exemption would allow the handling of large quantities of listed flammable substances without the development of risk management plans.

The Agency currently lacks information or evidence to demonstrate that the hazard and potential for an accidental release is different for the storage, transfer, or use of a flammable substance used solely as fuel from the storage, transfer, or use of the same substance in a chemical process. The Agency also has data available in the docket indicating that flammable substances used solely as fuel have been involved in accidental releases. Therefore, the Agency seeks comment on the appropriateness of this exemption.

B. Hazards Information

EPA requests comments supported by data on the hazards associated with the use of EPA-listed flammable substances as fuel. In particular, the Agency seeks data on actual and potential off-site impacts. For example, EPA recognizes that serious hazards are associated with propane, but would like additional information concerning the impacts of propane accidents, as related to propane use as fuel, on the public. EPA also requests comment on whether a hazard-based distinction can be made between flammable substances used as fuel and flammable substances otherwise regulated under the accident prevention program. In particular, are the hazards associated with handling flammables for fuel uses greater or lower than the hazards associated with using the same substances in industrial processes otherwise regulated under the accident prevention program?

The Occupational Safety and Health Administration (OSHA) exempted under its process safety management standards "Hydrocarbon fuels used solely for workplace consumption as a fuel * * * if such fuels are not part of a process containing another highly hazardous chemical covered by the [process safety management] standard" (see 57 FR 6356, 6367 (February 24, 1992)). In part, OSHA's expressed rationale was that this type of use did not have the same catastrophic potential to workers as other uses. Fuel storage and handling may be systematically different (due to industrial standards, technology, and regulation) than storage and handling of a substance for other uses. EPA requests comments supported by available data regarding whether the use of a flammable substance as a fuel affects the amount of the substance that may reasonably be anticipated to cause off-site impacts of concern as a result of an accidental release. Another question concerns the extent to which a hazard-based distinction can be made between the EPA-regulated flammables and the larger OSHA universe of flammable substances when they are used as fuel.

C. Regulatory Impact

EPA requests additional information on: (1) the kinds of substances, (2) the types and number of facilities, especially small businesses, and (3) the uses of flammables that would be affected by an exemption for the use of flammable substances as fuels. EPA also requests comment on the appropriateness of the risk management program as described in the proposed rule of October 20, 1993 (see 58 FR 54190) for this regulated universe.

Comments are sought on the extent and effectiveness of existing voluntary and regulatory programs that may reduce hazards associated with the use of flammables as fuel, as well as the degree to which such requirements accomplish the same goals (e.g., availability of information to the public) as the proposed chemical accident prevention program and plans. For instance, information on the OSHA process safety management standard and on fire protection measures and emergency procedures at the state and local level is requested. As OSHA noted, the OSHA standards for flammable and combustible liquids and liquified petroleum gases address flammables used as fuel (see 57 FR 6367). Do these standards fulfill particular aspects of EPA's proposed program, such as the prevention program element?

EPA also seeks comment on ways to reduce the impact of the risk management planning regulations on users of flammables as fuel if the Agency determines that an exemption is not warranted. Alternatives include the use of model RMPs to assist facility owners and operators and streamlined procedures for meeting accident prevention program and plan requirements. EPA solicits comments on the way in which such approaches can be implemented and on specific components of the risk management and plan requirements that are anticipated to place significant burdens on small business.

List of Subjects

Environmental protection.

Dated: January 14, 1994.

Carol M. Browner,

Administrator.

[FR Doc. 94–1557 Filed 1–28–94; 8:45 am]

BILLING CODE 6560–50–P

federal register

Monday
January 31, 1994

Part IV

Environmental Protection Agency

40 CFR Part 136

Preparation of Guidelines Establishing Test Procedures for the analysis of Pollutants Under the Clean Water Act: Technical Amendments; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 136

[FRL–4828–0]

Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act; Technical Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule: technical amendments.

SUMMARY: This action under the Clean Water Act (CWA) section 304(h) amends 40 CFR part 136 to add clarifying footnotes to the lists of approved test procedures, update method citations in Tables IA, IB, IC, ID, and IE, to amend the incorporation by reference section of the regulation accordingly, and to correct certain typographical errors and omissions in the Technical Amendments appearing in the **Federal Register**, of October 8, 1991.

EFFECTIVE DATE: This amendment becomes effective on January 31, 1994. The incorporation by reference of the publications listed in this notice are approved by the Director of **Federal Register** as of January 31, 1994.

FOR FURTHER INFORMATION CONTACT: James J. Lichtenberg Environmental Monitoring Systems Laboratory, Office of Research and Development, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268, Telephone Number: (513) 569–7306.

SUPPLEMENTARY INFORMATION:

I. These technical amendments update and/or correct errors and inadvertant omissions in the references to analytical methods already approved under section 304(h) to the current editions published by EPA, U.S. Geological Survey, Standard Methods for the Examination of Water and Wastewater (Standard Methods), the American Society for Testing and Materials (ASTM), and the Association of Official Analytical Chemists (AOAC) International. No new methods are introduced. EPA has carefully reviewed each approved method for substantive changes between the current editions and the previously approved editions. Methods cited in this amendment that were not previously cited are substantively the same as the approved EPA method and/or were derived from the EPA method.

II. The Standard Methods references in Tables IA, IB, IC, ID, and IE are generally updated to the 18th Edition by today's notice. Each approved method was carefully reviewed for substantive changes between the 17th and 18th editions. With the exception of the Turbidimetric Method for Sulfate, the 18th edition methods were found to be technically equivalent to the approved 17th edition methods. Therefore, we are updating the Standard Methods citations to the 18th edition for all but the Turbidimetric Method for Sulfate which will continue to be cited to the 15th edition. The list of references incorporated into this regulation continues to cite the 14th edition for phenols by manual distillation and colorimetric determination.

III. References in Tables IA, IB, IC, ID, and IE to the American Society for Testing and Materials (ASTM), AOAC International and/or, U.S. Geological Survey (USGS), have also been updated and corrected where appropriate to the most recent editions. Several ASTM methods are no longer cited because they have been discontinued by ASTM and are not included in the 1993 Standards book.

IV. Table II—Required Containers, Preservation Techniques, and Holding Times is amended as follows: Quartz glass is added to the list of sample containers for boron and silica. Borosilicate glass containers are not acceptable when samples are to be analyzed for these two parameters.

Phosphoric acid is added as an option for preserving samples which are to be analyzed for organic carbon. Previously approved methods for organic carbon, published by Standard Methods use phosphoric acid for this purpose.

V. The remaining amendments in this notice are very minor and are typographical or editorial in nature. The parts of Tables IA, IC and ID, and certain notes to Tables IB and IC where reference updates, corrections, and clarifications have been made are reprinted in this notice for the information and use of the regulated community. Tables IB and IE have been reprinted in their entirety for the convenience of the user.

Unless otherwise indicated in this notice, the methods contained in the Standard Methods 18th edition and the ASTM Standards are previously approved methods that were reballoted without technical change or were not reballoted. Any changes are editorial, typographical, or grammatical.

V. Regulatory Requirements

A. Executive Order 12866

For Executive Order 12866, EPA must judge whether a regulation is "major" and, therefore, requires a regulatory impact analysis. EPA has determined that these technical amendments are not major as they will not result in an effect on the economy of $100 million or more, a significant increase in cost or prices, or any of the effects described in the Executive Order. These amendments simply specify analytical techniques which may be used by laboratories in measuring concentrations of certain analytes and, therefore, have no adverse economic impacts.

B. Administrative Procedure Act

The Administrative Procedure Act, 5 U.S.C. 553 (b)(B), authorizes an agency to forego notice and comment rulemaking when the agency for good cause finds that notice and public procedure thereon are impracticable, unnecessary or contrary to the public interest. EPA believes that public comment on the foregoing technical amendments is unnecessary because the updates to method references do not change the methods contained therein. In publishing the new editions of their test protocols, ASTM and Standard Methods have balloted these methods for reapproval without technical change or the methods were republished as unballoted. Additionally, the typographical errors corrected in the CFR do not amend substantive requirements. Therefore, notice and public procedure is unnecessary and does not apply to this technical amendment notice.

C. Regulatory Flexibility Act

This amendment is consistent with the objectives of the Regulatory Flexibility Act (5 U.S.C. 602 *et seq.*) because it will not have a significant economic impact on a substantial number of small entities. The procedures cited in this rule give all laboratories the flexibility to use these procedures or already approved alternative procedures.

D. Paperwork Reduction Act

This rule contains no request for information activities and, therefore, no information collection request (ICR) was submitted to the office of Management and Budget (OMB) for review in compliance with the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

Lists of Subjects in 40 CFR Part 136

Incorporation by reference, Water pollution control.

Dated: January 13, 1994.

Gary J. Foley,

Acting Assistant Administrator, Office Research and Development (8101).

40 CFR part 136 is amended as follows:

PART 136—[AMENDED]

1. The authority citation for part 136 continues to read as follows:

Authority: Secs. 301, 304(h), 307, and 501(a) Pub. L. 95–217, Stat. 1566, *et seq.* (33 U.S.C. 1251, et seq.) (the Federal Water Pollution Control Act Amendments of 1972 as amended by the Clean Water Act of 1977).

2. In § 136.3, paragraph (a) is amended as follows:

a. In Table IA by revising the heading, by revising entries 1 and 2 and by revising footnote 3.

b. By revising Table IB.

c. In Table IC by revising the heading and by revising entries 1, 2, 5, 8, 9, 10, 11, 12, 32, 33, 37, 54, 58, 59, 64, 67, 69, 84, and 86 and Table IC—Notes 5, 6, and 7.

d. In Table ID by revising the heading and by revising entries 8, 9, 10, 12, 13, 15, 36 and 41.

e. By revising Table IE.

3. In § 136.3, paragraph (b) is amended as follows:

a. By removing reference 9 and redesignating references 10 through 33 as 9 through 32, and by revising reference 6 and newly designated reference 10.

4. In § 136.3 paragraph (e) is amended as follows:

a. In Table II by revising the entry for, "3, 5–8, 12, 13, 19, 20, 22, 26, 29, 30, 32–34, 36, 37, 45, 47, 51, 52, 58–60, 62, 63, 70–72, 74, 75. Metals, except boron, chromium VI and mercury."; by revising entries 42 and 61; by adding entry 10 in numerical order; and by revising Table II—Note 4.

§ 136.3 Identification of test procedures.

* * * * *

TABLE IA.—LIST OF APPROVED BIOLOGICAL TEST PROCEDURES

Parameter, units and method	Method[1]	Reference (method No. or page)			
		EPA[2]	Standard methods 18th Ed.	ASTM	USGS[3]
Bacteria:					
1. Coliform (fecal), number per 100 ml.	MPN, 5 tube, dilution or, membrane filter (MF)[4], single step.	p.132 p.124	9221C 9222D	....	B–0050–85.
2. Coliform (fecal) in presence of chlorine, number per 100 ml.	MPN, 5 tube, 3 dilution; or, MF[4], single step[5].	p.132 p.124	9221C 9222D	....	
* * *	*	*	*	*	*

Table IA notes:

[1] The method used must be specified when results are reported.

[2] Bordner, R.H., and J.A. Winter, eds. 1978. "Mircobiological Methods for Monitoring the Environment, Water and Waste". Environmental Monitoring Systems Laboratory, U.S. Environmental Protection Agency. EPA–600/8–78–017.

[3] Britton, L.J., and P.E. Greeson, eds., 1989. "Methods for Collection and Analysis of Aquatic Biological and Microbiological Samples," Techniques of Water Resources Investigations of the U.S. Geological Survey, Techniques of Water Resources Investigations, Book 5, Chapter A4, Laboratory Analysis, U.S. Geological Survey, U.S. Department of Interior, Reston, Virginia.

[4] A 0.45 μm membrane filter (MF) or other pore size certified by the manufacturer to fully retain organisms to be cultivated, and to be free of extractables which could interfere with their growth.

[5] Because the MF technique usually yields low and variable recovery from chlorinated wastewaters, the Most Probable Number method will be required to resolve any controversies.

TABLE IB.—LIST OF APPROVED INORGANIC TEST PROCEDURES

Parameter, units and method	Reference (method number or page)				
	EPA[1,35]	Std. methods 18th Ed.	ASTM	USGS[2]	Other
1. Acidity, as $CaCO_3$, mg/L:					
Electrometric endpoint or phenolphthalein endpoint.	305.1	2310 B(4a)	D1067–92	.....	
2. Alkalinity, as $CaCO_3$, mg/L:					
Electrometric or Colorimetric titration to pH 4.5, manual or automated.	310.1 310.2	2320 B	D1067–92	I–1030–85 I–2030–85	973.43.[3]
3. Aluminum—Total[4], mg/L; Digestion[4] followed by:					
AA direct aspiration[36]	202.1	3111 D	.....	I–3051–85	
AA furnace	202.2	3113 B			
Inductively Coupled Plasma/Atomic Emission Spectrometry (ICP/AES)[36].	[5]200.7	3120 B			
Direct Current Plasma (DCP)[36]	.....	.....	D4190–82(88)	.....	Note 34.
Colorimetric (Eriochrome cyanine R)	.....	3500–Al D			
4. Ammonia (as N), mg/L:					
Manual distillation (at pH 9.5)[6], followed by .	350.2	4500–NH_3 B	.....	.....	973.49.[3]
Nesslerization	350.2	4500–NH_3 C	D1426–89(A)	I–3520–85	973.49.[3]
Titration	350.2	4500–NH_3 E	.....	.....	
Electrode	350.3	4500–NH_3 F or G	D1426–89(B)	.....	
Automated phenate, or	350.1	4500–NH_3 H	.....	I–4523–85	
Automated electrode	.....	.....	.....	.....	Note 7.
5. Antimony—Total[4], mg/L; Digestion[4] followed by:					
AA direct aspiration[36]	204.1	3111 B			

