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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92–NM–192–AD; Amendment 39–8488; AD 93–02–06]

Airworthiness Directives; Fokker Model F27 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Fokker Model F27 series airplanes, that requires replacing each long bolt at the wing truss and rib attachment points with two shorter improved bolts. This amendment is prompted by reports of loose truss members in the wing. The actions specified by this AD are intended to prevent reduced structural integrity of the wing.

DATES: Effective March 12, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 12, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Quam, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2145; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain Fokker Model F27 series airplanes was published in the **Federal Register** on October 30, 1992 (57 FR 49150). That action proposed to require replacing each long bolt at the wing truss and rib attachment points with two shorter improved bolts.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supports the proposed rule.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 31 airplanes of U.S. registry will be affected by this AD, that it will take approximately 12 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. The cost of required parts is expected to be negligible. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $20,640, or $660 per airplane. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "**ADDRESSES.**"

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

93–02–06. Fokker: Amendment 39–8488. Docket 92–NM–192–AD.

Applicability: Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 series airplanes; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced structural integrity of the wings, accomplish the following:

(a) Within 3 years after the effective date of this AD, remove each bolt, part number AN3–15A or AN3–16A, attaching the truss members to the ribs at wing stations 4800, 5950, 7200, 8350, and 9397, and install two bolts, part number NAS1303, in accordance with Fokker Service Bulletin F27/57–25, Revision 1, dated August 1, 1991.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The bolt installation shall be done in accordance with Fokker Service Bulletin F27/57–25, Revision 1, dated August 1, 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on March 12, 1993.

Issued in Renton, Washington, on January 28, 1993.

Ronald T. Wojnar,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–2705 Filed 2–4–93; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Placement of Zolpidem into Schedule IV

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: With the issuance of this final rule, the Administrator of the Drug Enforcement Administration (DEA) places zolpidem into Schedule IV of the Controlled Substances Act (CSA) (21 U.S.C. 801 et seq.). As a result of this rule, the regulatory controls and criminal sanctions of Schedule IV will be applicable to the manufacture, distribution, importation and exportation of zolpidem.

EFFECTIVE DATE: February 5, 1993.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug and Chemical Evaluation Section, Drug Enforcement Administration, Washington, DC 20537, Telephone: (202) 307–7183.

SUPPLEMENTARY INFORMATION: Zolpidem is a hypnotic drug pharmacologically similar to the benzodiazepines. It will be marketed under the trade name of Ambien for the treatment of transient, short-term and chronic insomnia. The Assistant Secretary for Health, acting on behalf of the Secretary of the Department of Health and Human Services, by letter dated September 4, 1992, recommended to the Administrator of the DEA that zolpidem be placed into Schedule IV of the CSA pending approval of a New Drug Application (NDA) for the drug. The Administrator of the DEA, in a November 24, 1992 **Federal Register** notice (57 FR 55201), proposed to place zolpidem into Schedule IV of the CSA if and when the Food and Drug Administration (FDA) approved an NDA for zolpidem. This notice provided an opportunity for all interested persons to submit their comments, objections or requests for a hearing in writing on the proposed scheduling of zolpidem until December 24, 1992. DEA received no comments regarding this proposal. The FDA notified the DEA that it has determined that zolpidem is safe and effective for use as recommended in the final labelling and accordingly approved the NDA for zolpidem on December 16, 1992.

Based on the information gathered and reviewed by the DEA, the scientific and medical evaluation and scheduling recommendation of the Assistant Secretary for Health, and the FDA's approval of the NDA for zolpidem, the Administrator of the DEA, pursuant to the provisions of 21 U.S.C. 811 (a) and (b), finds that:

(1) Zolpidem has a low potential for abuse relative to the drugs or other substances currently listed in Schedule III;

(2) Zolpidem has a currently accepted medical use in treatment in the United States; and

(3) Abuse of zolpidem may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule III.

