Presidential Documents

Presidential Determination No. 93–22 of May 19, 1993

Determination Pursuant to Section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as Amended

Memorandum for the Secretary of State

Pursuant to section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as amended, 22 U.S.C. 2601(c)(1), I hereby determine that it is important to the national interest that up to $30,000,000 be made available from the U.S. Emergency Refugee and Migration Assistance Fund to meet the urgent and unexpected needs of refugees and conflict victims in Bosnia and Croatia. These funds may be contributed on a multilateral or bilateral basis, as appropriate, to international and nongovernmental organizations.

You are authorized and directed to inform the appropriate committees of the Congress of this determination and the obligation of funds under this authority and to publish this memorandum in the **Federal Register**.

William J. Clinton

THE WHITE HOUSE,
Washington, May 19, 1993.

[FR Doc. 93–13244
Filed 6–1–93; 2:30 pm]
Billing code 4710–10–M

Rules and Regulations

Federal Register
Vol. 58, No. 105
Thursday, June 3, 1993

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 905

[Docket No. FV93-905-1 IFR]

Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Temporary Relaxation of Grade Requirements for Florida Grapefruit

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule.

SUMMARY: This rule temporarily relaxes the minimum grade requirement for domestic shipments of red seedless grapefruit for the remainder of the 1992–93 season. This relaxation is based on this season's current and prospective crop and market conditions, and on the grade and quality of the remaining supplies of such grapefruit. This action should make available increased fresh supplies of such grapefruit to consumers from this season's remaining crop. This action was unanimously recommended by the Citrus Administrative Committee (committee), at its April 27, 1993, meeting.

DATES: This interim final rule becomes effective May 31, 1993. Comments which are received by July 6, 1993 will be considered prior to finalization of this interim final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule to: Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456; or by facsimile at 202–720–5698. Three copies of all written material shall be submitted, and they will be made available for public inspection at the Office of the Docket Clerk during regular business hours. All comments should reference the docket number, date, and page number of this issue of the Federal Register.

FOR FURTHER INFORMATION CONTACT: Gary D. Rasmussen, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456; telephone: 202–720–5331; or John R. Toth, Southeast Marketing Field Office, USDA/AMS, P.O. Box 2276, Winter Haven, Florida 33883; telephone: 813–299–4770.

SUPPLEMENTARY INFORMATION: This interim final rule is issued under Marketing Agreement and Marketing Order No. 905 (7 CFR part 905) regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, hereinafter referred to as the order. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

This interim final rule has been reviewed by the Department of Agriculture (Department) in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This interim final rule is not intended to have retroactive effect. This interim final rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 8c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are about 100 Florida citrus handlers subject to regulation under the marketing order covering oranges, grapefruit, tangerines, and tangelos grown in Florida, and about 10,200 producers of these citrus fruits in Florida. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. A minority of these handlers and a majority of the producers may be classified as small entities.

The committee meets prior to and during each season to review the handling regulations effective on a continuous basis for each citrus fruit regulated under the marketing order. Committee meetings are open to the public, and interested persons may express their views at these meetings. The Department reviews committee recommendations and information submitted by the committee and other available information and determines whether modification, suspension, or termination of the handling regulations would tend to effectuate the declared policy of the Act.

Section 905.306 specifies minimum grade and size requirements for different varieties of fresh Florida grapefruit. Such requirements for domestic shipments are specified in § 905.306 in Table I of paragraph (a), and for export shipments in Table II of paragraph (b).

This action revises paragraph (a) of § 905.306 by temporarily relaxing the minimum grade requirement for fresh

domestic shipments of red seedless grapefruit during the period May 31, 1993, through August 22, 1993. The revision relaxes the minimum grade for such grapefruit from "Improved No. 2 External, U.S. No. 1 Internal" to "Improved No. 2", which in effect reduces the internal grade requirement from "U.S. No. 1" to "U.S. No. 2". This action permits handlers to ship grapefruit with slightly more dryness, allowing fruit to be shipped with one-half inch of dryness on the stem end of the fruit, instead of the one-fourth inch currently permitted. This action recognizes that grapefruit tend to dry out during the latter part of the shipping season, which is expected to extend through June this year. This action will enable Florida citrus shippers to ship red seedless grapefruit grading at least "Improved No. 2" to the fresh market, rather than diverting such fruit to processing channels where returns may be lower than in the fresh market. This action should make increased supplies of fresh red seedless grapefruit available to consumers from this season's remaining crop.

The minimum grade requirements under the order are designed to provide fresh markets with fruit of acceptable quality, thereby maintaining consumer confidence for fresh Florida citrus. This helps create buyer confidence and contributes to stable marketing conditions. This is in the interest of producers, packers, and consumers, and is designed to increase returns to Florida citrus growers.

Under this order, handlers may ship up to 15 standard packed cartons (12 bushels) of fruit per day, and up to two standard packed cartons of fruit per day in gift packages which are individually addressed and not for resale, under exemption provisions. Fruit shipped for animal feed is also exempt under specific conditions. In addition, fruit shipped to commercial processors for conversion into canned or frozen products or into a beverage base are not subject to the handling requirements.

This action reflects the committee's and the Department's appraisal of the need to make the grade relaxation hereinafter set forth. The Department's view is that this action will have a beneficial impact on producers and handlers since it will allow Florida citrus handlers to ship those grades of fruit available to meet consumer needs consistent with this season's crop and market conditions.

Based on the above, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, the information and recommendations submitted by the committee, and other information, it is found that the relaxations set forth below will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined, upon good cause, that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) This action relaxes grade requirements currently in effect for Florida grapefruit; (2) Florida grapefruit handlers are aware of this action which was unanimously recommended by the committee at a public meeting, and they will need no additional time to comply with the relaxed grade requirement; (3) shipment of the 1992–93 season Florida grapefruit crop is currently in progress; and (4) the rule provides a 30-day comment period, and any comments received will be considered prior to any finalization of this interim final rule.

List of Subjects in 7 CFR Part 905

Grapefruit, Marketing agreements, Oranges, Reporting and recordkeeping requirements, Tangelos, Tangerines.

For the reasons set forth in the preamble, 7 CFR part 905 is amended as follows:

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

1. The authority citation for 7 CFR part 905 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 905.306 is amended by revising the entry for "seedless, red grapefruit" in paragraph (a), Table I, to read as follows.

Note: This section will appear in the annual Code of Federal Regulations.

§ 905.306 Orange, Grapefruit, Tangerine, and Tangelo Regulation.