TABLE IB.—LIST OF APPROVED INORGANIC TEST PROCEDURES—Continued

Parameter, units and method	Reference (method number or page)				
	EPA[1,35]	Std. methods 18th Ed.	ASTM	USGS[2]	Other
AA furnace	204.2	3113 B			
ICP/AES[36]	[5]200.7	3120 B			
6. Arsenic—Total[4], mg/L:					
Digestion[4] followed by	206.5	.....	.....	.....	
AA gaseous hydride	206.3	314 B 4.d	D2972–88(B)	I–3062–85	
AA furnace	206.2	3113 B	D2972–88(C)		
ICP/AES[36], or	[5]200.7	3120 B			
Colorimetric (SDDC)	206.4	3500–As C	D2972–88(A)	I–3060–85	
7. Barium—Total[4], mg/L; Digestion[4] followed by:					
AA direct aspiration[36]	208.1	3111 D	.....	I–3084–85	
AA furnace	208.2	3113 B	D4382–91		
ICP/AES[36]	[5]200.7	3120 B			
DCP[36]	.....	.....	.....	.....	Note 34.
8. Beryllium—Total[4], mg/L; Digestion[4] followed by:					
AA direct aspiration	210.1	3111 D	D3645–84(88)(A)	I–3095–85	
AA furnace	210.2	3113 B	D3645(88)(B)		
ICP/AES	[5]200.7	3120 B			
DCP, or	.....	.....	D4190–82(88)	.....	Note 34.
Colorimetric (aluminon)		3500–Be D			
9. Biochemical oxygen demand (BOD_5), mg/L:					
Dissolved Oxygen Depletion	405.1	5210 B	.....	I–1578–78[8]	973.44[3], p.17.[9]
10. Boron[37]—Total, mg/L:					
Colorimetric (curcumin)	212.3	4500–B B	.....	I–3112–85	
ICP/AES, or	[5]200.7	3120 B			
DCP	.....	.....	D4190–82(88)	.....	Note 34.
11. Bromide, mg/L:					
Titrimetric, or	320.1	.....	D1246–82(88)(C)	I–1125–85	p.S44.[10]
12. Cadmium—Total[4], mg/L; Digestion[4] followed by:					
AA direct aspiration[36]	213.1	3111 B or C	D3557–90(A or B)	I–3135–85 or I–3136–85	974.27[3], p.37.[9]
AA furnace	213.2	3113 B	D3557–90(D)		
ICP/AES[36]	[5]200.7	3120 B		I–1472–85	
DCP[36]	.....	.....	D4190–82(88)	.....	Note 34.
Voltametry[11], or	.....	.....	D3557–90(C)		
Colorimetric (Dithizone)	.....	3500–Cd D			
13. Calcium—Total[4], mg/L; Digestion[4] followed by:					
AA direct aspiration	215.1	3111 B	D511–92(B)	I–3152–85	
ICP/AES	[5]200.7	3120 B			
DCP, or	.....	.....	.....	.....	Note 34.
Titrimetric (EDTA)	215.2	3500–Ca D	D511–92(A)		
14. Carbonaceous biochemical oxygen demand ($CBOD_5$), mg/L[12]:					
Dissolved Oxygen Depletion with nitrification inhibitor.	.....	5210 B			
15. Chemical oxygen demand (COD), mg/L; Titrimetric, or.	410.1 410.2 410.3	5220 C	D1252–88(A)	I–3560–85 I–3562–85	973.46[3], p. 17.[9]
Spectrophotometric, manual or automated	410.4	5220 D	D1252–88(B)	I–3561–85	Notes 13 or 14.
16. Chloride, mg/L:					
Titrimetric (silver nitrate)	.....	4500–C1 B	D512–89(B)	I–1183–85	
Or (Mercuric nitrate)	325.3	4500–C1 C	D512–89(A)	I–1184–85	973.51[3].
Colorimetric, manual or	.....	.....	.....	I–1187–85	
Automated (Ferricyanide)	325.1 or 325.2	4500–C1 E	.....	I–2187–85	
17. Chlorine—Total residual, mg/L; Titrimetric:					
Amperometric direct	330.1	4500–C1 D	D1253–86(92)		
Iodometric direct	330.3	4500–C1 B			
Black titration ether end-point[15] or	330.2	4500–C1 C			
DPD–FAS	330.4	4500–C1 F			
Spectrophotometric, DPD	330.5	4500–C1 G			
Or Electrode	.....	.....	.....	.....	Note 16.
18. Chromium VI dissolved, mg/L; 0.45 micron filtration followed by:					
AA chelation-extraction or	218.4	3111 C	.....	I–1232–85	
Colorimetric (Diphenylcarbazide)	.....	3500–Cr D	D1687–92(A)	I–1230–85	
19. Chromium—Total[4], mg/L; Digestion[4] followed by:					

TABLE IB.—LIST OF APPROVED INORGANIC TEST PROCEDURES—Continued

Parameter, units and method	Reference (method number or page)				
	EPA[1,35]	Std. methods 18th Ed.	ASTM	USGS[2]	Other
AA direct aspiration[36]	218.1	3111 B	D1687–92(B)	I–3236–85	974.27[3].
AA chelation-extraction	218.3	3111 C			
AA furnace	218.2	3113 B	D1687–92(C)		
ICP/AES[36]	[5]200.7	3120 B			
DCP[36], or	.....	.....	D4190–82(88)	.....	Note 34.
Colorimetric (Diphenylcarbazide)	.....	3500–Cr D			
20. Cobalt—Total[4], mg/L; Digestion[4] followed by:					
AA direct aspiration	219.1	3111 B or C	D3558–90(A or B)	I–3239–85	p.37[9].
AA furnace	219.2	3113 B	D3558–90(C)		
ICP/AES	[5]200.7	3120 B			
DCP	.....	.....	D4190–82(88)	.....	Note 34.
21. Color platinum cobalt units or dominant wavelength, hue, luminance purity:					
Colorimetric (ADMI), or	110.1	2120 E	.....	.....	Note 18.
(Platinum cobalt), or	110.2	2120 B	.....	I–1250–85	
Spectrophotometric	110.3	2120C			
22. Copper—Total[4], mg/L; Digestion[4] followed by:					
AA direct aspiration[36]	220.1	3111 B or C	D1688–90(A or B)	I–3270–85 or I–3271–85	974.27[3], p.37[9].
AA furnace	220.2	3113 B	D1688–90(C)		
ICP/AES[36]	[5]200.7	3120 B			
DCP[36], or	.....	.....	D4190–82(88)	.....	Note 34.
Colorimetric (Neocuproine) or	.....	3500–Cu D			
(Bicinchoninate)	.....	or E	.....	.....	Note 19.
23. Cyanide—Total, mg/L:					
Manual distillation with $MgCl_2$ followed by	.....	4500–CN C			
Titrimetric, or	.....	4500–CN D	.....	.....	p. 22.[9]
Spectrophotometric, manual or	[31]335.3	4500–CN E	D2036–91(A)	I–3300–85	
Automoted[20]	[31]335.3				
24. Cyanide amenable to chlorination, mg/L:					
Manual distillation with $MgCl_2$ followed by titrimetric or Spectrophotometric.	335.1	4500–CN G	2036–91(B)		
25. Fluoride—Total, mg/L:					
Manual distillation[6] followed by	.....	4500–F⁻ B			
Electrode, manual or	340.2	4500–F⁻ C	D1179–88(B)		
Automated	.....	.....	.....	I–4327–85	
Colorimetric (SPADNS)	340.1	4500–F⁻ D	D1179–88(A)		
Or Automated complexone or	340.3	4500–F⁻ E			
26. Gold—total[4], mg/L; Digestion[4] followed by:					
AA direct aspiration	231.1	3111 B			
AA furnace, or	231.2				
DCP	.....	.....	.....	.....	Note 34.
27. Hardness—Total, as $CaCO_3$, mg/L:					
Automated colorimetric	130.1				
Titrimetric (EDTA), or Ca plus Mg as their carbonates, by inductively coupled plasma or AA direct aspiration. (See Parameters 13 and 33)	130.2	2340 C	D1126–86(92)	I–1338–85	973.52B.[3]
28. Hydrogen ion (pH), pH units:					
Electrometric measurement, or	150.1	4500–H⁺ B	D1293–84(90) (A or B)	I–1586–85	973.41.[3]
Automated electrode	.....	.....	.....	.....	Note 21.
29. Iridium—Total[4], mg/L; Digestion[4] followed by:					
AA direct aspiration or	235.1	3111 B			
AA furnace	235.2				
30. Iron—Total[4], mg/L; Digestion[4] followed by:					
AA direct aspiration[36]	236.1	3111 B or C	D1068–90(A or B)	I–3381–85	974.27.[3]
AA furnace	236.2	3113 B	D1068–90(C)		
ICP/AES[36]	[5]200.7	3120 B			
DCP[36], or	.....	.....	D4190–82(88)	.....	Note 34.
Colorimetric (Phenanthroline)	.....	3500–Fe D	D1068–90(D)	.....	Note 22.
31. Kjeldahl Nitrogen—Total, (as N), mg/L:					
Digestion and distillation followed by	351.3	4500–NH_3 B or C	D3590–89(A)		
Titration	351.3	4500–NH_3 E	D3590–89(A)	.....	973.48.[3]
Nesslerization	351.3	4500–NH_3 C	D3590–89(A)		

TABLE IB.—LIST OF APPROVED INORGANIC TEST PROCEDURES—Continued

Parameter, units and method	Reference (method number or page)				
	EPA[1,35]	Std. methods 18th Ed.	ASTM	USGS[2]	Other
Electrode	351.3	4500-NH3 F or G			
Automated phenate colorimetric	351.1			I-4551-78[6]	
Semi-automated block digestor colorimetric, or.	351.2		3590-89(B)		
Manual or block digestor Potentiometric	351.4		D359-89(A)		
32. Lead—Total[4], mg/L; Digestion[4] followed by:					
AA direct aspiration[36]	239.1	3111 B or C	D3559-90(A or B)	I-3399-85	974.27.[3]
AA furnace	239.2	3113 B	D3559-90(D)		
ICP/AES[36]	[5]200.7	3120 B			
DCP[36]			D4190-82(88)		Note 34.
Voltametry[11], or			D3559-90(C)		
Colorimtric (Dithizone)		3500-Pb D			
33. Magnesium—Total[4], mg/L; Digestion[4] followed by:					
AA direct aspiration	242.1	3111 B	D511-92(B)	I-3447-85	974.27.[3]
ICP/AES	[5]200.7	3120 B			
DCP, or					Note 34.
Gravimetric		3500-Mg D			
34. Manganese—Total[4], mg/L; Digestion[4] followed by:					
AA direct aspiration[36]	243.1	3111 B	D858-90(A or B)	I-3454-85	974.27.[3]
AA furnace	243.2	3113 B	D858-90(C)		
ICP/AES[36]	[5]200.7	3120 B			
DCP[36] or			D4190-82(88)		Note 34.
Colorimetric (Persulfate), or		3500-Mn D			920.203.[3]
(Periodate)					Note 23.
35. Mercury—Total[4], mg/L:					
Cold vapor, manual or	245.1	3112 B	D3223-91	I-3462-85	977.22.[3]
Automated	245.2				
36. Molybdenum—Total[4], mg/L; Digestion[4] followed by:					
AA direct aspiration	246.1	3111 D		I-3490-85	
AA furnace	246.2	3113 B			
ICP/AES	[5]200.7	3120 B			
DCP					Note 34.
37. Nickel—Total[4], mg/L; Digestion[4] followed by:					
AA direct aspiration	249.1	3111 B or C	D1886-90(A or B)	I-3499-85	
AA furnace	249.2	3113 B	D1886-90(C)		
ICP/AES[36]	[5]200.7	3120 B			
DCP[36], or			D4190-82(88)		Note 34.
Colorimetric (heptoxime)		3500-Ni D			
38. Nitrate (as N), mg/L:					
Colorimetric (Brucine sulfate), or Nitrate-nitrite N minus Nitrite N (See parameters 39 and 40).	352.1				973.50[3], 419 D[17], p.28.[9]
39. Nitrate-nitrite (as N), mg/L:					
Cadmium reduction, Manual or	353.3	4500-NO3 E	D3867-90(B)		
Automated, or	353.2	4500-NO3 F	D3867-90(A)	I-4545-85	
Automated hydrazine	353.1	4500-NO3 H			
40. Nitrite (as N), mg/L; Spectrophotometric:					
Manual or	354.1				Note 25.
Automated (Diazotization)				4500-No_2	
41. Oil and grease—Total recoverable, mg/L:					
Gravimetric (extraction)	413.1	5520 B			
42. Organic carbon—Total (TOC), mg/L:					
Combustion or oxidation	[17]415.1	5310 B, C, or D	D2579-85(A or B)		973.47[3] p.14.[24]
43. Organic nitrogen (as N), mg/L:					
Total Kjeldahl N (Parameter 31) minus ammonia N (Parameter 4).					
44. Orthophosphate (as P), mg/L Ascorbic acid method:					
Automated, or	365.1	4500-P F		I-4601-85	973.56[3]
Manual single reagent	365.2	4500-P E	D515-88(A)		973.55[3]
Manual two reagent	365.3				
45. Osmium—Total,[4] mg/L; Digestion[4] followed by:					
AA direct aspiration, or	252.1	3111 D			