The above findings are consistent with the placement of zolpidem into Schedule IV of the CSA. In order to avoid delays in the marketing of zolpidem, the Schedule IV control of zolpidem will be effective upon publication of this final notice in the **Federal Register.** In the event that the regulations impose special hardships on any registrant, the DEA will entertain any justified request for an extension of time to comply with the Schedule IV regulations regarding zolpidem. The applicable regulations are as follows:

1. *Registration.* Any person who manufactures, distributes, delivers, imports or exports zolpidem, or who engages in research or conducts instructional activities with zolpidem, or who proposes to engage in such activities, must be registered to conduct such activities in accordance with Parts 1301 and 1311 of Title 21 of the Code of Federal Regulations.

2. *Security.* Zolpidem must be manfactured, distributed and stored in accordance with §§ 1301.71–1301.76 of Title 21 of the Code of Federal Regulations.

3. *Labeling and Packaging.* All labels and labeling for commercial containers of zolpidem shall comply with the requirements of §§ 1302.03–1302.05 and 1302.08 of Title 21 of the Code of Federal Regulations.

4. *Inventory.* Every registrant required to keep records and who possesses any quantity of zolpidem shall maintain an inventory pursuant to §§ 1304.11–1304.19 of Title 21 of the Code of Federal Regulations.

5. *Records.* All registrants required to keep records pursuant to §§ 1304.21–1304.27 of Title 21 of the Code of Federal Regulations shall do so regarding zolpidem.

6. *Prescriptions.* All prescriptions for products containing zolpidem shall comply with §§ 1306.01–1306.06 and §§ 1306.21–1306.26 of Title 21 of the Code of Federal Regulations.

7. *Importation and Exportation.* All importation and exportation of zolpidem shall be in compliance with Part 1312 of Title 21 of the Code of Federal Regulations.

8. *Criminal Liability.* Any activity with respect to zolpidem not authorized by, or in violation of the CSA or the Controlled Substances Import and Export Act shall be unlawful.

Pursuant to 5 U.S.C. 605(b), the Administrator certifies that the placement of zolpidem into Schedule IV of the CSA will have no impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L. 96–354). This action will allow the initial marketing of a drug product which has been approved by the FDA.

This action has been analyzed in accordance with the principles and criteria contained in E.O. 12612, and it has been determined that this matter does not have sufficient federalism implications to require the preparation of a Federalism Assessment.

In accordance with the provisions of 21 U.S.C. 811(a), this order to place zolpidem into Schedule IV of the CSA is a formal rulemaking "on the record after opportunity for a hearing." Such formal proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557 and as such have been exempted from the consultation requirements of Executive Order 12291 (46 FR 13193). Accordingly, this action is not subject to those provisions of E.O. 12778 which are contingent upon

review by OMB. Nevertheless, the Administrator has determined that this is not a "major rule," as that term is used in E.O. 12291, and that it would otherwise meet the applicable standards of Sections 2(a) and 2(b)(2) of E.O. 12778.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

Pursuant to the authority vested in the Attorney General by 21 U.S.C. 811(a) and delegated to the Administrator of DEA by the regulations of the Department of Justice (28 CFR part 0.100), and based on the information gathered and reviewed by the DEA, the scientific and medical evaluation and scheduling recommendation of the Assistant Secretary for Health, and the FDA's approval of the NDA for zolpidem, the Administrator of the DEA hereby amends 21 CFR part 1308 as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

1. The authority citation of 21 CFR part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b) unless otherwise noted.

2. Section 1308.14 is amended by adding paragraph (c)(48) to read as follows:

§ 1308.14 Schedule IV.

* * * * *

(c) * * *

(48) Zolpidem 2783

* * * * *

Dated: January 27, 1993.

Robert C. Bonner,

Administrator of Drug Enforcement.