(a) * * *

TABLE I

Variety	Regulation period	Minimum grade	Minimum diameter (Inches)
(1)	(2)	(3)	(4)
* *	* *	* *	*
Grapefruit:			
* *	* *	* *	*
Seedless, red	05/31/93–08/22/93	Improved No. 2	3 5/16
	08/23/93–11/07/93	Improved No. 2 External U.S. No. 1 Internal	3 5/16
	On and after 11/08/93	Improved No. 2 External U.S. No. 1 Internal	3 9/16
* *	* *	* *	*

Dated: May 27, 1993.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 93–12998 Filed 6–2–93; 8:45 am]

BILLING CODE 3410–02–P

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 26, 70, and 73

RIN 3150–AD68

Fitness-for-Duty Requirements for Licensees Authorized To Possess, Use, or Transport Formula Quantities of Strategic Special Nuclear Material

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to require licensees who are authorized to possess, use, or transport formula quantities of strategic special nuclear material (SSNM) to institute fitness-for-duty programs. The amended regulation is limited to licensees who are authorized to possess, use, or transport unirradiated Category I Material. This action is necessary to provide greater assurance that individuals who have a drug or alcohol problem do not have access to or control over SSNM.

EFFECTIVE DATE: November 30, 1993.

FOR FURTHER INFORMATION CONTACT: Stanley P. Turel, Division of Regulatory Applications, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492–3739.

SUPPLEMENTARY INFORMATION:

Background

The NRC recognizes drug and alcohol abuse to be a social, medical, and safety problem affecting every segment of our society. Given the pervasiveness of the problem, it must be recognized to exist to some extent in the nuclear industry. Accordingly, on June 7, 1989 (54 FR 24468), the Commission published a final rule that required licensees authorized to construct or operate nuclear power plants to implement a fitness-for-duty program. During the first year (calendar year 1990) of drug and alcohol testing of nuclear power plant workers, approximately one percent of all tests administered under the part 26 requirements were positive. The NRC has no reason to believe that the incidence of positive tests for workers affected by this rulemaking would be appreciably different. However, existing regulations contained in 10 CFR part 26 do not contain fitness-for-duty requirements for licensees authorized to possess, use, or transport formula quantities of SSNM.

Summary of Public Comment

On April 30, 1992 (57 FR 18415), the Commission published a proposed rule in the **Federal Register** which would require this category of licensee to implement fitness-for-duty requirements. The 90-day comment period expired on July 29, 1992. Three comment letters were received: One from an SSNM licensee, one from a trade association, and one from a private citizen. The private citizen was in favor of the rule. The licensee was against the promulgation of the rule, stating that it was unnecessary and burdensome. The trade association was neutral about the rule provided it did not cause duplicate random testing.

Changes have been made in the final rule in response to the public comments to better equate the requirements of random testing to the risk of diversion and to prevent the duplication of chemical testing of some drivers of transport vehicles. A summary of the comments received and the NRC's responses are presented below.

1. *Comment.* Diversion of special nuclear material is not more likely by persons with drug or alcohol problems.

Response. A substance abuser is more vulnerable to coercion and may be more easily suborned into cooperating, actively or passively, in a diversion of SSNM. Also, an individual under the influence of drugs or alcohol will not be as effective in conducting his or her safeguards responsibilities. For these reasons, the NRC believes it essential that these individuals are not permitted access to or control over SSNM or be responsible for any safeguards functions.

2. *Comment.* Public safety could not be seriously threatened by impaired workers.

Response. The NRC does not fully agree with this comment. The effects of most mistakes by impaired workers are expected to be largely contained within the boundaries of the facility with little or no consequence to the general public. However, the potential for more serious consequences exists. The impaired worker is a danger to himself and his coworkers and is of concern to the Commission. Further, the theft of SSNM could pose a serious threat to the national security.

3. *Comment.* Current NRC and DOE requirements already address trustworthiness of personnel by requiring security clearances for certain jobs.

Response. Current NRC regulations do require security clearances for certain jobs. However, the security clearance investigation alone might not detect a drug habit. Moreover, the current 5-year period between reinvestigations is too long for the timely detection of individuals who become substance abusers during that time.

4. *Comment.* Because of the "Drug-Free Workplace Act of 1988," adequate drug and alcohol programs are already in effect at the proposed licensee facilities.

Response. When issuing the part 26 fitness-for-duty rule in 1989, the Commission determined that, to be both effective and appropriate for assuring protection of the health and safety of the public, the fitness-for-duty program must include random, unannounced, urinalysis for drugs and breath testing for alcohol. The Drug-Free Workplace Act of 1988 does not require testing under any circumstances. Although a licensee's program may currently contain some testing provisions, in the Commission's view, it would not be adequate without the provision for random testing.

5. *Comment.* Implementation costs for the new rule would be very high but the results would be minimal.

Response. A facility that already has a limited fitness-for-duty program would have less implementation and continuing costs than one that does not. However, the costs may be as high as $500,000 the first year and $400,000 annually thereafter. On the other hand, random testing of persons in a position to divert or conceal a diversion of SSNM at the facility would strengthen the safeguarding of the SSNM. Moreover, experience with random testing programs implemented by NRC and other federal agencies indicates that random testing effectively detects and strongly deters substance abuse in the workplace.

6. *Comment.* Any category of worker that deals with the physical material or its primary "paper trail" should not be exempted from random testing. NRC should require licensees to ensure that workers do not come to work so impaired by distraction, fatigue, or infirmity that they cannot perform at a minimally acceptable level.

Response. The revisions to 10 CFR part 26 will require random testing for all employees who:

(1) Are granted unescorted access to SSNM that is directly useable in the manufacture of a nuclear explosive device and would be easily concealed

and removed by an individual (Category IA Material);

(2) Create or have access to procedures or records for safeguarding SSNM;

(3) Make measurements of Category IA Material;

(4) Transport or escort Category IA Material; or

(5) Guard Category IA Material.

Category IA Material is defined in § 26.3 Definitions. The other impairments listed by the commenter are addressed in §§ 26.10 and 26.20 of this rule.

7. *Comment.* The proposed drug and alcohol testing requirements should not be applied to railroads because they would duplicate the Federal Railroad Administration's testing program.

Response. Transporters of SSNM who are subject to DOT drug and alcohol fitness programs that have random testing for drugs and alcohol are exempt from the requirements of this rule.