TABLE IB.—LIST OF APPROVED INORGANIC TEST PROCEDURES—Continued

Parameter, units and method	Reference (method number or page)				
	EPA[1,35]	Std. methods 18th Ed.	ASTM	USGS[2]	Other
AA furnace	252.2				
46. Oxygen, dissolved, mg/L:					
Winkler (Azide modification), or	360.2	4500–O C	D888–92(A)	[8]I–1575–78	973.45B.[3]
Electrode	360.1	4500–O–G	D888–92(B)	[8]I–1576–78	
47. Palladium—Total,[4] mg/L; Digestion[4] followed by:					
AA direct aspiration, or	253.1	3111 B			p.S27.[10]
AA furnace	253.2				p.S28.[10]
DCP					Note 34.
48. Phenols, mg/L:					
Manual distillation[26]	420.1				Note 27.
Followed by:					
Colorimetric (4AAP) manual, or	420.1				Note 27.
Automated[19]	420.2				
49. Phosphorus (elemental), mg/L:					
Gas-liquid chromatography					Note 28.
50. Phosphorus—Total, mg/L:					
Persulfate digestion followed by	365.2	4500–P B,5			973.55.[3]
Manual or	365.2 or 365.3	4500–P E	D515–88(A)		
Automated ascorbic acid reduction	365.1	–4500–P F		I4600–85	973.56.[3]
Semi-automated block digestor	365.4		D515–88(B)		
51. Platinum—Total,[4] mg/L; Digestion[4] followed by:					
AA direct aspiration	255.1	3111 B			
AA furnace	255.2				
DCP					Note 34.
52. Potassium—Total,[4] mg/L; Digestion[4] followed by:					
AA direct aspiration	258.1	3111 B		I–3630–85	973.53.[3]
ICP/AES	[5]200.7	3120 B			
Flame photometric, or		3500–K D			
Colorimetric					317 B.[17]
53. Residue—Total, mg/L:					
Gravimetric, 103–105°	160.3	2540 B		I–3750–85	
54. Residue—filterable, mg/L:					
Gravimetric, 180°	160.1	2540 C		I–1750–85	
55. Residue—nonfilterable (TSS), mg/L:					
Gravimetric, 103–105° post washing of residue.	160.2	2540 D		I–3765–85	
56. Residue—settleable, mg/L:					
Volumetric, (Imhoff cone), or gravimetric	160.5	2540 F			
57. Residue—Volatile, mg/L:					
Gravimetric, 550°	160.4			I–3753–85	
58. Rhodium—Total,[4] mg/L; Digestion[4] followed by:					
AA direct aspiration, or	265.1	3111 B			
AA furnace	265.2				
59. Ruthenium—Total,[4] mg/L; Digestion[4] followed by:					
AA direct aspiration, or	267.1	3111 B			
AA furnace	267.2				
60. Selenium—Total,[4] mg/L; Digestion[4] followed by:					
AA furnace	270.2	3113 B			
ICP/AES,[36] or	[5]200.7	3120 B			
AA gaseous hydride		3114 B	D3859–88(A)	I–3667–85	
61. Silica[37]—Dissolved, mg/L; 0.45 micron filtration followed by:					
Colorimetric, Manual or	370.1	4500–Si D	D859–88	I–1700–85	
Automated (Molybdosilicate), or				I–2700–85	
ICP	[5]200.7	3120 B			
62. Silver—Total,[4] mg/L; Digestion[4 29] followed by:					
AA direct aspiration	272.1	3111 B or C		I–3720–85	974.27[3], p. 37.[9]
AA furnace	272.2	3113 B			
ICP/AES	[5]200.7	3120 B			
DCP					Note 34.
63. Sodium—Total,[4] mg/L; Digestion[4] followed by:					

TABLE IB.—LIST OF APPROVED INORGANIC TEST PROCEDURES—Continued

Parameter, units and method	Reference (method number or page)				
	EPA[1,35]	Std. methods 18th Ed.	ASTM	USGS[2]	Other
AA direct aspiration	273.1	3111 B	.....	I–3735–85	973.54.[3]
ICP/AES	[5]200.7	3120 B			
DCP, or	.....	.....	.....	.....	Note 34.
Flame photometric	.....	3500 Na D	.....	.....	
64. Specific conductance, micromhos/cm at 25°C:					
Wheatstone bridge	120.1	2510 B	D1125–91(A)	I–1780–85	973.40.[3]
65. Sulfate (as SO_4), mg/L:					
Automated colorimetric (barium chloranilate)	375.1	.....	.....	.....	
Gravimetric	375.3	4500–SO_4–[2] C or D	.....	.....	925.54.[3]
Turbidimetric, or	375.4	.....	516–90	.....	426C.[30]
66. Sulfide (as S), mg/L:					
Titrimetric (iodine), or	376.1	4500–S–[2] E	.....	I–3840–85	
Colorimetric (methylene blue)	376.2	4500–S–[2] D			
67. Sulfite (as SO_3), mg/L:					
Titrimetric (iodine-iodate)	377.1	4500–SO_3–[2] B			
68. Surfactants, mg/L:					
Colorimetric (methylene blue)	425.1	5540 C	D2330–88		
69. Temperature, °C:					
Thermometric	170.1	2550 B	.....	.....	Note 32.
70. Thallium—Total,[4] mg/L; Digestion[4] followed by:					
AA direct aspiration,	279.1	3111 B			
AA furnace,	279.2				
ICP/AES, or	[5]200.7	3120 B			
71. Tin—Total,[4] mg/L; Digestion[4] followed by:					
AA direct aspiration	282.1	3111 B	.....	I–3850–78[6]	
AA furnace, or	282.2	3113 B			
ICP/AES	[5]200.7				
72. Titanium—Total,[4] mg/L; Digestion[4] followed by:					
AA direct aspiration	283.1	3111 D			
AA furnace	283.2				
DCP	.....	.....	.....	.....	Note 34.
73. Turbidity, NTU:					
Nephelometric	180.1	2130 B	D1889–88(A)	I–3860–85	
74. Vanadium—Total,[4] mg/L; Digestion[4] followed by:					
AA direct aspiration	286.1	3111 D			
AA furnace	286.2				
ICP/AES	[5]200.7	3120 B			
DCP, or	.....	.....	D4190–82(88)	.....	Note 34.
Colorimetric (Gallic acid)	.....	3500–V D			
75. Zinc—Total[4], mg/L; Digestion[4] followed by:					
AA direct aspiration[36]	289.1	3111 B or C	D1691–90 (A or B)	1–3900–85	974.27[3] p.37.[9]
AA furnace	289.2				
ICP/AES[36]	[5]200.7	3120 B			
DCP,[36] or	.....	.....	D4190–82(88)	.....	Note 34.
Colorimetric (Dithizone) or	.....	3500–Zn E	.....	.....	
(Zincon)	.....	3500–Zn F	.....	.....	Note 33.

Table IB notes:

[1] "Methods for Chemical Analysis of Water and Wastes", Environmental Protection Agency, Environmental Monitoring Systems Laboratory-Cincinnati (EMSL–Cin), EPA–600/4–79–020, Revised March 1983 and 1979 where applicable.

[2] Fishman, M.J., et al, "Methods for Analysis of Inorganic Substances in Water and Fluvial Sediments," U.S. Department of the Interior, Techniques of Water—Resource Investigations of the U.S. Geological Survey, Denver, CO, Revised 1989, unless otherwise stated.

[3] "Official Methods of Analysis of the Association of Official Analytical Chemists," methods manual, 15th ed. (1990).

[4] For the determination of total metals the sample is not filtered before processing. A digestion procedure is required to solubilize suspended material and to destroy possible organic-metal complexes. Two digestion procedures are given in "Methods for Chemical Analysis of Water and Wastes, 1979 and 1983". One (section 4.1.3), is a vigorous digestion using nitric acid. A less vigorous digestion using nitric and hydrochloric acids (section 4.1.4) is preferred; however, the analyst should be cautioned that this mild digestion may not suffice for all samples types. Particularly, if a colorimetric procedure is to be employed, it is necessary to ensure that all organo-metallic bonds be broken so that the metal is in a reactive state. In those situations, the vigorous digestion is to be preferred making certain that at no time does the sample go to dryness. Samples containing large amounts of organic materials may also benefit by this vigorous digestion, however, vigorous digestion with concentrated nitric acid will convert antimony and tin to insoluble oxides and render them unavailable for analysis. Use of ICP/AES as well as determinations for certain elements such as antimony, arsenic, the noble metals, mercury, selenium, silver, tin, and titanium require a modified sample digestion procedure and in all cases the method write-up should be consulted for specific instructions and/or cautions.

NOTE: If the digestion procedure for direct aspiration AA included in one of the other approved references is different than the above, the EPA procedure must be used.

Dissolved metals are defined as those constituents which will pass through a 0.45 micron membrane filter. Following filtration of the sample, the referenced procedure for total metals must be followed. Sample digestion of the filtrate for dissolved metals (or digestion of the original sample solution for total metals) may be omitted for AA (direct aspiration or graphite furnace) and ICP analyses, provided the sample solution to be analyzed meets the following criteria:

a. Has a low COD (<20),
b. Is visibly transparent with a turbidity measurement of 1 NTU or less,
c. Is colorless with no perceptible odor, and
d. Is of one liquid phase and free of particulate or suspended matter following acidification.

[5] The full text of Method 200.7, "Inductively Coupled Plasma Atomic Emission Spectrometric Method for Trace Element Analysis of Water and Wastes," is given at Appendix C of this Part 136.

[6] Manual distillation is not required if comparability data on representative effluent samples are on company file to show that this preliminary distillation step is not necessary: however, manual distillation will be required to resolve any controversies.

[7] Ammonia, Automated Electrode Method, Industrial Method Number 379–75 WE, dated February 19, 1976, Bran & Luebbe (Technicon) Auto Analyzer II, Bran & Luebbe Analyzing Technologies, Inc., Elmsford, N.Y. 10523.

[8] The approved method is that cited in "Methods for Determination of Inorganic Substances in Water and Fluvial Sediments", USGS TWRI, Book 5, Chapter A1 (1979).

[9] American National Standard on Photographic Processing Effluents, Apr. 2, 1975. Available from ANSI, 1430 Broadway, New York, NY 10018.

[10] "Selected Analytical Methods Approved and Cited by the United States Environmental Protection Agency", Supplement to the Fifteenth Edition of Standard Methods for the Examination of Water and Wastewater (1981).

[11] The use of normal and differential pulse voltage ramps to increase sensitivity and resolution is acceptable.

[12] Carbonaceous biochemical oxygen demand ($CBOD_5$) must not be confused with the traditional BOD_5 test which measures "total BOD". The addition of the nitrification inhibitor is not a procedural option, but must be included to report the $CBOD_5$ parameter. A discharger whose permit requires reporting the traditional BOD_5 may not use a nitrification inhibitor in the procedure for reporting the results. Only when a discharger's permit specifically states $CBOD_5$ is required can the permittee report data using the nitrification inhibitor.

[13] OIC Chemical Oxygen Demand Method, Oceanography International Corporation, 1978, 512 West Loop, P.O. Box 2980, College Station, TX 77840.

[14] Chemical Oxygen Demand, Method 8000, Hach Handbook of Water Analysis, 1979, Hach Chemical Company, P.O. Box 389, Loveland, CO 80537.

[15] The back titration method will be used to resolve controversy.

[16] Orion Research Instruction Manual, Residual Chlorine Electrode Model 97–70, 1977, Orion Research Incorporated, 840 Memorial Drive, Cambridge, MA 02138. The calibration graph for the Orion residual chlorine method must be derived using a reagent blank and three standard solutions, containing 0.2, 1.0, and 5.0 ml 0.00281 N potassium iodate/100 ml solution, respectively.

[17] The approved method is that cited in Standard Methods for the Examination of Water and Wastewater, 14th Edition, 1976.

[18] National Council of the Paper Industry for Air and Stream Improvement, (Inc.) Technical Bulletin 253, December 1971.

[19] Copper, Biocinchoinate Method, Method 8506, Hach Handbook of Water Analysis, 1979, Hach Chemical Company, P.O. Box 389, Loveland, CO 80537.

[20] After the manual distillation is completed, the autoanalyzer manifolds in EPA Methods 335.3 (cyanide) or 420.2 (phenols) are simplified by connecting the re-sample line directly to the sampler. When using the manifold setup shown in Method 335.3, the buffer 6.2 should be replaced with the buffer 7.6 found in Method 335.2.

[21] Hydrogen ion (pH) Automated Electrode Method, Industrial Method Number 378–75WA, October 1976, Bran & Luebbe (Technicon) Autoanalyzer II. Bran & Luebbe Analyzing Technologies, Inc., Elmsford, N.Y. 10523.

[22] Iron, 1,10-Phenanthroline Method, Method 8008, 1980, Hach Chemical Company, P.O. Box 389, Loveland, CO 80537.

[23] Manganese, Periodate Oxidation Method, Method 8034, Hach Handbook of Wastewater Analysis, 1979, pages 2–113 and 2–117, Hach Chemical Company, Loveland, CO 80537.

[24] Wershaw, R.L., et al, "Methods for Analysis of Organic Substances in Water," Techniques of Water-Resources Investigation of the U.S. Geological Survey, Book 5, Chapter A3, (1972 Revised 1987) p. 14.

[25] Nitrogen, Nitrite, Method 8507, Hach Chemical Company, P.O. Box 389, Loveland, CO 80537.

[26] Just prior to distillation, adjust the sulfuric-acid-preserved sample to pH 4 with 1+9 NaOH.

[27] The approved method is cited in Standard Methods for the Examination of Water and Wastewater, 14th Edition. The colorimetric reaction is conducted at a pH of 10.0±0.2. The approved methods are given on pp. 576–81 of the 14th Edition: Method 510A for distillation, Method 510B for the manual colorimetric procedure, or Method 510C for the manual spectrophotometric procedure.

[28] R. F. Addison and R. G. Ackman, "Direct Determination of Elemental Phosphorus by Gas-Liquid Chromatography," Journal of Chromatography, vol. 47, No. 3, pp. 421–426, 1970.

[29] Approved methods for the analysis of silver in industrial wastewaters at concentrations of 1 mg/L and above are inadequate where silver exists as an inorganic halide. Silver halides such as the bromide and chloride are relatively insoluble in reagents such as nitric acid but are readily soluble in an aqueous buffer of sodium thiosulfate and sodium hydroxide to pH of 12. Therefore, for levels of silver above 1 mg/L, 20 mL of sample should be diluted to 100 mL by adding 40 mL each of 2 M $Na_2S_2O_3$ and NaOH. Standards should be prepared in the same manner. For levels of silver below 1 mg/L the approved method is satisfactory.

[30] The approved method is that cited in Standard Methods for the Examination of Water and Wastewater, 15th Edition.

[31] EPA Methods 335.2 and 335.3 require the NaOH absorber solution final concentration to be adjusted to 0.25 N before colorimetric determination of total cyanide.

[32] Stevens, H. H., Ficke, J. F., and Smoot, G. F., "Water Temperature—Influential Factors, Field Measurement and Data Presentation", Techniques of Water-Resources Investigations of the U.S. Geological Survey, Book 1, Chapter D1, 1975.

[33] Zinc, Zincon Method, Method 8009, Hach Handbook of Water Analysis, 1979, pages 2–231 and 2–333, Hach Chemical Company, Loveland, CO 80537.

[34] "Direct Current Plasma (DCP) Optical Emission Spectrometric Method for Trade Elemental Analysis of Water and Wastes, Method AES0029," 1986—Revised 1991, Applied Research Laboratories, Inc., 24911 Avenue Stanford, Valencia, CA 91355.

[35] Precision and recovery statements for the atomic absorption direct aspiration and graphite furnace methods, and for the spectrophotometric SDDC method for arsenic are provided in Appendix D of this part titled, "Precision and Recovery Statements for Methods for Measuring Metals".

[36] "Closed Vessel Microwave Digestion of Wastewater Samples for Determination of Metals", CEM Corporation, P.O. Box 200, Matthews, NC 28106–0200, April 16, 1992. Available from the CEM Corporation.

[37] When determining boron and silica, only plastic, PTFE, or quartz sampling and laboratory ware must be used from time of collection until completion of analysis.