[FR Doc. 93–2753 Filed 2–4–93; 8:45 am]

BILLING CODE 4410–09–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 2

[FRL–4560–7]

Disclosure of Confidential Data to Persons Working Under the Senior Environmental Employment Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim rule with request for comments.

SUMMARY: EPA is issuing interim regulations modifying certain of EPA's regulations at 40 CFR part 2, subpart B governing confidential business information. This rule authorizes disclosure of confidential data, submitted pursuant to certain environmental statutes administered by the Agency, to persons working under the Senior Environmental Employment Program.

EFFECTIVE DATE: This rule is effective February 5, 1993.

ADDRESSES: Send or deliver written comments to Donald A. Sadowsky, Contracts, Information and General Law Division (LE–132K), Office of General Counsel, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donald A. Sadowsky, Office of General Counsel. Telephone 202/260–5469.

SUPPLEMENTARY INFORMATION: On May 20, 1975 EPA published in the **Federal Register** (40 FR 21987) a proposed rule concerning procedures for the treatment of confidential business information (CBI) submitted under various environmental statutes. This rule was made final on September 1, 1976 (41 FR 36902), codified as 40 CFR part 2, subpart B. Rules governing treatment of CBI submitted under additional environmental statutes were promulgated on September 8, 1978 (43 FR 40003), December 18, 1985 (50 FR 51663), and July 29, 1988 (53 FR 28772).

A. The SEE Program

The Senior Environmental Employment (SEE) program is authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98–313), which provides that the Administrator may "make grants or enter into cooperative agreements" for the purpose of "providing technical assistance to Federal, State, and local environmental agencies for projects of pollution prevention, abatement, and control."

EPA currently has cooperative agreements under the SEE program with organizations such as the American Association for Retired Persons and the National Urban League. Persons working under the SEE program perform a multitude of functions for the Agency, including opening mail, filing documents, clerical support, answering telephones, staffing hot lines, providing support to Agency enforcement activities, and compiling data.

B. Disclosure of Confidential Data to SEE Enrollees

Under sections 114, 208, and 307(a) of the Clean Air Act (42 U.S.C. 7414, 7542, and 7607), sections 308 and 509(a) of the Clean Water Act (33 U.S.C. 1318 and 1369(a)), section 1445(d) of the Safe Drinking Water Act (42 U.S.C. 300j–4), sections 3001(b)(3)(B), 3007(b), and 9005(b) of the Solid Waste Disposal Act (42 U.S.C. 6921(b)(3)(B), 6927(b), and 6995(b)), and section 104(e)(7) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604(e)(7)) EPA may disclose CBI to authorized representatives of the United States. Similarly, under section 10(e) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136h(e)) EPA may disclose CBI to contractors with the United States. And under section 408(f) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 346a(f)) EPA may disclose CBI to persons authorized by the Administrator or by an advisory committee.

Although Congress did not require that authorized representatives have a contractual relationship with EPA, the Agency chose to confine the definition of authorized representatives to contractors (and state or local governmental bodies where allowed by statute) when it first proposed and promulgated regulations governing disclosure of CBI to authorized representatives. See 40 FR 21990, 40 CFR 2.301(h)(2)(i). At the time there was no SEE program, and it was therefore not contemplated that there would be a need to disclose CBI to persons assisting EPA who were not contractors. EPA's regulations at 40 CFR 350.23(b)(1), implementing section 322(f) of the Emergency Planning and Community Right-to-Know Act (EPCRA) (42 U.S.C. 11042(f)) and promulgated after the inception of the SEE program, specifically allow a grantee who performs work for EPA in connection with EPCRA or regulations which implement EPCRA to be an authorized representative. See the **Federal Register** notice of July 29, 1988 (53 FR 28772).

The nature of EPA's work requires that the Agency collect significant amounts of CBI. In order for SEE enrollees to perform their duties, they must be authorized for access to this information. Many Agency offices have been providing SEE enrollees with access to CBI, under the impression that EPA regulations allowed such access. The Agency is hereby rectifying this error by amending its regulations to provide for access to SEE enrollees.