Discussion

The final rule differs from the proposed rule in the following ways. Chemical testing is required only for those who have unescorted access to easily concealed SSNM. This was done by removing the term Category I Material from the definitions section (10 CFR 26.3) and replacing it with the term Category IA Material (this term is also defined in 10 CFR part 74). Category IA Material is defined as SSNM directly useable in the manufacture of a nuclear explosive device, except if:

(1) The dimensions are large enough (at least 2 meters in one dimension, greater than 1 meter in each of two dimensions, or greater than 25 cm in each of three dimensions) to preclude hiding the item on an individual;

(2) The total weight of 5 formula kilograms of SSNM plus its matrix (at least 50 kilograms) cannot be carried inconspicuously by one person; or

(3) The quantity of SSNM (less than 0.05 formula kilogram) in each container requires protracted diversions in order to accumulate 5 formula kilograms which may be easily concealed on an individual.

The term Category IA Material has been substituted throughout the body of the rule in place of Category I Material. All transporters of SSNM who are subject to DOT's drug and alcohol fitness programs that have random testing for drugs and alcohol are exempt from this rule.

The licensee personnel subject to this final rulemaking will be subject to a 100 percent annual random testing rate, the same as the rate that currently applies to power reactor employees. However, there is a proposed rulemaking being prepared that will reduce that random testing rate to 50 percent. If that proposal becomes final it will also have the effect of reducing the rate to 50 percent for those licensees that are affected by this final rulemaking.

Applicability of Criminal Penalties

In this final rule the amendments to the following sections of the codified regulations are issued under the authority of secs. 161b, 161i, or 161o of the Atomic Energy Act of 1954, as amended, and therefore violations may be subject to the Criminal Penalty provisions of sec. 223 of the Atomic Energy Act: 10 CFR 26.10, 26.24, 26.27, 26.73; 10 CFR part 26, appendix A; 10 CFR 70.20a.

Finding of No Significant Environmental Impact: Availability

The Commission has determined under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in subpart A of 10 CFR part 51, that this rule will not be a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. The amendment will require subjecting certain licensee employees to a fitness-for-duty program of random tests for the use of drugs or alcohol. Specifically, all persons who are

(1) Granted unescorted access to Category IA Material;

(2) Given responsibilities to create or have access to procedures or records for safeguarding SSNM;

(3) Given responsibilities to measure Category IA Material;

(4) Given responsibilities to transport or escort Category IA Material; or

(5) Given responsibilities to guard Category IA Material will be subject to the program.

These requirements have no identifiable environmental impact.

The environmental assessment and finding of no significant impact on which this determination is based are available for inspection at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC. Single copies of the environmental assessment and the finding of no significant impact may be obtained from Stanley P. Turel, Division of Regulatory Applications, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492–3739.

Paperwork Reduction Act Statement

This final rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) These requirements and amendments were approved by the Office of Management and Budget, approval number 3150–0146.

The public reporting burden for this collection of information is estimated to average 29 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 this burden estimate or any other aspect of this collection of information, including suggestions for reducing this 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 (3150–0146), Office of Management and Budget, Washington, DC 20503.

Regulatory Analysis

The NRC has prepared a regulatory analysis for this regulation. The analysis examines the costs and benefits of the alternatives considered by the Commission. The analysis is available for inspection in the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC. Single copies of the analysis may be obtained from Stanley P. Turel, Division of Regulatory Applications, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492–3739.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the Commission certifies that this rule does not have a significant economic impact on a substantial number of small entities. This rule affects licensees who are authorized to possess, use, or transport formula quantities of SSNM. These licensees do not fall within the scope of the definition of "small entities" set forth in the Small Business Size Standards adopted by the Commission in 1985 (December 9, 1985; 50 FR 50241; and November 6, 1991; 56 FR 56671).

Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this final rule because these amendments do not impose requirements on existing 10 CFR part 50 licensees. Therefore, a backfit analysis is not required for this rule.

List of Subjects

10 CFR Part 26

Alcohol abuse, Drug abuse, Drug testing, Hazardous materials transportation, Nuclear materials, Nuclear power plants and reactors, Penalties, Radiation protection, Reporting and recordkeeping requirements, Special nuclear material.

10 CFR Part 70

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

10 CFR Part 73

Criminal penalties, Experts, Hazardous materials transportation, Imports, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements, Security measures.

For the reasons stated 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. 552 and 553, the NRC is adopting the following amendments to 10 CFR parts 26, 70, and 73.

PART 26—FITNESS FOR DUTY PROGRAMS

1. The authority citation for part 26 continues to read as follows:

Authority: Secs. 53, 81, 103, 104, 107, 161, 68 Stat. 930, 935, 936, 937, 939, 948, as amended (42 U.S.C. 2073, 2111, 2112, 2133, 2134, 2137, 2201); secs. 201, 202, 206, 88 Stat. 1242, 1244, 1246, as amended (42 U.S.C. 5841, 5842, 5846).

2. Section 26.1 is revised to read as follows:

§ 26.1 Purpose.

This part prescribes requirements and standards for the establishment and maintenance of certain aspects of fitness-for-duty programs and procedures by the licensed nuclear power industry, and by licensees authorized to possess, use, or transport formula quantities of strategic special nuclear material (SSNM).

3. Section 26.2 is revised to read as follows:

§ 26.2 Scope.

(a) The regulations in this part apply to licensees authorized to operate a nuclear power reactor, to possess or use formula quantities of SSNM, or to transport formula quantities of SSNM. Each licensee shall implement a fitness-for-duty program which complies with this part. The provisions of the fitness-for-duty program must apply to all persons granted unescorted access to nuclear power plant protected areas, to licensee, vendor, or contractor personnel required to physically report to a licensee's Technical Support Center (TSC) or Emergency Operations Facility (EOF) in accordance with licensee emergency plans and procedures, and to SSNM licensee and transporter personnel who:

(1) Are granted unescorted access to Category IA Material;

(2) Create or have access to procedures or records for safeguarding SSNM;

(3) Make measurements of Category IA Material;

(4) Transport or escort Category IA Material; or

(5) Guard Category IA Material.

(b) The regulations in this part do not apply to NRC employees, to law enforcement personnel, or offsite emergency fire and medical response personnel while responding onsite, or SSNM transporters who are subject to U.S. Department of Transportation drug or alcohol fitness programs that require random testing for drugs and alcohol. The regulations in this part also do not apply to spent fuel storage facility licensees or non-power reactor licensees who possess, use, or transport formula quantities of irradiated SSNM as these materials are exempt from the Category I physical protection requirements as set forth in 10 CFR 73.6.