TABLE IC.—LIST OF APPROVED TEST PROCEDURES FOR NON-PESTICIDE ORGANIC COMPOUNDS

Parameter[1]	EPA method number[2 7]					
	GC	GC/MS	HPLC	Standard method 18th Ed.	ASTM	Other
1. Acenaphthene	610	625, 1625	610	6410 B, 6440 B	D4657–92	
2. Acenaphthylene	610	625, 1625	610	6410 B, 6440 B	D4657–92	
* * *	*	*	*	*	*	
5. Anthracene	610	625, 1625	610	6410 B, 6440 B	D4657–92	
* * *	*	*	*	*	*	
8. Benzo(a)anthracene	610	625, 1625	610	6410 B, 6440 B	D4657–92	
9. Benzo(a)pyrene	610	625, 1625	610	6410 B, 6440 B	D4657–92	
10. Benzo(b)fluoranthene	610	625, 1625	610	6410 B, 6440 B	D4657–92	
11. Benzo(g, h, i)perylene	610	625, 1625	610	6410 B, 6440 B	D4657–92	
12. Benzo(k)fluoranthene	610	625, 1625	610	6410 B, 6440 B	D4657–92	
* * *	*	*	*	*	*	
32. Chrysene	610	625, 1625	610	6410 B, 6440 B	D4657–92	
33. Dibenzo(a,h)antracene	610	625, 1625	610	6410 B, 6440 B	D4657–92	
* * *	*	*	*	*	*	
37. 2,4-Dichlorobenzene	601, 602, 612	624, 625, 1625	.....	6410 B, 6220 B, 6230 B		
* * *	*	*	*	*	*	
54. 2,4-Dinitrotoluene	609	625, 1625	.....	6410 B		
* * *	*	*	*	*	*	
58. Fluoranthene	610	625, 1625	610	6410 B, 6440 B	D4657–92	
59. Fluorene	610	625, 1625	610	6410 B, 6440 B	D4657–92	
* * *	*	*	*	*	*	
64. Ideno(1,2,3-cd) pyrene	610	625, 1625	610	6410 B, 6440 B	D4657–92	
* * *	*	*	*	*	*	
67. 2-Methyl-4,6-dinitrophenol	604	625, 1625	.....	6420 B, 6410 B		
* * *	*	*	*	*	*	
69. Nitrobenezene	609	625, 1625	.....	6410 B		
* * *	*	*	*	*	*	
84. Phenanthrene	610	625, 1625	610	6410 B, 6440 B	D4657–92	
* * *	*	*	*	*	*	
86. Pyrene	610	625, 1625	610	6410 B, 6440 B	D4675–92	
* * *	*	*	*	*	*	

Table IC—Notes:

[1] All parameters are expressed in micrograms per liter (µg/L).

[2] The full text of Methods 601–613, 624, 625, 1624, and 1625, are given at Appendix A, "Test Procedures for Analysis of Organic Pollutants," of this Part 136. The standardized test procedure to be used to determine the method detection limit (MDL) for these test procedures is given at Appendix B, "Definition and Procedure for the Determination of the Method Detection Limit" of this Part 136.

[3] "Methods for Benzidine: Chlorinated Organic Compounds, Pentacshlorophenol and Pesticides in Water and Wastewater," U.S. Environmental Protection Agency, September, 1978.

[4] Method 624 may be extended to screen samples for Acrolein and Acrylonitrile. However, when they are known to be present, the preferred method for these two compounds is Method 603 or Method 1624.

[5] Method 625 may be extended to include benzidine, hexachlorocyclopentadiene, N-nitrosodimethylamine, and N-nitrosodiphenylamine. However, when they are known to be present, Methods 605, 607, and 612, or Method 1625, are preferred methods for these compounds.

[56a] 625, Screening only.

[6] "Selected Analytical Methods Approved and Cited by the United States Environmental Protection Agency", Supplement to the Fifteenth Edition of Standard Methods for the Examination of Water and Wastewater (1981).

[7] Each Analyst must make an initial, one-time demonstration of their ability to generate acceptable precision and accuracy with Methods 601–603, 624, 625, 1624, and 1625 (See Appendix A of this Part 136) in accordance with procedures each in section 8.2 of each of these Methods. Additionally, each laboratory, on an on-going basis must spike and analyze 10% (5% for Methods 624 and 625 and 100% for methods 1624 and 1625) of all samples to monitor and evaluate laboratory data quality in accordance with sections 8.3 and 8.4 of these Methods. When the recovery of any parameter falls outside the warning limits, the analytical results for that parameter in the unspiked sample are suspect and cannot be reported to demonstrate regulatory compliance.

NOTE: These warning limits are promulgated as an "interim final action with a request for comments."

TABLE ID.—LIST OF APPROVED TEST PROCEDURES FOR PESTICIDES [1]

Parameter	Method	EPA [2 7]	Standard methods 18th Ed.	ASTM	Other
• •	•	•	•	•	•
8. α=BHC	GC	608	6630 B & C	D3086–90	Note 3, p. 7.
	GC/MS	[5]625	6410 B		
9. β=BHC	GC	608	6630	D3086–90	
	GC/MS	[5]625	6410 B		
10. δ=BHC	GC	608	6630 B & C	D3086–90	
	GC/MS	[5]625	6410 B		
• •	•	•	•	•	•
12. Captan	GC		6630 B	D3086–90	Note 3, p. 7.
13. Carbaryl	TLC				Note 3, p. 94: Note 6, p. S60.
• •	•	•	•	•	•
15. Chlordane	GC	608	6630 B & C	D3086–90	Note 3, p. 7.
	GC/MS	625	6410 B		
• •	•	•	•	•	•
36. Endrin aldehyde	GC	608			
• •	•	•	•	•	•
41. Heptachlor epoxide	GC	608	6630 B	D3086–90	Note 3, p. 7; Note 4, p. 30;
	GC/MS	625	6410 B		Note 6, p. S73.
• •	•	•	•	•	•

Table ID notes:

[1] Pesticides are listed in this table by common name for the convenience of the reader. Additional pesticides may be found under Table 1C, where entries are listed by chemical name.

[2] The full text of Methods 608 and 625 are given at Appendix A. "Test Procedures for Analysis of Organic Pollutants," of this Part 136. The standardized test procedure to be used to determine the method detection limit (MDL) for these test procedures is given at Appendix B. "Definition and Procedure for the Determination of the Method Detection Limit", of this Part 136.

[3] "Methods for Benzidine, Chlorinated Organic Compounds, Pentachlorophenol and Pesticides in Water and Wastewater," U.S. Environmental Protection Agency, September, 1978. This EPA publication includes thin-layer chromatography (TLC) methods.

[4] "Methods for Analysis of Organic Substances in Water and Fluvial Sediments," Techniques of Water-Resources Investigations of the U.S. Geological Survey, Book 5, Chapter A3 (1987).

[5] The method may be extended to include αBHC, δBHC, endosulfan I, endosulfan II, and endrin. However, when they are known to exist, Method 608 is the preferred method.

[6] "Selected Analytical Methods Approved and Cited by the United States Environmental Protection Agency." Supplement to the Fifteenth Edition of Standard Methods for the Examination of Water and Wastewater (1981).

[7] Each analyst must make an initial, one-time, demonstration of their ability to generate acceptable precision and accuracy with Methods 608 and 625 (See Appendix A of this Part 136) in accordance with procedures given in section 8.2 of each of these methods. Additionally, each laboratory, on an-going basis, must spike and analyze 10% of all samples analyzed with Method 608 or 5% of all samples analyzed with Method 625 to monitor and evaluate laboratory data quality in accordance with Sections 8.3 and 8.4 of these methods. When the recovery of any parameter falls outside the warning limits, the analytical results for that parameter in the unspiked sample are suspect and cannot be reported to demonstrate regulatory compliance. These quality control requirements also apply to the Standard Methods, ASTM Methods, and other Methods cited.

NOTE: These warning limits are promulgated as an "Interim final action with a request for comments."

TABLE IE.—LIST OF APPROVED RADIOLOGIC TEST PROCEDURES

Parameter and units	Method	Reference (method number or page)			
		EPA [1]	Standard methods 18th Ed.	ASTM	USGS [2]
1. Alpha-Total, pCi per liter	Proportional or scintillation counter	900	7110 B	D1943–90	pp. 75 and 78.[3]
2. Alpha-Counting error, pCi per liter.	Proportional or scintillation counter	Appendix B	7110 B	D1943–90	P. 79.
3. Beta-Total, pCi per liter	Proportional counter	900.0	7110 B	D1890–90	pp. 75 and 78.[3]
4. Beta-Counting error, pCi	Proportional counter	Appendix B	7110 B	D1890–90	p. 79.
5. (a) Radium Total pCi per liter	Proportional counter	903.0	7500Ra B	D2460–90	
(b) ^{226}Ra, pCi per liter	Scintillation counter	903.1	7500Ra C	D3454–91	p. 81.

Table IE notes:

[1] Prescribed Procedures for Measurement of Radioactivity in Drinking Water," EPA–600/4–80–032 (1980), U.S. Environmental Protection Agency, August 1980.

[2] Fishman, M.J. and Brown, Eugene," Selected Methods of the U.S. Geological Survey of Analysis of Wastewaters," U.S. Geological Survey, Open-File Report 76–177 (1976).

[3] The method found on p. 75 measures only the dissolved portion while the method on p. 78 measures only the suspended portion. Therefore, the two results must be added to obtain the "total".

(b)

* * * * *

(6) "Standard Methods for the Examination of Water and Wastewater", Joint Editorial Board, American Public Health Association, American Water Works Association, and Water Environment Federation, 18th Edition, 1992. Available from: American Public Health Association, 1015 Fifteenth Street, NW., Washington, DC 20005. Cost $160.00. Tables IA, IB, IC, ID and IE.

* * * * *

(10) "Annual Book of Standards—Water and Environmental Technology," Section 11, Parts 11.01 and 11.02, American Society for Testing and Materials, 1993. 1916 Race Street, Philadelphia, PA 19103. Cost available from publisher. Tables IB, IC, ID, and IE.

* * * * *

e.

* * * * *

TABLE II.—REQUIRED CONTAINERS, PRESERVATION TECHNIQUES, AND HOLDING TIMES

Parameter No./name	Container[1]	Preservation[2][3]	Maximum holding time[4]
* * * * * * *			
Metals[7]:			
10. Boron	P (PFTE), or Quartz	HNO_3 TO pH<2	6 months.
* * * * * * *			
3, 5–8, 12, 13, 19, 20, 22, 26, 29, 30, 32–34, 36, 37, 45, 47, 51, 52, 58–60, 62, 63, 70–72, 74, 75. Metals, except boron, chromium VI and mercury.			
* * * * * * *			
42. Organic Carbon	G	Cool to 4 °C HC1 or H_2SO4 or H_3PO4, to pH<2	28 days.
61. Silica	P (PFTE), or Quartz	Cool, 4 °C	28 days.
* * * * * * *			

Table II—Notes:

[1] Polyethylene (P) or Glass (G).

[2] Sample preservation should be performed immediately upon sample collection. For composite chemical samples each aliquot should be preserved at the time of collection. When use of an automated sampler makes it impossible to preserve each aliquot, then chemical samples may be preserved by maintaining at 4 °C until compositing and sample splitting is completed.

[3] When any sample is to be shipped by common carrier or sent through the United States Mails, it must comply with the Department of Transportation Hazardous Materials Regulations (49 CFR part 172). The person offering such material for transportation is responsible for ensuring such compliance. For the preservation requirements of Table II, the Office of Hazardous Materials, Materials Transportation Bureau, Department of Transportation has determined that the Hazardous Materials Regulations do not apply to the following materials: Hydrochloric acid (HCl) in water solutions at concentrations of 0.04% by weight or less (pH about 1.96 or greater); Nitric acid (HNO_3) in water solutions at concentrations of 0.15% by weight or less (pH about 1.62 or greater); Sulfuric acid (H_2SO_4) in water solutions at concentrations of 0.35% by weight or less (pH about 1.15 or greater); and sodium-hydroxide (NaOH) in water solutions at concentrations of 0.080% by weight or less (pH about 12.30 or less).

[4] Samples should be analyzed as soon as possible after collection. The times listed are the maximum times that samples may be held before analysis and still be considered valid. Samples may be held for longer periods only if the permittee, or monitoring laboratory, has data on file to show that for the specific types of samples under study, the analytes are stable for the longer time, and has received a variance from the Regional Administrator under § 136.3(e). Some samples may not be stable for the maximum time period given in the table. A permittee, or monitoring laboratory, is obligated to hold the sample for a shorter time if knowledge exists to show that this is necessary to maintain sample stability. See § 136.3(e) for details. The term "analyze immediately" usually means within 15 minutes or less of sample collection.

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[7] Samples should be filtered immediately on-site before adding preservative for dissolved metals.

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[FR Doc. 94–1625 Filed 1–28–94; 8:45 am]

BILLING CODE 6560–50–P

federal register

Monday
January 31, 1994

Part V

Department of Housing and Urban Development

Office of the Secretary

Notice of Formula Allocations for the HOME Investment Partnerships Program for FY 1994 and Deadlines for Submission of Notice of Intent, Comprehensive Housing Affordability Strategies, and Program Description; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N–94–3705; FR–3561–N–01]

Notice of Formula Allocations for the HOME Investment Partnerships Program for FY 1994 and Deadlines for Submission of Notices of Intent, Comprehensive Housing Affordability Strategies, and Program Descriptions

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of HOME Program formula allocations for FY 1994 and deadlines for submission of Notices of Intent to Participate, Comprehensive Housing Affordability Strategies, and Program Descriptions.

SUMMARY: This notice announces formula allocations of HOME Program funds for metropolitan cities, urban counties, consortia of units of general local government and States for FY 1994. It also advises all jurisdictions eligible to receive allocations of the deadlines for submitting their program description, and, for jurisdictions not previously designated as participating jurisdictions, of the deadlines for submitting their (1) Written notification of intent to participate in the HOME Program and (2) comprehensive housing affordability strategy (housing strategy). Each insular area will be notified by the appropriate HUD Field Office of its allocation amount and the submission requirements applicable for insular areas. Finally, this notice announces the local jurisdictions which have been determined to be in fiscal distress or in severe fiscal distress and, thus, receive a reduction in matching contribution required for the HOME Program.

DATES:

For Jurisdictions That Have Previously Been Designated as Participating Jurisdictions:

Not later than March 17, 1994, a participating jurisdiction must submit a program description to the CPD Division Director in the appropriate HUD Field Office.