Although section 10(e) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) provides for access to CBI by "contractors", rather than the broader term "authorized representatives" employed in other environmental statutes, EPA's Office of Pesticide Programs has a long-standing

interpretation that FIFRA section 10 authorizes access to SEE enrollees.

Neither FIFRA nor its legislative history contain any definition of "contractor". Although Federal contract and grant law distinguishes contractors and grantees, there is reason to conclude that FIFRA section 10 allows SEE grantees access to CBI. First, the Environmental Programs Assistance Act of 1984 was drafted in part to allow a certain class of grantees to perform tasks which otherwise would require a contractual relationship with EPA. Second, FIFRA section 10 does not forbid all disclosures of CBI; section 10(b) provides that EPA "shall not make public" information which is entitled to confidentiality. (Similarly, section 10(c) refers to situations in which EPA would "release for inspection" FIFRA CBI, and sections 10(d) and 10(e) refer to "disclosure to the public".) By disclosing FIFRA CBI to SEE enrollees who are bound by agreement not to further disclose the data and who would be subject to criminal penalties for unauthorized disclosure (FIFRA section 10(f) imposes penalties on contractors and Federal employees for unauthorized disclosure), EPA is not making the information public or releasing it for inspection, and is thus acting within the limits of FIFRA section 10.

By comparison, section 14 of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2613, prohibits disclosure of CBI collected under the Act to anyone, with the exceptions of Federal employees and contractors. Therefore, EPA does not interpret TSCA to allow access to TSCA CBI by SEE enrollees (and has not provided SEE enrollees with such access in the past under TSCA), and the regulation is written accordingly.

By disclosing CBI to SEE enrollees, EPA does not compromise the confidentiality of the information. This regulation provides procedures for the protection of confidential data, including a bar from disclosure of confidential information unless the grant or cooperative agreement provides that:

a. Persons working under the grant or cooperative agreement shall use the information only for the purpose of carrying out the work required by the grant or cooperative agreement;

b. Persons working under the grant or cooperative agreement shall refrain from disclosing the information to anyone other than EPA without prior written approval of each affected business or of an EPA legal office;

c. Persons working under the grant or cooperative agreement shall return to EPA all copies of such information (and any abstracts or extracts therefrom) upon request by the EPA program office, whenever the information is no longer required for performance of the work required under the grant or cooperative agreement, or upon completion of the grant or cooperative agreement;

d. The grantee organization shall obtain a written agreement to honor such terms of the grant or cooperative agreement from each of the persons working under the grant or cooperative agreement who will have access to such information, before such employee is allowed access; and

e. The grantee organization acknowledges and agrees that the provisions concerning the use and disclosure of business information supplied to the grantee organization by EPA under the grant or cooperative agreement are included for the benefit of, and shall be enforceable by, both EPA and any affected business having an interest in information concerning the business.

In addition, before such disclosure is made, the Agency must notify the submitter of the information to be disclosed, the identity of the grantee organization, and the purposes to be served by the disclosure, and give the submitter an opportunity to comment on the disclosure. Note also that SEE enrollees have their duty stations in Agency facilities, work directly with Agency staff, and will be subject to the same security requirements as Federal employees.

This rule is by its nature retroactive, in that it authorizes disclosure of information already obtained by EPA. The retroactivity is inherent in the authority granted by the statutes discussed above to disclose information to authorized representatives. Moreover, the public interest in efficient operation of the Agency weighs in favor of such a result, while the restrictions on further use and disclosure of the information discussed above ensure that there is no adverse effect on persons who have submitted confidential information to EPA.