(c) Certain regulations in this part apply to licensees holding permits to construct a nuclear power plant. Each construction permit holder, with a plant under active construction, shall comply with §§ 26.10, 26.20, 26.23, 26.70, and 26.73 of this part; shall implement a chemical testing program, including random tests; and shall make provisions for employee assistance programs, imposition of sanctions, appeals procedures, the protection of information, and recordkeeping.

4. In § 26.3, the terms *Category IA Material,* and *Transporter* are added in alphabetical order to read as follows:

§ 26.3 Definitions.

* * * * *

Category IA Material means strategic special nuclear material (SSNM) directly useable in the manufacture of a nuclear explosive device, except if:

(1) The dimensions are large enough (at least 2 meters in one dimension, greater than 1 meter in each of two dimensions, or greater than 25 cm in each of three dimensions) to preclude hiding the item on an individual;

(2) The total weight of 5 formula kilograms of SSNM plus its matrix (at least 50 kilograms) cannot be carried inconspicuously by one person; or

(3) The quantity of SSNM (less than 0.05 formula kilogram) in each container requires protracted diversions in order to accumulate 5 formula kilograms.

* * * * *

Transporter means a general licensee pursuant to 10 CFR 70.20a, who is authorized to possess formula quantities of SSNM in the regular course of carriage for another or storage incident thereto, and includes the driver or operator of any conveyance, and the accompanying guards or escorts.

* * * * *

5. In § 26.10, the introductory text and paragraph (a) are revised to read as follows:

§ 26.10 General performance objectives.

Fitness-for-duty programs must:

(a) Provide reasonable assurance that nuclear power plant personnel, transporter personnel, and personnel of licensees authorized to possess or use formula quantities of SSNM, will perform their tasks in a reliable and trustworthy manner and are not under the influence of any substance, legal or illegal, or mentally or physically impaired from any cause, which in any way adversely affects their ability to safely and competently perform their duties;

* * * * *

6. In § 26.24, the section heading and paragraphs (a)(2) and (b) are revised to read as follows:

§ 26.24 Chemical and alcohol testing.

(a) * * *

(2) Unannounced drug and alcohol tests imposed in a statistically random and unpredictable manner so that all persons in the population subject to testing have an equal probability of being selected and tested. The tests must be administered so that a person completing a test is immediately eligible for another unannounced test. As a minimum, tests must be administered on a nominal weekly frequency and at various times during the day. Random testing shall be conducted at an annual rate equal to at least 100 percent of the workforce.

* * * * *

(b) Testing for drugs and alcohol, at a minimum, must conform to the "Guidelines for Drug and Alcohol Testing Programs," issued by the Nuclear Regulatory Commission and

appearing in appendix A to this part, hereinafter referred to as the NRC Guidelines. Licensees, at their discretion, may implement programs with more stringent standards (e.g., lower cutoff levels, broader panel of drugs). All requirements in this part still apply to persons who fail a more stringent standard, but do not test positive under the NRC Guidelines. Management actions must be the same with the more stringent standards as if the individual had failed the NRC standards.

* * * * *

7. In § 26.27, paragraphs (a), (b)(2), and (b)(3) are revised to read as follows:

§ 26.27 Management actions and sanctions to be imposed.

(a)(1) The licensee shall obtain a written statement from the individual as to whether activities within the scope of this part were ever denied the individual before the initial—

(i) Granting of unescorted access to a nuclear power plant protected area;

(ii) Granting of unescorted access by a formula quantity SSNM licensee to Category IA Material;

(iii) Assignment to create or the initial granting of access to safeguards of procedures for SSNM;

(iv) Assignment to measure Category IA Material;

(v) Assignment to transport or escort Category IA Material;

(vi) Assignment to guard Category IA Material; or

(vii) Assignment to activities within the scope of this part to any person.

(2) The licensee, as applicable, shall complete a suitable inquiry on a best-efforts basis to determine if that person was, in the past—

(i) Tested positive for drugs or use of alcohol that resulted in on-duty impairment;

(ii) Subject to a plan for treating substance abuse (except for self-referral for treatment);

(iii) Removed from activities within the scope of this part;

(iv) Denied unescorted access at any other nuclear power plant;

(v) Denied unescorted access to SSNM;

(vi) Removed from responsibilities to create or have access to safeguards records or procedures for SSNM;

(vii) Removed from responsibilities to measure SSNM;

(viii) Removed from the responsibilities of transporting or escorting SSNM; or

(ix) Removed from the responsibilities of guarding SSNM at any other facility in accordance with a fitness-for-duty policy.

(3) If a record of the type described in paragraph (a)(2) of this section is established, the new assignment to activities within the scope of this part or granting of unescorted access must be based upon a management and medical determination of fitness for duty and the establishment of an appropriate follow-up testing program, provided the restrictions of paragraph (b) of this section are observed. To meet this requirement, the identity of persons denied unescorted access or removed under the provisions of this part and the circumstances for the denial or removal, including test results, will be made available in response to a licensee's, contractor's or vendor's inquiry supported by a signed release from the individual.

(4) Failure to list reasons for removal or revocation of unescorted access is sufficient cause for denial of unescorted access. Temporary access provisions are not affected by this part if the prospective worker passes a chemical test conducted according to the requirements of § 26.24(a)(1).

(b) * * *

(2) Lacking any other evidence to indicate the use, sale, or possession of illegal drugs onsite, a confirmed positive test result must be presumed to be an indication of offsite drug use. The first confirmed positive test must, as a minimum, result in immediate removal from activities within the scope of this part for at least 14 days and referral to the EAP for assessment and counseling during any suspension period. Plans for treatment, follow-up, and future employment must be developed, and any rehabilitation program deemed appropriate must be initiated during such suspension period. Satisfactory management and medical assurance of the individual's fitness to adequately perform activities within the scope of this part must be obtained before permitting the individual to be returned to these activities. Any subsequent confirmed positive test must result in, as applicable—

(i) Removal from unescorted access to nuclear power plant protected areas;

(ii) Removal from unescorted access to Category IA Material;

(iii) Removal from responsibilities to create or have access to records or procedures for safeguarding SSNM;

(iv) Removal from responsibilities to measure Category IA Material;

(v) Removal from the responsibilities of transporting or escorting Category IA Material;

(vi) Removal from the responsibilities of guarding Category IA Material at any other licensee facility; and

(vii) Removal from activities within the scope of this part for a minimum of 3 years from the date of removal.