For Jurisdictions That Have Not Yet Been Designated as Participating Jurisdictions:

Notification of intent to participate. Not later than March 2, 1994, a jurisdiction that has not previously been designated as a participating jurisdiction must notify the Community Planning and Development (CPD) Division Director in the appropriate HUD Field Office in writing, of its intention to become a participating jurisdiction, and, if applicable, must submit evidence that it has met the threshold allocation requirements, pursuant to 24 CFR 92.103.

Note: Consortia which include one or more urban counties which must requalify, and, thus, must submit a new HOME consortium agreement are not required to submit a notification of intent to participate so long as the consortium has previously been designated as a participating jurisdiction and the members of the requalified consortium are the same as the consortium that was designated a participating jurisdiction or if the requalified consortium has all the original members plus new members. In other words, a requalified consortium is a participating jurisdiction for Fiscal Year 1994 only if the members of the requalified consortium are the same as the consortium that was designated a participating jurisdiction or if the requalified consortium has all the original members plus new members. A consortium that has not previously been designated as a participating jurisdiction or one that has previously been designated but whose members have changed (other than just adding new members) must submit a notification of intent to participate and must comply with 24 CFR 92.103 through 92.105.

Submission of housing strategy. Not later than 90 days after providing notification of its intention to become a participating jurisdiction, a jurisdiction that has not yet submitted a housing strategy to HUD must submit a housing strategy to the CPD Division Director in the appropriate HUD Field Office, pursuant to 24 CFR 91.70(a) and 92.104.

Submission of program description and certifications. Not later than 45 days after its designation as a participating jurisdiction, a new participating jurisdiction must submit a program description to the CPD Division Director in the appropriate HUD Field Office, pursuant to 24 CFR 92.150(a).

FOR FURTHER INFORMATION CONTACT: David M. Cohen, Director, Office of Affordable Housing Programs, room 7162, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC, 20410–7000; telephone (202) 708–2685. Hearing- or speech-impaired individuals may call HUD's TDD number (202) 755–2565. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: Paperwork Reduction Act Statement:

The information collection requirements contained in this notice have been approved by the Office of Management and Budget, under section 3504(h) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3520), and assigned OMB control number 2501–0013.

I. Purpose and Substantive Description

(A) Authority

The HOME Investment Partnerships Program is authorized by the HOME Investment Partnerships Act, as amended (42 U.S.C. 12701 et seq.) (the Act). The program regulations are codified at 24 CFR part 92. Section 92.50 of 24 CFR contains the basic formula for allocating HOME funds.

Regulations concerning the housing strategy are codified at 24 CFR part 91.

Section 216(10) of the Act, implemented at 24 CFR 92.50(f), provides that if the amount appropriated for the HOME Program for any fiscal year is less than $1,500,000,000, the threshold is $335,000 (instead of $500,000) for a local jurisdiction to receive a formula allocation. Further, in any such year, any jurisdiction that has not been designated as a participating jurisdiction must meet a participation threshold of $500,000 (instead of $750,000) to become a participating jurisdiction pursuant to 24 CFR 92.102(b) and as indicated below in Section III of this NOFA. Since the amount of funds appropriated for Fiscal Year 1994 is $1,275,000,000, these lower thresholds apply this fiscal year. However, if no local jurisdiction in a State receives an allocation regardless of the appropriation, the State's allocation is increased by $500,000.

Section 217(a)(3) requires the Department to reserve, from each fiscal year's appropriation of HOME funds, the greater of $750,000 or 0.2 percent of the amounts appropriated for grants to the insular areas. Section 217(a)(2) requires the Department to reserve one percent of the amount appropriated for Indian tribes. Thus, for Fiscal Year 1994, the Department has set aside $12,750,000 (one percent of the total HOME Program appropriation) for grants to Indian tribes and $2,550,000 (0.2 percent of the total HOME Program appropriation) for insular areas. The $12,750,000 for the Indian tribes will be made available through a separate notice in the **Federal Register**. Allocations and guidelines for the insular areas will be sent to each insular area by a letter from the appropriate HUD Field Office.

As authorized by the HUD Demonstration Act of 1993 (Pub. L. 103–120), the Department is setting aside $47 million for technical assistance, of which $25 million is for community housing partnership activities and $22 million is for activities in support of State and local housing strategies. A separate notice is being published in the **Federal Register** concerning the $25

million in support of community housing partnership activities. This notice allocates by formula the remaining $1,212,700,000.

(B) Formula Allocation Amounts

Of the $1,212,700,000 available for allocation, sixty percent, or $727,620,000, has been allocated to metropolitan cities, urban counties and consortia of units of local government and 40 percent, or $485,080,000, has been allocated to States.

The Department used 1990 decennial Census data to allocate Fiscal Year 1994 HOME funds. In the two previous years, since the 1990 Census data were not available, the Department used 1980 Census data to allocate HOME funds. The Department is required to use data available to the Secretary 90 days prior to the beginning of the fiscal year. Allocations changed for jurisdictions as a result of the appropriation level, the addition of jurisdictions eligible for a formula allocation, and the use of 1990 Census data. The use of the 1990 Census data is the most significant reason for changes in the distribution of funds.

Appendix A to this notice contains the formula allocations for States and for metropolitan cities, urban counties, and consortia that receive allocations of $335,000 or more. The jurisdictions that have an asterisk by their name have not yet been designated as participating jurisdictions and must therefore comply with the requirements of 24 CFR 92.103 through 92.105. Jurisdictions that have two asterisks by their name are consortia that, when requalified for Fiscal Year 1994, dropped members and must also comply with the requirements of 24 CFR 92.103 through 92.105.

(C) Eligibility

In the HOME Program, funds are allocated by formula to units of general local government (that, as of the end of the previous fiscal year, are metropolitan cities, urban counties, or consortia approved under 24 CFR 92.101) and to States. The minimum formula allocation is $335,000 for a unit of general local government and $3,000,000 for a State. To be eligible to receive its formula allocation from HUD, a jurisdiction must be designated by HUD as a participating jurisdiction. However, once designated as a participating jurisdiction, a jurisdiction remains a participating jurisdiction and does not have to be designated again unless HUD revokes its designation in accordance with 24 CFR 92.107.

To be designated a participating jurisdiction, a jurisdiction that has not previously been designated a participating jurisdiction, or one that has had its designation as a participating jurisdiction revoked, must:

(1) Have an allocation under the formula. If its formula allocation is between $335,000 and $500,000, it must provide the difference between its formula allocation and $500,000, or the State may provide the shortfall from its HOME allocation or from other sources (24 CFR 92.102) (**Note:** Previously designated participating jurisdictions with allocations between $335,000 and $500,000 do not have to make up this shortfall);

(2) Submit its notice of intent to participate (24 CFR 92.103); and

(3) Have a HUD-approved housing strategy (24 CFR 92.104).

When a jurisdiction has complied with the requirements of 24 CFR 92.102 through 92.104 and the HUD Field Office has approved the jurisdiction's housing strategy in accordance with 24 CFR part 91, the HUD Field Office will designate the jurisdiction as a participating jurisdiction. Once a State or unit of general local government is designated a participating jurisdiction, it remains a participating jurisdiction for subsequent fiscal years according to 24 CFR 92.106, and the requirements of 24 CFR 92.102 through 92.105 do not apply, unless HUD revokes the designation in accordance with 92.107. Thus, while those jurisdictions that have previously been designated as participating jurisdictions must have a HUD-approved housing strategy, they do not have to meet the requirements of (1) and (2) above of this section.

II. Program Description Submission Requirements

Under 24 CFR 92.150(a), a previously designated participating jurisdiction must submit a program description each fiscal year within 45 days of the date of publication of the formula allocations, and a jurisdiction that has not yet been designated as a participating jurisdiction must submit a program description within 45 days of designation. Thus, any jurisdiction receiving an allocation for the first time, including newly formed consortia of units of general local government, must meet the requirements for designation as a participating jurisdiction before submitting its program description.

III. Checklist of Participation Threshold Submission Requirements and of Program Description Submission Requirements

(A) Evidence of Meeting Participation Threshold Allocation Requirement (Applies to New Participating Jurisdictions Only)

A unit of general local government listed in Appendix A that has a formula allocation of $335,000 or more, but less than $500,000, and which has not previously been designated as a participating jurisdiction, must submit, with its notice of intent to participate, as evidence that it has met the participation threshold requirements in 24 CFR 92.102(b), the following:

(1) A letter from the governor or designee indicating that the required funds have been approved and budgeted for the unit of general local government; or

(2) Authorization from the State to transfer a portion of its HOME allocation to the unit of general local government; or

(3) A letter from the chief executive officer of the unit of general local government indicating that the required funds have been approved and budgeted.

(B) Content of Program Description (Applies to All Participating Jurisdictions)

In accordance with 24 CFR 92.150(b), the program description must provide the following information:

(1) An executed Standard Form 424;

(2) For a local participating jurisdiction, the estimated use of HOME funds and of matching contributions, if applicable, (consistent with needs identified in its approved housing strategy for Fiscal Year 1994) for each of the following categories of eligible activities: Program administration; community housing development organization operating expenses; new construction; substantial rehabilitation; other rehabilitation; acquisition (not involving new construction or rehabilitation); tenant-based rental assistance; and an estimate of whether units assisted will be rental or owner-occupied;

(3) For a State, a description of how the State will distribute funds (consistent with priorities identified in its approved Fiscal Year 1994 housing strategy) i.e., transferring funds to local jurisdictions that do not meet the participation threshold allocation level in 24 CFR 92.102, administering a competitive process, or directly administering HOME funds. To the extent known, States should identify the

areas in which HOME funds will be used. In addition, States should specify the activities to be undertaken (including program administration and community housing development organization operating expenses) and the tenure groups to be assisted based on their current approved housing strategy, regardless of the manner of distribution. For those program description items in paragraphs (5), (7), and (8) of this section, below, that must be approved by HUD, a State may either describe the requirements it plans to follow or, if distributing funds to State recipients, will require its recipients to follow. Alternatively, a State may wish to submit to HUD the proposed requirements of its State recipients after they have submitted their applications to the State.

(4) The amount of HOME funds that the participating jurisdiction is reserving for investment in affordable housing owned, developed or sponsored by community housing development organizations. An explanation of how the jurisdiction will work with community housing development organizations and a description of the activities (type of activity and level of funds) that community housing development organizations will be undertaking for the jurisdiction;

(5) If the participating jurisdiction intends to use HOME funds for first-time homebuyers, the guidelines for resale or recapture must be described as required in 24 CFR 92.254(a)(4);

(6) If the participating jurisdiction intends to use HOME funds for tenant-based rental assistance, a description of how the program will be administered consistent with the minimum guidelines described in 24 CFR 92.211, or with the requirements of 24 CFR 92.210 if the participating jurisdiction intends to use HOME funds for tenant-based rental assistance solely for security deposits.

(7) If a participating jurisdiction intends to use other forms of investment not described in 24 CFR 92.205(b), a description of the other forms of investment; and

(8) A statement of the policy and procedures to be followed by the participating jurisdiction to meet the requirements for affirmative marketing, and establishing and overseeing a minority and women's business outreach program under 24 CFR 92.350 and 92.351, respectively.

(C) The Following Certifications Must Accompany the Program Description (Applies to All Participating Jurisdictions)

(1) A certification that, before committing funds to a project, the participating jurisdiction will evaluate the project in accordance with guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other federal assistance than is necessary to provide affordable housing;

(2) If the participating jurisdiction intends to provide tenant-based rental assistance, the certification required by 24 CFR 92.211, or, if the participating jurisdiction intends to provide tenant-based rental assistance solely in the form of security deposits, the certification required by 24 CFR 92.210;

(3) A certification that the submission of the program description is authorized under State and local law (as applicable), and the participating jurisdiction possesses the legal authority to carry out the HOME Investment Partnerships Program, in accordance with the HOME regulations;

(4) A certification that it will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, implementing regulations at 49 CFR part 24 and the requirements of 24 CFR 92.353;

(5) A certification that the participating jurisdiction and, if applicable, State recipients, will use HOME funds pursuant to the participating jurisdiction's current approved housing strategy and in compliance with all requirements of 24 CFR part 92;

Note: If the program description is submitted before the jurisdiction's housing strategy for Fiscal Year 1994 is approved, the jurisdiction will not be able to certify that its HOME funds will be used pursuant to its approved housing strategy at the time it submits its program description. However, the jurisdiction should submit its program description without this part of this certification. The Field Office will not approve the program description until the housing strategy has been approved and the required certification is made.

(6) The certification with regard to the drug-free workplace required by 24 CFR part 24, subpart F; and

(7) The certification required with regard to lobbying required by 24 CFR part 87, together with disclosure forms, if required by 24 CFR part 87.

If a jurisdiction needs a copy of the regulations, the Standard Form 424, or language for any required certification, it may obtain them from the Community Planning and Development Division of any HUD Field Office.

Note: As part of the Department's efforts to promote consolidation of planning, application and reporting requirements for its Community Planning and Development Programs, participating jurisdictions may request a waiver of the submission deadlines for the HOME Program to allow the State or locality to submit its HOME Program Description at the same time applications are submitted for the Community Development Block Grant and Emergency Shelter Grants Programs. The waiver request must set forth the good cause as required by 24 CFR 92.3.

IV. Corrections to Deficient Program Descriptions

If the program description is not consistent with a participating jurisdiction's current approved housing strategy or if the participating jurisdiction has failed to submit information sufficient to allow HUD to make the necessary determinations, if applicable, required by paragraphs (5), (7) and (8), of section III.(B) *Content of Program Description*, above, HUD may require the participating jurisdiction to furnish such further information or assurances as HUD considers necessary to find the program description and certifications satisfactory. HUD will notify the participating jurisdiction in writing of any deficiencies in the program description within 30 days of receipt. The participating jurisdiction must submit corrections or additional information within a reasonable period of time, agreed upon by HUD and the participating jurisdiction.

As stated at 24 CFR 92.151(c), if the participating jurisdiction does not submit supporting information under sections III.(B) (5) or (7), above, that is sufficient to show consistency with its current approved housing strategy or to allow the required HUD determinations, or if HUD disapproves the guidelines under section III.(B)(5) or the form of investment under section III.(B)(7), the Field Office may approve the program description conditionally excepting those activities covered by those sections until such time as the necessary information is submitted.