Waiver of Notice of Proposed Rulemaking and Delay in Effective Date

I find that prior notice is unnecessary and that good cause exists for making this rule effective immediately, pursuant to the Administrative Procedure Act, 5 U.S.C. 553(b), for the following reason: Persons working under the SEE program and grantee organizations will be required by agreement, regulation, and grant or cooperative agreement to have the same protections against unauthorized use and disclosure of CBI as are EPA contractors. These protections have been in place for Agency contractors for many years, and the record of the Agency with respect to protection of confidential information is excellent. Thus, the rights of CBI submitters are unaffected, and there are no issues for comment.

Executive Order 12291

Executive Order (E.O.) 12291 requires the preparation of a regulatory impact analysis for major rules, defined by the order as those likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic industries; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

EPA has determined that this regulation does not meet the definition of a major rule under E.O. 12291 and has therefore not prepared a regulatory impact analysis.

Paperwork Reduction Act

Information collection requirements in a rule must be submitted for approval to the Office of Management and Budget under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. No reporting or recordkeeping requirements are included as part of this regulation. Therefore, no Information Collection Request document has been prepared.

Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities. The rule authorizes the disclosure to authorized representatives of the United States of confidential information and disclosure pursuant to a proceeding. The persons receiving the confidential information are bound by agreement, regulation, and in some cases criminal statute not to disclose the information except where authorized or to use the information for unauthorized purposes. These restrictions ensure that such disclosure does not affect the competitive position of the submitters of the information. Thus, there is no economic impact on small entities.

List of Subjects in 40 CFR Part 2

Administrative practice and procedure, Confidential business information, Courts, Freedom of Information, Government employees.

Dated: January 15, 1993.

William K. Reilly,

Administrator.

Therefore 40 CFR Part 2 is amended as follows:

1. The authority citation for part 2 continues to read as follows:

Authority: 5 U.S.C. 301, 552 (as amended), 553; secs. 114, 206, 208, 301, and 307, Clean Air Act, as amended (42 U.S.C. 7414, 7525, 7542, 7601, 7607); secs. 308, 501 and 509(a), Clean Water Act, as amended (33 U.S.C. 1318, 1361, 1369(a)); sec. 13, Noise Control Act of 1972 (42 U.S.C. 4912); secs. 1445 and 1450, Safe Drinking Water Act (42 U.S.C. 300j–4, 300j–9); secs. 2002, 3007, and 9005, Solid Waste Disposal Act, as amended (42 U.S.C. 6912, 6927, 6995); secs. 8(c), 11, and 14, Toxic Substances Control Act (15 U.S.C. 2607(c), 2610, 2613); secs. 10, 12, and 25, Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136h, 136j, 136w); sec. 408(f), Federal Food, Drug and Cosmetic Act, as amended (21 U.S.C. 346(f)); secs. 104(f) and 108, Marine Protection Research and Sanctuaries Act of 1972 (33 U.S.C. 1414(f), 1418); sec. 115, Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9604, 9615); sec. 505, Motor Vehicle Information and Cost Savings Act, as amended (15 U.S.C. 2005).

2. Section 2.301 is amended by adding a sentence after the first sentence of paragraph (h)(2)(i) to read as follows:

§ 2.301 Special rules governing certain information obtained under the Clean Air Act.

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(2)(i) * * * For purposes of this section, the term "contract" includes grants and cooperative agreements under the Environmental Programs Assistance Act of 1984 (Pub. L. 98–313), and the term "contractor" includes grantees and cooperators under the Environmental Programs Assistance Act of 1984. * * *

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[FR Doc. 93–2695 Filed 02–04–93; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 60

[FRL–4560–9]

Standards of Performance for New Stationary Sources; Supplemental Delegation of Authority to Nashville-Davidson County

AGENCY: Environmental Protection Agency (EPA).

ACTION: Informational notice.

SUMMARY: On October 6, 1992, the Nashville-Davidson County Metropolitan Health Department of the State of Tennessee requested delegation of authority for the implementation and enforcement of an additional category of the Standards of Performance for New Stationary Sources (NSPS). EPA's review of Nashville-Davidson County's laws, rules, and regulations showed them to be adequate for the implementation and enforcement of this federal standard. On December 3, 1992, EPA granted the delegation as requested.