(3) Any individual determined to have been involved in the sale, use, or possession of illegal drugs, while, as applicable, within a protected area of any nuclear power plant, within a facility that is licensed to possess or use SSNM, or within a transporter's facility or vehicle, must be removed from activities within the scope of this part. The individual may not—

(i) Be granted unescorted access to nuclear power plant protected areas;

(ii) Be granted unescorted access to Category IA Material;

(iii) Be given responsibilities to create or have access to safeguards records or procedures for SSNM;

(iv) Be given responsibilities to measure Category IA Material;

(v) Be given responsibilities to transport or escort Category IA Material;

(vi) Be given responsibilities to guard Category IA Material; or

(vii) Be assigned to activities within the scope of this part for a minimum of 5 years from the date of removal.

* * * * *

8. In § 26.73, paragraph (d) is revised to read as follows:

§ 26.73 Reporting requirements.

* * * * *

(d) By November 30, 1993 each licensee who is authorized to possess, use, or transport formula quantities of SSNM shall certify to the NRC that it has implemented a fitness-for-duty program that meets the requirements of 10 CFR part 26. The certification shall describe any licensee cut-off levels more stringent than those imposed by this part.

9. In appendix A, the title and Subpart A-General 1.1 Applicability (1) is revised to read as follows:

Appendix A to Part 26—Guidelines for Drug and Alcohol Testing Programs

* * * * *

Subpart A—General

1.1 Applicability

(1) These guidelines apply to licensees authorized to operate nuclear power reactors and licensees who are authorized to possess, use, or transport formula quantities of strategic special nuclear material (SSNM).

* * * * *

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

10. The authority citation for part 70 continues to read as follows:

Authority: Secs. 51, 53, 161, 182, 183, 68 Stat. 929, 930, 948, 953, 954, as amended,

sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2201, 2232, 2233, 2282); secs. 201, as amended, 202, 204, 206, 88 Stat. 1242, as amended, 1244, 1245, 1246 (42 U.S.C. 5841, 5842, 5845, 5846).

Sections 70.1(c) and 70.20a(b) also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 70.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 70.21(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 70.31 also issued under sec. 57d, Pub. L. 93–377, 88 Stat. 475 (42 U.S.C. 2077). Sections 70.36 and 70.44 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 70.61 also issued under secs. 186, 187, 68 Stat. 955 (42 U.S.C. 2236, 2237). Section 70.62 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138).

11. In § 70.20a, paragraph (d)(3) is revised to read as follows:

§ 70.20a General license to possess special nuclear material for transport.

* * * * *

(d) * * *

(3) Shall be subject to Part 26 and § 73.80 of this chapter.

* * * * *

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

12. The authority citation for part 73 continues to read as follows:

Authority: Secs. 53, 161, 68 Stat. 930, 948, as amended, sec. 147, 94 Stat. 780 (42 U.S.C. 2073, 2167, 2201); sec. 201, as amended, 204, 88 Stat. 1242, as amended, 1245 (42 U.S.C. 5841, 5844).

Section 73.1 also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C., 10155, 10161). Section 73.37(f) also issued under sec. 301, Pub. L. 96–295, 94 Stat. 789 (42 U.S.C. 5841 note). Section 73.57 is issued under sec. 606, Pub. L. 99–399, 100 Stat. 876 (42 U.S.C. 2169).

13. In § 73.6, the introductory paragraph is revised to read as follows:

§ 73.6 Exemptions for certain quantities and kinds of special nuclear material.

A licensee is exempt from the requirements of 10 CFR part 26 and §§ 73.20, 73.25, 73.26, 73.27, 73.45, 73.46, 73.70 and 73.72 with respect to the following special nuclear material:

* * * * *

Dated at Rockville, Maryland, this 27th day of May, 1993.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 93–13018 Filed 6–2–93; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Parts 626, 627, 628, 629, 630, 631, 637

RIN 1205–AA95

Job Training Partnership Act

AGENCY: Employment and Training Administration, Labor.

ACTION: Interim final rule; amendments.

SUMMARY: This document amends the interim final rule, which was published Tuesday, December 29, 1992, (57 FR 62004). The interim final rule amended the Job Training Partnership Act (JTPA) regulations to implement the Job Training Reform Amendments of 1992.

DATES: *Effective Date:* December 18, 1992.

Removal of Expiration Date: The expiration date of June 1, 1993, for the interim final rule published at 57 FR 62004 (December 29, 1992), is removed. The Department plans to issue a final rule on or before September 1, 1993, and after it has reviewed public comments already received. Notwithstanding the publication of the final rule, the 1992 amendments to JTPA, and the resulting program changes, are effective and operational July 1, 1993.

FOR FURTHER INFORMATION CONTACT: Mr. Hugh Davies, Director, Office of Employment and Training Programs. Telephone: (202) 219–5580 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

On December 29, 1992, the Department of Labor (DOL or Department) published an interim final rule amending the Job Training Partnership Act (JTPA) regulations to implement the Job Training Reform Amendments of 1992, Public Law 102–367 (Amendments). 57 FR 62004. The interim final rule indicated that the effective date for the rule was December 18, 1992, through June 1, 1993. The interim final rule invited written comments for consideration in developing the final rule, and the comment period closed on February 12, 1993. The interim final rule further indicated that the Department would issue a final rule on or before the June 1 expiration date of the interim final rule, after it had reviewed the public comments received. In addition, the interim final rule set forth guidance on transition and implementation of the Amendments.

Need for Amendments

The number of submissions in response to the Department's request for comments on the interim final rule was overwhelming. The Department received approximately 400 written sets of comprehensive comments from the JTPA system and other interested parties. Almost all of the submissions provided discrete comments on multiple sections and/or regulatory provisions of the interim final rule. In addition to the sheer volume of the comments received, many of them dealt with a number of complex and/or sensitive issues which the Department believes must be addressed before publishing a final rule. It has become clear that if the Department is to fully consider all of the comments received, additional time is required beyond the June 1, 1993, expiration date of the interim final rule. So as not to have an interruption in the regulations governing JTPA, the Department is amending the EFFECTIVE DATE section of the interim final rule to remove the June 1, 1993, expiration date and is indicating that it plans to publish a final rule on or before September 1, 1993, after it has reviewed the public comments received.