V. Matching Contribution Requirement

(A) Amount of Matching Contribution

Starting with Fiscal Year 1993 funds, participating jurisdictions must provide a 25 percent matching contribution for HOME funds drawn from the participating jurisdiction's Treasury accounts for rental assistance, housing rehabilitation (including substantial rehabilitation) and acquisition of standard housing, and a 30 percent matching contribution for HOME funds drawn for new construction, unless the participating jurisdiction has received a reduction in the match requirement. Eligible forms of matching contribution are listed at 24 CFR 92.220.

(B) Value of Donated or Voluntary Labor

The HOME regulations at 24 CFR 92.220(a)(6) state that the reasonable value of donated or voluntary labor in connection with the site preparation for, or construction or rehabilitation of, affordable housing may be an eligible form of matching contribution. This section also states at 92.220(a)(6)(ii) that a single rate will be applicable for determining the value of donated or voluntary labor and that the rate will be published annually in the notice of funding availability for the HOME Program. For Fiscal Year 1994, the rate continues to be $10 per hour.

(C) Reduction for Fiscal Distress

Section 92.222 provides for a 50 percent reduction in the match requirement for jurisdictions that are in fiscal distress and a 100 percent reduction in the match requirement for jurisdictions that are in severe fiscal distress.

(1) For Local Participating Jurisdictions

"Fiscal distress" for a local participating jurisdiction means the participating jurisdiction satisfies one of two statutory criteria and "severe fiscal distress" for a local participating jurisdiction means the participating jurisdiction satisfies both of the distress criteria. The distress criteria are:

(a) *Poverty rate.*—The average poverty rate in the participating jurisdiction was equal to or greater than 125 percent of the average national poverty rate during the calendar year for which the most recent data are available, as determined according to information of the Bureau of the Census.

(b) *Per capita income.*—The average per capita income in the participating jurisdiction was less than 75 percent of the average national per capita income, during the calendar year for which the most recent data are available, as determined according to information of the Bureau of the Census.

Appendix B to this notice lists all local participating jurisdictions (and jurisdictions eligible to be participating jurisdictions in FY 1994), the average per capita income (PCI) for each, how the PCI for the participating jurisdiction relates to the national average PCI (which is $14,277) and the percent of each jurisdiction's families in poverty and how that relates to the national average (which is 10.58 percent). Thus, to qualify under the PCI criterion, the PCI for the jurisdiction must be $10,708 or less and to qualify under the poverty criterion, the percent of families in poverty must be 13.23 percent or higher.

The jurisdictions which meet one of the distress criteria are determined to be in fiscal distress and receive a 50 percent reduction of match. Those jurisdictions which satisfy both of the distress criteria are determined to be in severe fiscal distress and receive a 100 percent reduction in match. The first column after the name of the jurisdiction lists the jurisdiction's average per capita income; the second column, the percent of the national average per capita income; the third column, the percent of families in poverty; the fourth column, the percent of the national average; and the fifth column, the percent of match reduction.

Note: Local participating jurisdictions that received a 100% match reduction in Fiscal Year 1993 will continue to receive a 100% match reduction for Fiscal Year 1994. Local participating jurisdictions that received a 50% match reduction in Fiscal Year 1993 will continue to receive a 50% match reduction in Fiscal Year 1994, unless the participating jurisdiction is determined to be in severe fiscal distress in Fiscal Year 1994. In that case, the participating jurisdiction will receive a 100% reduction for Fiscal Years 1994 and 1995. (See 24 CFR 92.222(a)(4)).

(2) For State Participating Jurisdictions

The criteria for determining fiscal distress and severe fiscal distress for States were published as a proposed rule in the **Federal Register** April 29, 1993. Until an interim rule implementing the criteria is published, the Department cannot provide a reduction to States based on fiscal distress or severe fiscal distress. After the publication of the interim rule, the Department will publish the list of States that are determined to be in fiscal distress or severe fiscal distress.

(D) Match Reduction for Presidentially-Declared Disaster Areas

Section 92.222(b) of the HOME regulations (as published June 23, 1993 at 58 FR 34146) provides that if a local participating jurisdiction is located in an area in which a major disaster is declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, HUD may reduce the matching requirement by up to 100 percent for the fiscal year in which the declaration of major disaster is made and the following fiscal year.

Further § 92.222(b) provides that for a State participating jurisdiction, HUD may reduce the match requirement by up to 100 percent for the fiscal year in which the declaration of major disaster is made and the following fiscal year with respect to any HOME funds expended in an area to which the declaration of a major disaster applies.

To request a reduction, a participating jurisdiction must submit to the local HUD Office a copy of the disaster declaration with its request for a reduction. This is not a waiver requiring Headquarters approval. The local HUD Office has the authority to approve the match reduction without consulting Headquarters or seeking its concurrence. However, the local HUD Office must notify Headquarters of any participating jurisdiction whose matching funds contribution has been reduced on the basis of its being declared a major disaster area.

Note: HUD has already reduced by 100 percent the matching contribution requirement for regular HOME funds for Fiscal Years 1993 and 1994 for local participating jurisdictions which have received a declaration of major disaster and which received HOME disaster relief funds. Further, HUD has reduced the matching contribution requirement for regular HOME funds for States that have received HOME disaster relief funds, but only for those regular HOME funds that are used in an area that has been declared a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. The requirement that the participating jurisdiction submit a copy of the disaster declaration has been waived for those jurisdictions that have received HOME disaster relief funds.

VI. Reallocation of HOME Funds

Since no funds were available for reallocation in Fiscal Year 1993, no reallocations were made. If funds become available for reallocation in Fiscal Year 1994, the reallocations will be done in compliance with Subpart J of the HOME Program regulations.

Participating jurisdictions are reminded of the statutory provision that HOME funds are available to participating jurisdictions for commitment to affordable housing for a period of 24 months. This provision is implemented at 24 CFR 92.500(d) which provides that any funds that are not committed after 24 months of the last day of the month in which the funds were made available to the participating jurisdiction will be recaptured.

This deadline for committing Fiscal Year 1992 HOME funds comes early in the spring of 1994 for some participating jurisdictions.

VII. Other Matters

Environmental Impact

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, Office of the General

Counsel, Department of Housing and Urban Development, room 10276, 451 Seventh Street, SW., Washington, DC 20410–0500.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that this notice does not have "federalism implications" because it does not have substantial direct effects on the States (including their political subdivisions), or on the distribution of power and responsibilities among the various levels of government.

Executive Order 12602, the Family

The General Counsel, as the Designated Official under Executive Order 12606, the Family, has determined that this notice does not have potential significant impact on family, formation, maintenance, and general well-being.

Dated: January 24, 1994.

Andrew Cuomo,

Assistant Secretary for Community Planning and Development.

Appendix A

FY 94 HOME Allocations

[Fiscal year 1994 jurisdiction; allocation in thousands of dollars]	
AL State of Alabama	11,369
AL Birmingham	1,985
AL Huntsville	612
AL Mobile	1,368
AL Montgomery	1,028
AL Tuscaloosa	557
AL Jefferson County	925
Subtotal	17,844
AK State of Alaska	3,000
AK Anchorage	836
Subtotal	3,836
AZ State of Arizona	4,370
AZ Phoenix	4,141
AZ Maricopa County Consortium	3,592
AZ Tucson Consortium	3,008
Subtotal	15,111
AR State of Arkansas	8,620
AR Fort Smith*	359
AR Little Rock	816
AR Pine Bluff	407
Subtotal	10,202
CA State of California	37,972
CA Alhambra	533
CA Anaheim	1,211
CA Bakersfield	891
CA Berkeley	742
CA Burbank	516
CA Chula Vista	652
CA Compton	659

[Fiscal year 1994 jurisdiction; allocation in thousands of dollars]—Continued

CA Costa Mesa	473
CA Downey*	364
CA El Cajon	517
CA El Monte	762
CA Escondido City*	520
CA Fresno	2,664
CA Fullerton	458
CA Garden Grove	588
CA Glendale	1,284
CA Hawthorne	501
CA Huntington Beach	543
CA Huntington Park	535
CA Inglewood	773
CA Long Beach	3,234
CA Los Angeles	27,352
CA Lynwood	444
CA Merced*	450
CA Modesto	802
CA Montebello*	368
CA National City	477
CA Oakland	3,455
CA Oceanside	555
CA Ontario	607
CA Orange*	375
CA Oxnard	675
CA Pasadena	874
CA Pomona	735
CA Redding*	409
CA Richmond	592
CA Riverside	1,021
CA Sacramento	2,407
CA Salinas	652
CA San Bernardino	1,351
CA San Diego	5,983
CA San Francisco	5,684
CA San Jose	3,003
CA San Mateo*	364
CA Santa Ana	1,514
CA Santa Barbara	571
CA Santa Clara	374
CA Santa Monica	572
CA Santa Rosa	512
CA South Gate	617
CA Stockton	1,502
CA Sunnyvale	441
CA Torrance*	468
CA Vallejo	472
CA Visalia*	413
CA Fresno County	1,776
CA Kern County	2,056
CA Los Angeles County	9,608
CA Marin County	876
CA Orange County	1,427
CA Riverside County	2,462
CA Sacramento County	2,606
CA San Joaquin County	1,251
CA San Luis Obispo County*	878
CA Santa Clara County	915
CA Sonoma County	903
CA Alameda County Consortium	2,786
CA Contra Costa Co. Consortium*	2,186
CA San Bernardino Co. Consortium	3,119
CA San Diego County Consortium*	2,436
CA San Mateo Co. Consortium**	1,593
CA Ventura County Consortium	1,174
Subtotal	160,535

[Fiscal year 1994 jurisdiction; allocation in thousands of dollars]—Continued

CO State of Colorado	5,258
CO Aurora	697
CO Boulder	413
CO Colorado Springs	1,112
CO Denver	3,002
CO Fort Collins*	425
CO Lakewood*	374
CO Adams County	565
CO Arapahoe County*	451
CO Jefferson County*	369
CO Pueblo Consortium	858
Subtotal	13,524
CT State of Connecticut	6,788
CT Bridgeport	1,298
CT Hartford	1,795
CT New Britain	544
CT New Haven	1,340
CT Stamford	391
CT Waterbury	738
Subtotal	12,894
DE State of Delaware	3,000
DE Wilmington	568
DE New Castle County	809
Subtotal	4,377
DC District of Columbia	4,768
Subtotal	4,768
FL State of Florida	14,269
FL Daytona Beach	464
FL Ft. Lauderdale	798
FL Gainesville	540
FL Hialeah	1,230
FL Hollywood*	466
FL Jacksonville	2,765
FL Miami	3,757
FL Miami Beach	1,127
FL Orlando	902
FL St. Petersburg	1,108
FL Tallahassee	661
FL Tampa	1,736
FL West Palm Beach	417
FL Broward County	1,742
FL Dade County	4,760
FL Hillsborough County	1,557
FL Lee County	479
FL Orange County	1,399
FL Pasco County	807
FL Polk County	1,026
FL Brevard County Consortium	1,142
FL Escambia County Consortium	1,468
FL Palm Beach Co. Consortium	1,998
FL Pinellas County Consortium	1,629
FL Sarasota Consortium	674
FL Volusia County Consortium	1,608
Subtotal	50,529
GA State of Georgia	14,578
GA Albany	616
GA Athens-Clarke	536
GA Atlanta	3,282
GA Augusta	593
GA Columbus-Muscogee	1,160

[Fiscal year 1994 jurisdiction; allocation in thousands of dollars]—Continued

GA Macon	873
GA Savannah	1,129
GA De Kalb County	1,597
GA Cobb County Consortium	2,547
Subtotal	26,911
HI State of Hawaii	3,000
HI Honolulu	4,271
Subtotal	7,271
ID State of Idaho	3,247
ID Boise	489
Subtotal	3,736
IL State of Illinois	17,839
IL Chicago	26,180
IL Decatur	554
IL East St. Louis	537
IL Joliet*	391
IL Peoria	872
IL Rockford	846
IL Springfield	568
IL Madison County	1,108
IL Will County	457
IL Cook County Consortium**	4,592
IL Du Page County Consortium	1,747
IL Lake County Consortium	1,208
IL St. Clair County Consortium*	745
Subtotal	57,644
IN State of Indiana	10,330
IN Anderson*	435
IN Bloomington	424
IN East Chicago*	377
IN Evansville	754
IN Fort Wayne	776
IN Gary	1,106
IN Hammond	525
IN Indianapolis	3,772
IN Muncie	506
IN Terre Haute*	396
IN Lake County	531
IN Lafayette Consortium*	567
IN South Bend Consortium	930
Subtotal	21,429
IA State of Iowa	8,358
IA Cedar Rapids*	457
IA Davenport	576
IA Des Moines	1,032
IA Iowa City*	368
IA Waterloo*	444
IA Sioux City Consortium*	540
Subtotal	11,775
KS State of Kansas	5,631
KS Kansas City	888
KS Lawrence*	379
KS Topeka	555
KS Wichita	1,494
KS Johnson County*	450
Subtotal	9,397
KY State of Kentucky	13,159
KY Covington	473
KY Lexington-Fayette	1,121
KY Louisville	2,471
KY Owensboro*	365
KY Jefferson County	967
Subtotal	18,556
LA State of Louisiana	10,771
LA Alexandria	379
LA Baton Rouge	1,803
LA Houma-Terrebonne*	488
LA Lafayette	530
LA Lake Charles*	455
LA Monroe	480
LA New Orleans	5,767
LA Shreveport	1,251
LA Jefferson Parish Consortium	1,926
Subtotal	23,850
ME State of Maine	4,123
ME Portland	507
Subtotal	4,630
MD State of Maryland	5,352
MD Baltimore	6,758
MD Anne Arundel County	794
MD Baltimore County	1,774
MD Montgomery County	1,737
MD Prince Georges County	2,033
Subtotal	18,448
MA State of Massachusetts	9,749
MA Boston	5,569
MA Brockton	668
MA Cambridge	716
MA Fall River	994
MA Lawrence	978
MA Lowell	919
MA New Bedford	1,090
MA Somerville	609
MA Springfield	1,555
MA Worcester	1,319
MA Barnstable County Consortium*	619
MA Fitchburg Consortium	484
MA Holyoke Consortium	910
MA Malden Consortium	1,821
MA Newton Consortium	910
MA Peabody Consortium	2,286
MA Quincy Consortium	603
MI State of Michigan	18,602
MI Ann Arbor	507
MI Battle Creek*	368
MI Dearborn*	379
MI Detroit	13,134
MI Flint	1,471
MI Grand Rapids	1,325
MI Jackson*	392
MI Kalamazoo	703
MI Lansing	927
MI Muskegon*	407
MI Pontiac	683
MI Saginaw	852
MI Warren*	367
MI Genesee County	913
MI Kent County*	396
MI Macomb County	562
MI Oakland County	1,143
MI Wayne County	1,263
Subtotal	44,394
MN State of Minnesota	6,471
MN Minneapolis	2,860
MN St. Paul	1,810
MN Dakota County Consortium	1,727
MN Hennepin County Consortium	1,385
MN St. Louis County Consortium	1,207
Subtotal	15,460
MS State of Mississippi	10,908
MS Jackson	1,168
Subtotal	12,076
MO State of Missouri	11,017
MO Columbia*	416
MO Independence*	420
MO Kansas City	2,379
MO Springfield	818
MO St. Joseph*	455
MO St. Louis	4,096
MO St. Louis County	2,104
Subtotal	21,705
MT State of Montana	3,217
MT Billings*	379
Subtotal	3,596
NE State of Nebraska	3,809
NE Lincoln	818
NE Omaha	1,759
Subtotal	6,386
NV State of Nevada	3,000
NV Reno	693
NV Clark County Consortium	2,918
Subtotal	6,611
NH State of New Hampshire	3,000
NH Manchester	514
Subtotal	3,514
NJ State of New Jersey	7,002
NJ Atlantic City	428
NJ Camden	1,152
NJ East Orange	718
NJ Elizabeth	1,036
NJ Irvington	441
NJ Jersey City	2,253
NJ Newark	3,215
NJ Passaic	624
NJ Paterson	1,289
NJ Trenton	728
NJ Bergen County	2,171
NJ Burlington County	712
NJ Essex County	952
NJ Gloucester County	616
NJ Middlesex County	647
NJ Monmouth County	925
NJ Morris County	499
NJ Somerset County	431
NJ Camden County Consortium	845
NJ Hudson County Consortium	2,526
NJ Mercer County Consortium	455
NJ Ocean County Consortium	975
NJ Union County Consortium	1,053