EFFECTIVE DATE: The effective date of the delegation of authority is December 3, 1992.

ADDRESSES: Copies of the request for delegation of authority and EPA's letter of delegation are available for public inspection during normal business hours at the following locations:

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

Tennessee Department of Environment and Conservation, L & C Annex, 9th Floor, Nashville, Tennessee 37243–1531.

Metropolitan Health Department, Nashville-Davidson County, 311 23rd Avenue, North, Nashville, Tennessee 37203.

Effective immediately, all requests, applications, reports and other correspondence required pursuant to the newly delegated standards should not be submitted to the Region IV office, but should instead be submitted to the following address: Paul J. Bontrager, P.E., Director, Bureau of Environmental Health Services, Metropolitan Health Department, Nashville-Davidson County, 311 23rd Avenue, North, Nashville, Tennessee 37203.

FOR FURTHER INFORMATION CONTACT: Leslie Cox, Air Programs Branch, EPA Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365, and telephone number (404) 347–2864.

SUPPLEMENTARY INFORMATION: Section 301, in conjunction with sections 110, 111(c)(1), and 112(d)(1) of the Clean Air Act as amended November 15, 1990, authorize the Administrator to delegate his authority to implement and enforce the standards set out in 40 CFR part 60, Standards of Performance for New Stationary Sources (NSPS) to any state which has submitted adequate implementation and enforcement procedures.

On May 25, 1977, EPA initially delegated to Nashville-Davidson County the authority to implement the NSPS. On October 6, 1992, Nashville-Davidson County requested a delegation of authority for implementation and enforcement of the following NSPS category promulgated on September 28, 1992: Subpart UUU—Standards of Performance for Calciners and Dryers in Mineral Industries, which construction commenced after April 23, 1986.

After a thorough review of the category requested for delegation, the Regional Administrator determined that such delegation was appropriate for this source category with the conditions set forth in the initial delegation letter of May 25, 1977, and subsequent delegation letters of February 20, 1986; January 28, 1987; September 30, 1987; May 31, 1989; June 18, 1990; June 28, 1991; and May 11, 1992.

Review of the pertinent Nashville-Davidson County laws, rules, and regulations showed them to be adequate for the implementation and enforcement of the aforementioned category of NSPS. EPA, thereby, delegated its authority for 40 CFR part 60, Subpart UUU, Standards of Performance for Calciners and Dryers in Mineral Industries, which construction commenced after April 23, 1986.

The Administrator retains the exclusive right to approve equivalent and alternative test methods, continuous monitoring procedures, and reporting requirements.

The EPA hereby notifies the public that it has delegated the authority over Subpart UUU to Nashville-Davidson County of the State of Tennessee.

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

This notice is issued under the authority of sections 101, 110, 111, 112, and 301 of the Clean Air Act, as amended (42 U.S.C. 7401, 7410, 74121, 7412, and 7601).

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 93–2785 Filed 2–4–93; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 300

[FRL–4560–5]

National Oil and Hazardous Substances Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of a site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the Waste Research & Reclamation site in Eau Claire, Wisconsin from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR part 300 which

is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) which the EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the State of Wisconsin have determined that all appropriate Fund-financed responses under CERCLA have been implemented and that no further CERCLA response action by responsible parties is appropriate; rather, all remaining remedial actions will be performed under the Research Conservation and Recovery Act (RCRA).

EFFECTIVE DATE: February 5, 1993.

FOR FURTHER INFORMATION CONTACT: Susan Menconi, Remedial Section Chief, Office of Superfund, U.S. Environmental Protection, Region V, 77 West Jackson Blvd. (HSRM–6J), Chicago, IL 60604–3507, (312)886–3010.