The Department also is taking the opportunity to revise the Transition Provisions set forth at 20 CFR part 627, subpart I, as a result of implementation issues raised after the publication of the December 29, 1992, interim final rule. Section 701(i) of the 1992 Amendments establishes broad discretion for the Secretary of Labor (Secretary) to develop rules and procedures "to provide for an orderly implementation of the amendments made by this Act." To a certain degree, this authority has been reflected in the provisions set forth in subpart I. By putting the Transition Provisions in the regulations, however, the Department has been unable to react in a timely manner to implementation problems as they have arisen. The Department believes that, consistent with the Secretary's authority at JTPA section 701(i), many implementation matters can appropriately be addressed through administrative issuances to the Governors/States. After publication of the interim final rule, supplemental transition guidance was transmitted via an administrative issuance, Training and Employment Guidance Letter (TEGL) No. 7–92, dated March 8, 1993, to all Governors. This issuance provided interpretations on the transition provisions of the interim final rule and addressed implementation problems not responded to in the interim final rule. This TEGL was published as a Notice in

the Federal Register on April 7, 1993. 58 FR 18114.

Accordingly, subpart I is being revised to remove conflicting transition provisions, to incorporate certain transition guidance provided to all Governors in TEGL No. 7–92 appropriate to the regulations on cost categories, program design requirements, and out-of-school ratio of services to youth, to provide for the charging of tuition by institutions accredited under section 481(c) of the Higher Education Act (20 U.S.C. 1088(c)), and to indicate that for matters identified as being appropriately handled by administrative issuance, the Department will transmit guidance directly to the JTPA system, via a TEGL to the Governors. Such TEGL's will be published as Notices in the Federal Register.

These amendments to the interim final rule provide the States and SDA's with some flexibility in implementing certain new major features of JTPA made by the 1992 amendments to JTPA, in particular those pertaining to objective assessment, individual service strategies, and the requirement that 50 percent of the participants under Title II–C must be out-of-school youth. The intent of such flexibility is to ensure that such program design changes are undertaken by the States and SDA's in a manner which focuses on the long-term quality and effectiveness of service delivery in JTPA. The Department, however, expects States and SDA's to effect the necessary changes as soon as possible after July 1, 1993.

List of Subjects in 20 CFR Parts 626 Through 631 and 637

Dislocated worker programs, Grant programs, Labor, Manpower training programs.

Accordingly, the publication on December 29, 1992, of the interim final rule, which was the subject of FR Doc. 92–31075, and 20 CFR part 627 are amended as follows:

Effective Date

1. In FR Doc 92–31075, the first paragraph of the EFFECTIVE DATES section, in the first column on 57 FR 62004 (December 29, 1992), is revised to read as follows:

EFFECTIVE DATE: December 18, 1992. The Department plans to issue a final rule on or before September 1, 1993, after it has reviewed public comments.

PART 627—GENERAL PROVISIONS GOVERNING PROGRAMS UNDER THE ACT

2. Part 627 of title 20, CFR, is amended as follows:

a. The authority citation for part 627 continues to read as follows:

Authority: 29 U.S.C. 1579(a); Sec. 6305(f), Pub. L. 100–418, 102 Stat. 1107; 29 U.S.C. 1791i(e).

b. Section 627.900 is revised to read as follows:

§ 627.900 Scope and purpose.

(a) The regulations set forth at parts 626, 627, 628, 629, 630, 631, and 637 of 20 CFR chapter V (1993) were published as an interim final rule to provide planning guidance for States and SDA's on the changes made to the JTPA program as a result of the 1992 JTPA amendments. See 57 FR 62004 (December 29, 1992). Those regulations and the statutory amendments are effective for the program year beginning July 1, 1993 (PY 1993), and succeeding program years. For PY 1992, JTPA programs and activities shall continue under the regulations set forth at 20 CFR parts 626, 627, 628, 629, 630, 631, and 637 (1992). Transition and implementation activities for the 1992 JTPA statutory amendments shall proceed under 20 CFR chapter V (1993), i.e., the interim final rule.

(b) In order to provide for the orderly transition to and implementation of the provisions of JTPA, as amended by the 1992 amendments, this subpart I applies to the use of JTPA title II and title III funds allotted by formula to the States. Additional guidance on transition matters may be provided in administrative issuances. The provisions in this subpart are operational during the transitional period for implementing the 1992 JTPA amendments.

§ 627.902 [Amended]

c. In § 627.902, paragraphs (i) and (j) are removed; and the semicolon at the close of paragraph (h) is removed and a period is added in lieu thereof.

d. In § 627.904, paragraph (g) is revised and new paragraphs (m), (n), and (o) are added to read as follows:

§ 627.904 Transition and implementation.

* * * * *

(g) *Cost Categories.* (1) Cost categories applicable to PY 1992 and earlier funds will be subject to existing regulations either until the funds have been exhausted or program activity has been completed. In order to assist the orderly transition to and implementation of the new requirements of the 1992 JTPA amendments, an increase is allowed in the administrative cost limitation for PY 1992 funds from 15 percent to 20 percent, with a corresponding adjustment to cost limitations for training and participant support. Specifically, not less than 80 percent of the title II–A funds shall be expended for training and participant support, and not less than 65 percent shall be expended for training.

(2) Any prior year carryover funds made available for use in PY 1993 will be subject to the reporting requirements and cost categories applicable to PY 1993 funds.

(3) In determining compliance with the JTPA cost limitations for PY 1992, Governors may either:

(i) Determine cost limitation compliance separately for funds expended in accordance with paragraphs (g)(1) and (g)(2) of this section; or

(ii) Determine compliance for each cost category against the total PY 1992 funds, whether expended in accordance with the Act and regulations in effect prior to the 1992 amendments to JTPA or in accordance with the amended Act and these regulations. Using this option, the total combined funds expended for training and direct training should be at least 65 percent of PY 1992 SDA allocations.

(4) In addition to the institutions specified at § 627.440(d)(1)(vi)(B) of these regulations, the costs of tuition and entrance fees of a postsecondary vocational institution specified at section 481(c) of the Higher Education Act, (20 U.S.C. 1088(c)), may be charged to Direct training services through June 30, 1995, when such tuition charges or entrance fees are not more than the educational institution's catalog price, necessary to receive specific training, charged to the general public to receive the same training, and are for the training of participants.

* * * * * *

(m) *Program implementation.* The implementation by the States and SDA's of certain new program design requirements, particularly objective assessment and development of individual service strategies (ISS), may require additional time to fully implement beyond July 1, 1993. Reasonable efforts to implement the provisions of §§ 628.515, 628.520, and 628.530, as soon as possible after July 1, 1993, are expected to be made. However, it is not expected that every new participant will initially receive

objective assessment, ISS, and referral to non-Title II services for a period of six months, or January 1, 1994.

(n) *Out-of-school youth ratio.* The 50-percent out-of-school participants requirement for title II–C will be phased in during PY 1993 and will not be the subject of compliance review until PY 1994, beginning July 1, 1994. During PY 1993, however, SDA's must show significant improvement in the proportion of out-of-school youth being served and performance in increasing the service ratio will be monitored by the States and DOL during this implementation period.

