. Copies of Georgia's application for these program revisions are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this notice.

Approval of Georgia's program revisions shall become effective April 27, 1993, unless an adverse comment pertaining to the State's revisions discussed in this notice is received by the end of the comment period.

If an adverse comment is received, EPA will publish either (1) a withdrawal of the immediate final decision, or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

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

Georgia is today seeking authority to administer the following federal requirements promulgated between July 1, 1990 and June 30, 1991, for RCRA Cluster I.

Provision	FR reference	Federal promulgation date	State authority
CL 80. Toxicity Characteristic: Hydrocarbon Recovery Operation	55 FR 40834; 56 FR 13406	10/5/90; 4/2/91	391–3–11–.07(1)
CL 84. Toxicity Characteristic: Chlorofluorocarbon Refrigerants .	56 FR 5910	2/13/91	391–3–11–.07(1)
CL 86. Removal of Strontium Sulfide from List of Hazardous Waste, Technical Amendment.	56 FR 7567	2/25/91	391–3–11–.07(1)

Provision	FR reference	Federal promulgation date	State authority
CL 87. Organic Air Emission Standards for Process Vents and Equipment Leaks; Technical Amendment.	56 FR 19290	4/26/91	391–3–11–.10(1) & (2); 391–3–11–.11(3)(g)
CL 88. Hazardous Waste Management Systems Identification and Listing of Hazardous Waste Administrative Stay to Portions of Haz. Waste Listing KO69.	56 FR 19951	5/1/91	391–3–11–.07(1)

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

C. Decision

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

Georgia now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program, subject to the limitations of its program revision application and previously approved authorities. Georgia also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under section 3008, 3013, and 7003 of RCRA.

Compliance With Executive Order 12291

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

Certification Under The Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 604(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Georgia's program, thereby eliminating duplicate requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials, Transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This Notice is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: February 18, 1993.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 93–4463 Filed 2–25–93; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Modified base (100-year) flood elevations are finalized for the communities listed below. These modified elevations will be used to calculate flood insurance premium rates for new buildings and their contents.

EFFECTIVE DATES: The effective dates for these modified base flood elevations are indicated on the following table and revise the Flood Insurance Rate Map(s) (FIRMs) in effect for each listed community prior to this date.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, 500 C Street, SW., Washington, DC 20472, (202) 646–2766.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of modified base flood elevations for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Administrator has resolved any appeals resulting from this notification.

The modified base (100-year) flood elevations are not listed for each community in this notice. However, this rule includes the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection.

The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program.

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their foodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities.

These modified elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

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 modified base flood elevations are required by the Flood Disaster Protection Act of 1973,