SUPPLEMENTARY INFORMATION:

The site to be deleted from the NPL is:

Waste Research & Reclamation Co., Eau Claire, WI

A Notice of Intent to Delete this site was published October 19, 1992 (57 FR 47585). The closing date for comments on the Notice of Intent to Delete was November 18, 1992. EPA received no comments. A Responsiveness Summary is not being prepared because no comments were received. See the October 19, 1992, notice for further information on the site.

The EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust Fund (Fund-) financed remedial actions. Any site deleted from the NPL remains eligible for Fund–financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Air pollution control, Hazardous waste.

Dated: January 14, 1993.

Don. R. Clay,

Assistant Administrator, Office of Solid Waste and Emergency Response

For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

1. The authority citation for part 300 continues to read as follows:

PART 300—[AMENDED]

Authority: 42 U.S.C. 9601–9657; 33 U.S.C. 1321(c)(2); E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Appendix B [Amended]

2. Table 1 of Appendix B to part 300 is amended under Wisconsin by removing the entry, "Waste Research & Reclamation Co;"; and by revising the total number of sites,"1,082" to read, "1,081".

[FR Doc. 93–2698 Filed 2–4–93; 8:45 am]
BILLING CODE 6560–50–F

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40 CFR Part 721

[OPPTS–50601A; FRL–4169–3]

Significant New Use Rule; Technical Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical amendment.

SUMMARY: This document corrects a final rule (FR Doc. 92–22779) published in the **Federal Register** of September 23, 1992 (57 FR 44050), that promulgated significant new use rules for 63 chemical substances under section 5(a)(2) of the Toxic Substances Control Act. In that document on page 44061, third column, the date of signature and name of signatory were inadvertently omitted. The date of signature was September 8, 1992. The signatory was Victor J. Kimm, Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances. Because this is a nonsubstantive change, notice and public comment are not required.

DATES: This document is effective on November 23, 1992.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (TS–799), Office of Pollution Prevention and Toxics, rm. E–543B, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD (202) 554–0551.

Dated: January 22, 1993.

Joseph A. Carra,

Acting Director, Office of Pollution Prevention and Toxics.

[FR Doc. 93–2691 Filed 2–4–93; 8:45 am]
BILLING CODE 6560–50–F

FEDERAL MARITIME COMMISSION

46 CFR Part 571

[Docket No. 92–46]

Unpaid Freight Charges

AGENCY: Federal Maritime Commission.

ACTION: Final interpretive rule.

SUMMARY: The Federal Maritime Commission adds to its regulations a statement that the Commission will not, in the absence of evidence of bad faith or deceit, infer from a shipper's failure to pay ocean freight due that the shipper has obtained or attempted to obtain transportation at less than the applicable rates by an "unjust or unfair device or means" in violation of section 10(a)(1) of the Shipping Act of 1984. This is being issued in order to clarify the elements necessary for an offense under section 10(a)(1). Proceedings previously held in abeyance pending completion of this rulemaking may now be resumed.

DATES: Final Interpretive Rule effective on March 8, 1993.

ADDRESSES: Joseph C. Polking, Secretary, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573–0001, (202) 523–5725.

FOR FURTHER INFORMATION CONTACT: Robert D. Bourgoin, General Counsel, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573–0001, (202) 523–5740.

SUPPLEMENTARY INFORMATION:

Background

The Federal Maritime Commission ("Commission" or "FMC") published in the **Federal Register** on August 27, 1992 (57 FR 38,807), a proposed interpretive rule ("Proposed Rule"), which would add to 46 CFR Part 571, Interpretations and Statements of Policy, a notice that the Commission does not have jurisdiction under section 10(a)(1) of the Shipping Act of 1984 ("1984 Act"), 46 U.S.C. app. 1709(a)(1), to adjudicate a complaint brought by an ocean common carrier against a shipper for a "simple failure" by the shipper to pay the carrier's freight bill. The Proposed Rule tentatively concluded that the Commission has jurisdiction over such