(o) *Administrative issuances.* Other implementation issues may be handled by administrative issuance. ETA will transmit such guidance directly to all Governors via a Training and Employment Guidance Letter (TEGL). Such TEGL's will be published as Notices in the **Federal Register**. (Sec. 701(i)).

§ 627.906 [Amended]

e. In § 627.906, in the first sentence of paragraph (a), the phrase ", especially those" is removed.

Signed at Washington, DC, this 28th day of May, 1993.

Carolyn M. Golding,

Acting Assistant Secretary of Labor.

[FR Doc. 93–13116 Filed 5–28–93; 4:13 pm]

BILLING CODE 4510–30–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD7–92–113]

Drawbridge Operation Regulations; Grand Canal, FL

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Tortoise Island Homeowners Association and the Lansing Island Development Corporation, the Coast Guard is changing the regulations of the Tortoise Island drawbridge, mile 2.6 and the Lansing Island drawbridge, mile 0.7 at Satellite Beach, Brevard County, Florida, by increasing the advance notification time now required for an opening of the draws during certain periods. This change is being made because of infrequent requests to open the draws during nighttime hours. This action will relieve the bridgeowners of the burden of having a person constantly available to open the draw while still meeting the reasonable needs of navigation.

EFFECTIVE DATE: This regulation becomes effective on July 6, 1993.

FOR FURTHER INFORMATION CONTACT: Walter Paskowsky, Project Manager, Bridge Section, at (305) 536–4103.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are Mr. Walter Paskowsky, Project Manager, and Lieutenant J.M. Losego, Project Counsel.

Regulatory History

On February 2, 1993, the Coast Guard published a notice of proposed rulemaking entitled Drawbridge Operation Regulations in the **Federal Register** (58 FR 6767). The Coast Guard received one letter commenting on the proposal. A public hearing was not requested and one was not held.

Background and Purpose

The drawbridges presently open on signal, except that during the evening hours from 10 pm to 6 am from Sunday evening until Friday morning, except on evenings preceding a federal holiday, the draws shall open on signal if at least 15 minutes advance notice is given. The owners of the Tortoise Island bridge and the Lansing Island bridge requested relief from the requirement to maintain full time drawtender service due to lack of openings during evening hours. The Coast Guard proposed a change to two hour advance notice which is similar to the nearby Mathers Bridge on the same waterway system. The rule also corrects the name of the waterway from Great Canal to Grand Canal which is the name designated by the Department of the Interior, U.S. Geological Survey.

Discussion of Comments and Changes

One letter was received from the Committee to Preserve the Grand Canal recommending that the telephone number to contact for an opening during the curfew period be posted on signs on the bridge. This requirement of 33 CFR 117.55 will be implemented by directing he bridgeowners to install such signs when the Coast Guard sends them the signed Final rule.

Regulatory Evaluation

This proposal is not major under Executive Order 12291 and not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a Regulatory Evaluation is unnecessary. We conclude this because there is no commercial traffic on the waterway.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Since the rule will effect no commercial users, the economic impact is expected to be minimal.

Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.* that this rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposal under the principles and criteria contained in Executive Order 12612, and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under section 2.B.2.g.(5) of Commandant Instruction M16475.1B, promulgation of operating requirements or procedures for drawbridges is categorically excluded from further environmental documentation. A Categorical Exclusion Determination is available in the docket.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR Part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 USC 499; 49 CFR 1.46; 33 CFR 1.05–1(g).

2. Section 117.285 is revised to read as follows:

§ 117.285 Grand Canal.

(a) The draw of the Lansing Island bridge, mile 0.7, shall open on signal, except that during the evening hours from 10 p.m. to 6 a.m. from Sunday evening until Friday morning, except on evenings preceeding a Federal holiday, the draw shall open on signal if at least 2 hours notice is given.

(b) The draw of the Tortoise Island bridge, mile 2.6, shall open on signal; except that during the evening hours from 10 p.m. to 6 a.m. from Sunday evening until Friday morning, except on evenings preceding a Federal holiday, the draw shall open on signal if at least 2 hours notice is given.

Dated: May 17, 1993.

William P. Leahy,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 93–13007 Filed 6–2–93; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 165

[COTP SAN FRANCISCO 93–04]

Safety Zone Regulations: San Francisco Bay

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a Safety Zone on the waters of San Francisco Bay, CA in the area between Alcatraz Island and Aquatic Park. This Safety Zone is necessary to ensure the safety of swimmers participating in a race between Alcatraz and Aquatic Park. All vessels shall be excluded from this Safety Zone. This regulation establishes a rectangular area 500 yards wide between Alcataz Island and Aquatic Park. Entry into this Safety Zone is prohibited without the permission of the Captain of the Port, San Francisco Bay, California.

EFFECTIVE DATE: This regulation becomes effective at 7:30 a.m. PST, June 12, 1993 and terminates 8:45 a.m. PST, June 12, 1993, unless canceled earlier by the Captain of the Port.

FOR FURTHER INFORMATION CONTACT: Lieutenant Naccara, Coast Guard Marine Safety Office, San Francisco Bay, CA (510) 437–3073.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a Notice of Proposed Rulemaking (NPRM) was not published for this regulation and good cause exists for making it effective in less than 30 days from the date of **Federal Register** publication. Following normal rulemaking procedures by publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to safeguard the swimmers.

Drafting Information

The drafters of this regulation are Lieutenant Naccara, Project Officer for the Captain of the Port, and Captain Weuele, Project Attorney, Eleventh Coast Guard District Legal Office.

Discussion of Regulation

The event requiring this regulation is a triathalon involving 400 swimmers leaving Alcatraz Island for Aquatic Park. The swimmers will be unable to get out of the way of any vessels which may be transiting the area.

This regulation is issued pursuant to 33 U.S.C. 1231 as set out in the authority citation for all of 33 CFR PART 165.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (Water), Security measures, Vessels, Waterways.

Final Regulation

In consideration of the foregoing, Subpart C of part 165 of Title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; and 49 CFR 1.46.

2. A temporary section 165.T1164 is added to read as follows:

§ 165.T1164 Safety Zone: San Francisco Bay, CA.

(a) *Location.* A Safety Zone is established on the waters of San Francisco Bay, CA in the area between Alcatraz Island and Aquatic Park. The Safety Zone is a rectangular area 500 yards wide between 37–49.39 N, 122–25.35 W, 37–49.29 N, 122–25.15 W, 37–48.30 N, 122–25.38 W, and 37–48.30 N, 122–25.18 W.