[Fiscal year 1994 jurisdiction; allocation in thousands of dollars]—Continued

NJ Vineland Consortium	633
Subtotal	32,326
NM State of New Mexico	4,433
NM Albuquerque	1,722
NM Las Cruces*	368
Subtotal	6,523
NY State of New York	22,822
NY Albany	777
NY Babylon Town	490
NY Binghamton	475
NY Buffalo	4,490
NY Elmira*	384
NY Islip Town	608
NY Jamestown*	371
NY Mount Vernon	523
NY New Rochelle	378
NY New York	82,220
NY Niagara Falls	618
NY Rochester	2,678
NY Syracuse	1,609
NY Utica	778
NY Yonkers	1,399
NY Dutchess County	474
NY Nassau County	2,510
NY Orange County	509
NY Rockland County	714
NY Suffolk County	1,350
NY Westchester County	1,307
NY Amherst Consortium	828
NY Erie County Consortium	1,058
NY Monroe County Consortium	953
NY Jefferson County Consortium*	1,374
NY Onondaga County Consortium	652
NY Schenectady Consortium	1,179
Subtotal	133,528
NC State of North Carolina	15,971
NC Charlotte	1,694
NC Fayetteville	483
NC Goldsboro*	378
NC Greensboro	773
NC Raleigh	858
NC Wilmington	483
NC Wake County*	439
NC Asheville Consortium	1,092
NC Durham Consortium*	801
NC Gastonia Consortium	480
NC Surry County Consortium	590
NC Winston-Salem Consortium	1,004
Subtotal	25,046
ND State of North Dakota	3,000
ND Fargo*	367
Subtotal	3,367
OH State of Ohio	21,351
OH Akron	1,905
OH Canton	751
OH Cincinnati	3,986
OH Cleveland	6,650
OH Columbus	4,079
OH Dayton	1,928
OH East Cleveland	447
OH Hamilton City	492
OH Lima*	380
OH Lorain*	569
OH Mansfield*	409
OH Springfield	616
OH Toledo	2,509
OH Youngstown	1,042
OH Franklin County	683
OH Hamilton County	1,222
OH Lake County	483
OH Summit County*	472
OH Cuyahoga County Consortium	1,926
OH Montgomery Co. Consortium	1,151
OH Stark County Consortium	1,007
OH Warren Consortium	1,055
Subtotal	55,113
OK State of Oklahoma	9,008
OK Lawton	424
OK Oklahoma City	2,195
OK Tulsa	1,734
Subtotal	13,361
OR State of Oregon	6,642
OR Clackamas County	755
OR Eugene Consortium	1,033
OR Portland Consortium	3,356
OR Salem Consortium*	662
OR Washington Co. Consortium*	882
Subtotal	13,330
PA State of Pennsylvania	18,831
PA Allentown	646
PA Altoona*	428
PA Bethlehem*	440
PA Erie	994
PA Harrisburg	609
PA Johnstown*	358
PA Lancaster	528
PA Philadelphia	11,715
PA Pittsburgh	3,248
PA Reading	674
PA Scranton	637
PA Williamsport*	374
PA York*	423
PA Allegheny County	3,328
PA Beaver County	1,018
PA Berks County	527
PA Chester County	842
PA Lancaster County	1,090
PA Montgomery County	1,017
PA Washington County	993
PA York County*	671
PA Bucks County Consortium**	923
PA Delaware County Consortium**	1,608
PA Luzerne County Consortium	1,691
PA Westmoreland Co. Consortium**	1,394
Subtotal	55,007
RI State of Rhode Island	3,000
RI Pawtucket	498
RI Providence	1,679
RI Woonsocket*	419
Subtotal	5,596
SC State of South Carolina	8,684
SC Charleston	584
SC Columbia	639
SC Greenville	359
SC North Charleston	446
SC Spartanburg*	375
SC Greenville County	745
SC Sumter County Consortium	1,069
Subtotal	12,901
SD State of South Dakota	3,000
SD Sioux Falls*	431
Subtotal	3,431
TN State of Tennessee	11,680
TN Chattanooga	1,049
TN Knoxville	1,207
TN Memphis	4,246
TN Nashville-Davidson	2,345
TN Knox County*	421
TN Shelby County*	422
Subtotal	21,370
TX State of Texas	29,520
TX Abilene	454
TX Amarillo	780
TX Arlington	806
TX Austin	2,409
TX Beaumont	698
TX Brownsville	965
TX College Station*	364
TX Corpus Christi	1,474
TX Dallas	5,583
TX Denton*	385
TX El Paso	3,543
TX Fort Worth	2,242
TX Galveston	509
TX Garland*	486
TX Houston	9,438
TX Irving*	626
TX Laredo	1,206
TX Lubbock	938
TX Mc Allen	573
TX Odessa	387
TX Pasadena*	501
TX Port Arthur*	447
TX San Angelo*	404
TX San Antonio	5,828
TX Tyler*	457
TX Waco	799
TX Wichita Falls	490
TX Bexar County	599
TX Dallas County*	407
TX Fort Bend County*	469
TX Harris County	2,417
TX Hidalgo County	1,757
TX Tarrant County	1,024
Subtotal	78,985
UT State of Utah	3,000
UT Ogden*	406
UT Salt Lake City	974
UT Salt Lake Co. Consortium	1,408
UT Provo Consortium	1,228
Subtotal	7,016
VT State of Vermont	3,500
Subtotal	3,500

[Fiscal year 1994 jurisdiction; allocation in thousands of dollars]—Continued

VA State of Virginia	9,990
VA Alexandria	504
VA Chesapeake	478
VA Danville*	446
VA Hampton	590
VA Lynchburg*	370
VA Newport News	1,022
VA Norfolk	1,727
VA Portsmouth	774
VA Richmond	1,528
VA Roanoke	605
VA Virginia Beach	1,007
VA Arlington County	791
VA Fairfax County	1,584
VA Henrico County*	550
VA Prince William County	478
VA Charlottesville Consortium	717
Subtotal	23,161
WA State of Washington	7,811
WA Seattle	3,086
WA Spokane	1,289
WA Tacoma	1,231
WA Yakima*	416
WA Kitsap County*	855
WA Pierce County	1,452
WA Spokane County	641
WA Clark County Consortium*	895
WA King County Consortium	2,679
WA Snohomish Co. Consortium	1,372
Subtotal	21,727
WV State of West Virginia	7,663
WV Charleston*	444
WV Huntington Consortium*	912
Subtotal	9,019
WI State of Wisconsin	11,367
WI Eau Claire*	381
WI Green Bay	559
WI Kenosha*	475
WI Madison	997
WI Milwaukee	6,527
WI Racine	688
WI Milwaukee Co. Consortium	913
Subtotal	21,907
WY State of Wyoming	3,500
Subtotal	3,500
PR Puerto Rico	9,230
PR Aguadilla Municipio	403
PR Arecibo Municipio	501
PR Bayamon Municipio	1,190
PR Caguas Municipio	729
PR Carolina Municipio	1,070
PR Guaynabo Municipio	467
PR Mayaguez Municipio	849
PR Ponce Municipio	1,130
PR San Juan Municipio	4,609
Subtotal	20,178
Total	1,212,700

*New jurisdiction eligible for designation as a participating jurisdiction (PJ).

**Consortium that dropped members and must requalify as a PJ.

Appendix B

FY 1994 HOME Program Match Reductions Based on Fiscal Distress

[Last column indicates 100% or 50% reduction]

	PCI89	PCI ratio	FamPv Pct	FamPv Ratio	100% or 50%
**Alabama					
AL Birmingham	10127	70.9	20.8	196.2	100
AL Huntsville	16204	113.5	8.9	84.0	
AL Mobile	12509	87.6	18.4	173.6	50
AL Montgomery	12755	89.3	14.4	135.8	50
AL Tuscaloosa	11469	80.3	17.1	161.3	50
AL Jefferson County	16323	114.3	6.1	57.5	
** Alaska					
AK Anchorage	19620	137.4	5.4	50.9	
** Arizona					
AZ Phoenix	14096	98.7	10.5	99.1	
AZ Maricopa County Consortium	15192	106.4	7.4	69.8	
AZ Tucson Consortium	13177	92.3	12.0	113.2	
** Arkansas					
AR Fort Smith	12994	91.0	10.5	99.1	
AR Little Rock	15307	107.2	10.8	101.9	
AR Pine Bluff	9530	66.8	22.9	216.0	100
** California					
CA Alhambra	13436	94.1	11.5	108.5	
CA Anaheim	15746	110.3	7.4	69.8	
CA Bakersfield	14183	99.3	12.4	117.0	
CA Berkeley	18720	131.1	9.4	88.7	
CA Burbank	18897	132.4	5.9	55.7	
CA Chula Vista	14102	98.8	8.6	81.1	
CA Compton	7842	54.9	24.2	228.3	100
CA Costa Mesa	18750	131.3	6.0	56.6	
CA Downey	16696	116.9	5.7	53.8	
CA El Cajon	13518	94.7	10.7	100.9	
CA El Monte	8056	56.4	18.5	174.5	100
CA Escondido City	14647	102.6	7.8	73.6	
CA Fresno	11528	80.7	19.3	182.1	50
CA Fullerton	19098	133.8	5.6	52.8	
CA Garden Grove	13976	97.9	7.8	73.6	
CA Glendale	17966	125.8	12.3	116.0	
CA Hawthorne	13880	97.2	11.8	111.3	
CA Huntington Beach	23500	164.6	3.2	30.2	

FY 1994 HOME Program Match Reductions Based on Fiscal Distress—Continued

[Last column indicates 100% or 50% reduction]

	PCI89	PCI ratio	FamPv Pct	FamPv Ratio	100% or 50%
CA Huntington Park	7238	50.7	21.7	204.7	100
CA Inglewood	11899	83.3	14.1	133.0	50
CA Long Beach	15639	109.5	13.5	127.4	50
CA Los Angeles	16188	113.4	14.9	140.6	50
CA Lynwood	7260	50.9	20.1	189.6	100
CA Merced	10237	71.7	20.2	190.6	100
CA Modesto	13572	95.1	10.5	99.1	
CA Montebello	12276	86.0	11.6	109.4	
CA National City	8658	60.6	20.2	190.6	100
CA Oakland	14676	102.8	16.7	157.5	50
CA Oceanside	14522	101.7	6.7	63.2	
CA Ontario	12120	84.9	10.6	100.0	
CA Orange	19064	133.5	4.7	44.3	
CA Oxnard	12096	84.7	9.6	90.6	
CA Pasadena	19588	137.2	11.1	104.7	
CA Pomona	10728	75.1	14.0	132.1	
CA Redding	13040	91.3	11.1	104.7	
CA Richmond	14630	102.5	13.5	127.4	50
CA Riverside	14235	99.7	8.4	79.2	
CA Sacramento	14087	98.7	13.8	130.2	50
CA Salinas	11351	79.5	12.4	117.0	
CA San Bernardino	10865	76.1	19.5	184.0	50
CA San Diego	16401	114.9	9.7	91.5	
CA San Francisco	19695	137.9	9.7	91.5	
CA San Jose	16905	118.4	6.5	61.3	
CA San Mateo	22746	159.3	3.9	36.8	
CA Santa Ana	10019	70.2	12.5	117.9	50
CA Santa Barbara	18934	132.6	7.8	73.6	
CA Santa Clara	19676	137.8	3.7	34.9	
CA Santa Monica	29134	204.1	5.7	53.8	
CA Santa Rosa	17259	120.9	5.5	51.9	
CA South Gate	8368	58.6	15.2	143.4	100
CA Stockton	11331	79.4	16.9	159.4	50
CA Sunnyvale	22309	156.3	3.3	31.1	
CA Torrance	22095	154.8	3.6	34.0	
CA Vallejo	14271	100.0	6.9	65.1	
CA Visalia	12994	91.0	14.1	133.0	50
CA Fresno County	12513	87.6	13.2	124.5	
CA Kern County	11155	78.1	14.5	136.8	50
CA Los Angeles County	17156	120.2	9.0	84.9	
CA Marin County	28381	198.8	3.0	28.3	
CA Orange County	24046	168.4	3.6	34.0	
CA Riverside County	13872	97.2	8.9	84.0	
CA Sacramento County	15913	111.5	7.8	73.6	
CA San Joaquin County	13780	96.5	8.6	81.1	
CA San Luis Obispo County	15112	105.8	6.8	64.2	
CA Santa Clara County	26101	182.8	2.8	26.4	
CA Sonoma County	17242	120.8	5.5	51.9	
CA Alameda County Consortium	18726	131.2	4.5	42.5	
CA Contra Costa County Consortium	21495	150.6	4.6	43.4	
CA San Bernardino County Consortium	13442	94.2	9.9	93.4	
CA San Diego County Consortium	17210	120.5	5.8	54.7	
CA San Mateo County Consortium	22057	154.5	4.1	38.7	
CA Ventura County Consortium	18281	128.0	4.8	45.3	
****Colorado**					
CO Aurora	15255	106.9	6.1	57.5	
CO Boulder	17268	120.9	7.5	70.8	
CO Colorado Springs	14243	99.8	8.6	81.1	
CO Denver	15590	109.2	13.1	123.6	
CO Fort Collins	13439	94.1	8.0	75.5	
CO Lakewood	16726	117.2	5.2	49.1	
CO Adams County	12929	90.6	7.0	66.0	
CO Arapahoe County	19479	136.4	4.2	39.6	
CO Jefferson County	18818	131.8	3.1	29.2	
CO Pueblo Consortium	10347	72.5	16.7	157.5	100
****Connecticut**					
CT Bridgeport	13156	92.1	15.0	141.5	50
CT Hartford	11081	77.6	25.7	242.5	50