(b) *Effective date.* This regulation is effective at 7:30 a.m. PST, June 12, 1993 and terminates 8:45 a.m. PST, June 12, 1993, unless canceled earlier by the Captain of the Port.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port.

Dated: May 18, 1993.

J.M. MacDonald,

Captain, U.S. Coast Guard, Captain of the Port.

[FR Doc. 93–13008 Filed 6–2–93; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–4661–2]

North Carolina; Interim Authorization of Revisions to State Hazardous Waste Management Program; Correction

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule; correction.

SUMMARY: This action corrects the list of authorities previously published in the **Federal Register** dated April 27, 1992, at 57 FR 15255. The immediate final rule of April 27th authorized North Carolina for the statutory provisions addressing Hazardous Solid Waste Amendment (HSWA) sections 3005(j) and 3004(d), Surface Impoundment Requirements, and HSWA 3004(q)(2)(A) and 3004(r) (2) and (3), Exceptions to the Burning and Blending of Hazardous Waste. This action is necessary to de-authorize North Carolina for sections 3005(j), 3004(d), 3004(q)(2)(A), and 3004(r) (2) and (3) which were included in that authorization document.

EFFECTIVE DATE: June 3, 1993.

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: North Carolina applied for interim authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). North Carolina's revisions consisted of the provisions of HSWA Cluster I promulgated November 8, 1984, through June 30, 1987. On April 27, 1992, EPA issued a final decision to grant North Carolina interim authorization for HSWA Cluster I which became effective June 26, 1992. A detailed discussion of authorities for which North Carolina was granted interim authorization was included in the April 27, 1992, notice (57 FR 15254). North Carolina did not apply for HSWA sections 3005(d), 3005(j), 3004(q)(2)(A), or 3004(r) (2) and (3). However, EPA inadvertently included these requirements in the authorization approval notice.

In the immediate final rule published April 27, 1992, at 57 FR 15254 is corrected by removing the first two complete entries in the table, "Surface Impoundment Requirements" and "Exceptions to the Burning and

Blending of Hazardous Waste" on page 15255.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 93-12838 Filed 6-2-93; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6975

[CO-932-4210-06; C-28505]

Partial Revocation of Executive Order No. 6277, Dated September 8, 1933; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes an Executive Order insofar as it affects 14.49 acres of public land withdrawn for Public Water Reserve No. 152. The revocation will permit consumation of a pending Bureau of Land Management land exchange. This action will open the land to surface entry and nonmetalliferous mining unless closed by overlapping withdrawals or temporary segregations of record. The land has been and will remain open to mineral leasing and metalliferous mining.

EFFECTIVE DATE: July 6, 1993.

FOR FURTHER INFORMATION CONTACT: Bob Barbour, BLM Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215, 303-239-3708.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Executive Order No. 6277, dated September 8, 1933, which withdrew public land for Public Water Reserve No. 152, is hereby revoked insofar as it affects the following described land:

Sixth Principal Meridian

T. 9 N., R. 96 W.,
sec. 31, lot 5.
The area described contains 14.49 acres in Moffat County.

2. At 9 a.m. on July 6, 1993, the land will be opened to the operation of the public land laws generally, subject to valid existing rights, the provision of existing withdrawals, other segregation of record, and the requirements of applicable law. All valid applications received at or prior to 9 a.m. on July 6, 1993, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 9 a.m. on July 6, 1993, the land will be opened to location and entry for nonmetalliferous mining under the United States mining laws, subject to valid existing rights, the provision of existing withdrawals, other segregation of record, and the requirements of applicable law. Appropriation of any of the land described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempts adverse possession under 30 U.S.C. 38 (1988), shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: May 21, 1993.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 93-12977 Filed 6-2-93; 8:45 am]

BILLING CODE 4310-JB-M

43 CFR Public Land Order 6976

[AK-932-4210-06; AA-6679]

Withdrawal of Public Lands for Manokotak Village Selection; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws approximately 1,380 acres of public lands located within the Togiak National Wildlife Refuge from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, pursuant to section 22 of the Alaska Native Claims Settlement Act. This action also reserves the lands for selection by Manokotak Natives Limited, the village corporation for Manokotak. This withdrawal is for a period of 120 days; however, any lands selected shall remain withdrawn by the order until conveyed. Any lands described herein that are not selected by the corporation will remain withdrawn as part of the Togiak National Wildlife Refuge pursuant to the Alaska National Interest Lands Conservation Act and will be subject to the terms and conditions of any withdrawal of record.

EFFECTIVE DATE: June 3, 1993.

FOR FURTHER INFORMATION CONTACT: Sandra C. Thomas, BLM Alaska State Office, 222 W. 7th Avenue, No. 13, Anchorage, Alaska 99513-7599, 907-271-5477.

By virtue of the authority vested in the Secretary of the Interior by section 22(j)(2) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1621(j)(2) (1988), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands located within the Togiak National Wildlife Refuge are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and are hereby reserved for selection under section 12 of the Alaska Native Claims Settlement Act, 43 U.S.C. 1611 (1988), by Manokotak Natives Limited, the village corporation for Manokotak:

Seward Meridian

T. 14 S., R. 58 W., (Unsurveyed)
secs. 12 and 13, those portions lying west of the Weary River.
T. 14 S., R. 61 W., (Unsurveyed)
sec. 5, N½.
The areas described aggregate approximately 1,380 acres.

2. Prior to conveyance of any of the lands withdrawn by this order, the lands shall be subject to administration by the Secretary of the Interior under applicable laws and regulations, and his authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by this withdrawal.

3. This order constitutes final withdrawal action by the Secretary of the Interior under section 22(j)(2) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1621(j)(2) (1988), to make lands available for selection by Manokotak Natives Limited to fulfill the entitlement of the village for Manokotak under section 12 and section 14(a) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1611 and 1613 (1988).

4. This withdrawal will terminate 120 days from the effective date of this order; provided, any lands selected shall remain withdrawn pursuant to this order until conveyed. Any lands described in this order not selected by the corporation shall remain withdrawn as part of the Togiak National Wildlife Refuge, pursuant to sections 303(6) and 304(c) of the Alaska National Interest Lands Conservation Act, 16 U.S.C. 668(dd) (1988); and will be subject to the terms and conditions of any other withdrawal of record.

5. It has been determined that this action is not expected to have any significant effect on subsistence uses and needs pursuant to section 810(c) of the Alaska National Interest Lands