FY 1994 HOME Program Match Reductions Based on Fiscal Distress—Continued

[Last column indicates 100% or 50% reduction]

	PCI89	PCI ratio	FamPv Pct	FamPv Ratio	100% or 50%
CT New Britain	13715	103.1	10.7	100.9	.....
CT New Haven	12968	90.8	18.2	171.7	50
CT Stamford	27092	189.8	3.9	36.8	.....
CT Waterbury	14209	99.5	9.9	93.4	.....
****Delaware**					
DE Wilmington	14256	99.9	15.1	142.5	50
DE New Castle County	18055	126.5	3.3	31.1	.....
****Florida**					
FL Daytona Beach	11901	83.4	16.0	150.9	50
FL Ft. Lauderdale	19814	138.8	13.1	123.6	.....
FL Gainesville	11549	80.9	15.7	148.1	50
FL Hialeah	8914	62.4	15.5	146.2	100
FL Hollywood	16303	114.2	7.7	72.6	.....
FL Jacksonville	13857	97.1	9.8	92.5	.....
FL Miami	9799	68.6	25.7	242.5	100
FL Miami Beach	16504	115.6	19.9	187.7	50
FL Orlando	13879	97.2	12.2	115.1	.....
FL St. Petersburg	14132	99.0	9.5	89.6	.....
FL Tallahassee	13247	92.8	11.9	112.3	.....
FL Tampa	13277	93.0	15.0	141.5	50
FL West Palm Beach	15712	110.1	12.7	119.8	.....
FL Broward County	15883	111.2	6.9	65.1	.....
FL Dade County	15451	108.2	10.2	96.2	.....
FL Hillsborough County	14671	102.8	7.0	66.0	.....
FL Lee County	16556	116.0	5.1	48.1	.....
FL Orange County	14375	100.7	6.5	61.3	.....
FL Pasco County	11747	82.3	7.9	74.5	.....
FL Polk County	11987	84.0	9.2	86.8	.....
FL Brevard County Consortium	15094	105.7	6.3	59.4	.....
FL Escambia County Consortium	12311	86.2	12.7	119.8	.....
FL Palm Beach County Consortium	18796	131.7	6.0	56.6	.....
FL Pinellas County Consortium	16070	112.6	5.1	48.1	.....
FL Sarasota Consortium	18441	129.2	4.6	43.4	.....
FL Volusia County Consortium	15034	105.3	6.0	56.6	.....
****Georgia**					
GA Albany	10496	73.5	22.1	208.5	100
GA Athens-Clarke	11604	81.3	14.2	134.0	50
GA Atlanta	15279	107.0	24.6	232.1	50
GA Augusta	10367	72.6	27.9	263.2	100
GA Columbus-Muscogee	11949	83.7	14.9	140.6	50
GA Macon	11502	80.6	20.8	196.2	50
GA Savannah	10978	76.9	18.5	174.5	50
GA De Kalb County	17557	123.0	6.0	56.6	.....
GA Cobb County Consortium	19456	136.3	4.1	38.7	.....
****Hawaii**					
HI Honolulu	16256	113.9	5.4	50.9	.....
****Idaho**					
ID Boise	15208	106.5	6.3	59.4	.....
****Illinois**					
IL Chicago	12899	90.3	18.3	172.6	50
IL Decatur	13348	93.5	12.3	116.0	.....
IL East St. Louis	6421	45.0	39.5	372.6	100
IL Joliet	13091	91.7	9.6	90.6	.....
IL Peoria	14039	98.3	15.1	142.5	50
IL Rockford	14109	98.8	10.5	99.1	.....
IL Springfield	14813	103.8	9.7	91.5	.....
IL Madison County	13265	92.9	8.4	79.2	.....
IL Will County	15477	108.4	3.2	30.2	.....
IL Cook County Consortium	18729	131.2	4.1	38.7	.....
IL Du Page County Consortium	20353	142.6	2.4	22.6	.....
IL Lake County Consortium	21568	151.2	3.7	34.9	.....
IL St. Clair County Consortium	12874	90.2	10.8	101.9	.....
****Indiana**					
IN Anderson	12161	85.2	15.2	143.4	50
IN Bloomington	10616	74.4	15.3	144.3	100

FY 1994 HOME Program Match Reductions Based on Fiscal Distress—Continued

[Last column indicates 100% or 50% reduction]

	PCI89	PCI ratio	FamPv Pct	FamPv Ratio	100% or 50%
IN East Chicago	9090	63.7	24.5	231.1	100
IN Evansville	12564	88.0	11.2	105.7	
IN Fort Wayne	12726	89.1	8.3	78.3	
IN Gary	8994	63.0	26.4	249.1	100
IN Hammond	11576	81.1	11.8	111.3	
IN Indianapolis	14605	102.3	9.7	91.5	
IN Muncie	10686	74.8	14.3	134.9	100
IN Terre Haute	10527	73.7	15.5	146.2	100
IN Lake County	15323	107.3	3.6	34.0	
IN Lafayette Consortium	12570	88.0	6.6	62.3	
IN South Bend Consortium	13277	93.0	7.1	67.0	
**Iowa					
IA Cedar Rapids	15246	106.8	6.6	62.3	
IA Davenport	12557	88.0	12.4	117.0	
IA Des Moines	13710	96.0	9.5	89.6	
IA Iowa City	13277	93.0	9.3	87.7	
IA Waterloo	12475	87.4	14.3	134.9	50
IA Sioux City Consortium	12130	85.0	10.4	98.1	
**Kansas					
KS Kansas City	10478	73.4	14.6	137.7	100
KS Lawrence	11760	82.4	11.5	108.5	
KS Topeka	13680	95.8	9.3	87.7	
KS Wichita	14516	101.7	9.5	89.6	
KS Johnson County	20308	142.2	2.8	26.4	
**Kentucky					
KY Covington	10293	72.1	17.7	167.0	100
KY Lexington-Fayette	14962	104.8	10.2	96.2	
KY Louisville	11527	80.7	18.6	175.5	50
KY Owensboro	11492	80.5	15.3	144.3	50
KY Jefferson County	15351	107.5	6.4	60.4	
**Louisiana					
LA Alexandria	10887	76.3	24.0	226.4	50
LA Baton Rouge	13220	92.6	15.4	145.3	50
LA Houma-Terrebonne	9505	66.6	20.2	190.6	100
LA Lafayette	12925	90.5	17.0	160.4	50
LA Lake Charles	11475	80.4	20.3	191.5	50
LA Monroe	10037	70.3	31.6	298.1	100
LA New Orleans	11372	79.7	27.3	257.5	50
LA Shreveport	11663	81.7	20.2	190.6	50
LA Jefferson Parish Consortium	12764	89.4	11.6	109.4	
**Maine					
ME Portland	14914	104.5	10.6	100.0	
**Maryland					
MD Baltimore	11994	84.0	17.8	167.9	50
MD Anne Arundel County	18522	129.7	2.5	23.6	
MD Baltimore County	18658	130.7	3.8	35.8	
MD Montgomery County	25433	178.1	2.8	26.4	
MD Prince Georges County	17512	122.7	3.7	34.9	
**Massachusetts					
MA Boston	15581	109.1	15.0	141.5	50
MA Brockton	13455	94.2	11.7	110.4	
MA Cambridge	19879	139.2	7.2	67.9	
MA Fall River	10966	76.8	12.3	116.0	
MA Lawrence	9686	67.8	25.6	241.5	100
MA Lowell	12701	89.0	15.1	142.5	50
MA New Bedford	10923	76.5	14.6	137.7	50
MA Somerville	15179	106.3	7.6	71.7	
MA Springfield	11584	81.1	17.7	167.0	50
MA Worcester	13393	93.8	12.2	115.1	
MA Barnstable County Consortium	16402	114.9	5.8	54.7	
MA Fitchburg Consortium	13977	97.9	8.7	82.1	
MA Holyoke Consortium	12464	87.3	14.3	134.9	50
MA Malden Consortium	16550	115.9	7.1	67.0	
MA Newton Consortium	24601	172.3	3.2	30.2	
MA Peabody Consortium	17833	124.9	6.3	59.4	

FY 1994 HOME Program Match Reductions Based on Fiscal Distress—Continued

[Last column indicates 100% or 50% reduction]

	PCI89	PCI ratio	FamPv Pct	FamPv Ratio	100% or 50%
MA Quincy Consortium	17808	124.7	4.4	41.5	.....
**** Michigan**					
MI Ann Arbor	17786	124.6	6.0	56.6	.....
MI Battle Creek	12963	90.8	14.1	133.0	50
MI Dearborn	16852	118.0	8.2	77.4	.....
MI Detroit	9443	66.1	29.0	273.6	100
MI Flint	10415	72.9	27.6	260.4	100
MI Grand Rapids	12070	84.5	12.6	118.9	.....
MI Jackson	10410	72.9	21.2	200.0	100
MI Kalamazoo	11956	83.7	19.3	182.1	50
MI Lansing	12232	85.7	16.5	155.7	50
MI Muskegon	8890	62.3	23.0	217.0	100
MI Pontiac	9847	69.0	24.1	227.4	100
MI Saginaw	8944	62.6	28.5	268.9	100
MI Warren	15224	106.6	5.1	48.1	.....
MI Genesee County	15109	105.8	8.0	75.5	.....
MI Kent County	16497	115.5	3.3	31.1	.....
MI Macomb County	16502	115.6	4.0	37.7	.....
MI Oakland County	19797	138.7	3.9	36.8	.....
MI Wayne County	18244	127.8	5.4	50.9	.....
**** Minnesota**					
MN Minneapolis	14830	103.9	14.1	133.0	50
MN St. Paul	13727	96.1	12.4	117.0	.....
MN Dakota County Consortium	16643	116.6	3.6	34.0	.....
MN Hennepin County Consortium	20503	143.6	3.0	28.3	.....
MN St. Louis County Consortium	11640	81.5	9.9	93.4	.....
**** Mississippi**					
MS Jackson	12216	85.6	18.0	169.8	50
**** Missouri**					
MO Columbia	12452	87.2	12.4	117.0	.....
MO Independence	13208	92.5	6.9	65.1	.....
MO Kansas City	13799	96.7	11.7	110.4	.....
MO St. Joseph	11044	77.4	13.2	124.5	.....
MO St. Louis	10798	75.6	20.6	194.3	50
MO Springfield	11878	83.2	11.6	109.4	.....
MO St. Louis County	17679	123.8	4.3	40.6	.....
**** Montana**					
MT Billings	12834	89.9	9.2	86.8	.....
**** Nebraska**					
NE Lincoln	13720	96.1	6.5	61.3	.....
NE Omaha	13957	97.8	9.6	90.6	.....
**** Nevada**					
NE Reno	16091	112.7	7.6	71.7	.....
NE Clark County Consortium	14983	104.9	7.8	73.6	.....
**** New Hampshire**					
NH Manchester	15111	105.8	6.3	59.4	.....
**** New Jersey**					
NJ Atlantic City	12017	84.2	20.6	194.3	50
NJ Camden	7276	51.0	34.1	321.7	100
NJ East Orange	12376	86.7	15.6	147.2	50
NJ Elizabeth	12112	84.8	13.7	129.2	50
NJ Irvington	12982	90.9	10.3	97.2	.....
NJ Jersey City	13060	91.5	16.6	156.6	50
NJ Newark	9424	66.0	22.8	215.1	100
NJ Passaic	11057	77.4	14.6	137.7	50
NJ Paterson	10518	73.7	15.7	148.1	100
NJ Trenton	11018	77.2	15.1	142.5	50
NJ Bergen County	23825	166.9	2.7	25.5	.....
NJ Burlington County	18335	128.4	2.7	25.5	.....
NJ Essex County	26400	184.9	3.3	31.1	.....
NJ Gloucester County	15242	106.8	4.7	44.3	.....
NJ Middlesex County	20219	141.6	2.2	20.8	.....
NJ Monmouth County	20873	146.2	2.7	25.5	.....
NJ Morris County	26192	183.5	1.6	15.1	.....

FY 1994 HOME Program Match Reductions Based on Fiscal Distress—Continued

[Last column indicates 100% or 50% reduction]

	PCI89	PCI ratio	FamPv Pct	FamPv Ratio	100% or 50%
NJ Somerset County	25111	175.9	1.4	13.2	
NJ Camden County Consortium	18173	127.3	3.4	32.1	
NJ Hudson County Consortium	15480	108.4	9.7	91.5	
NJ Mercer County Consortium	21419	150.0	2.2	20.8	
NJ Ocean County Consortium	15542	108.9	4.3	40.6	
NJ Union County Consortium	21824	152.9	3.2	30.2	
NJ Vineland Consortium	12670	88.7	11.0	103.8	
**** New Mexico**					
NM Albuquerque	14013	98.2	10.3	97.2	
NM Las Cruces	11175	78.3	16.6	156.6	50
**** New York**					
NY Albany	13742	96.3	12.1	114.2	
NY Babylon Town	16726	117.2	3.7	34.9	
NY Binghamton	12106	84.8	12.0	113.2	
NY Buffalo	10445	73.2	21.7	204.7	100
NY Elmira	9489	66.5	19.4	183.0	100
NY Islip Town	16778	117.5	3.4	32.1	
NY Jamestown	10731	75.2	14.6	137.7	50
NY Mount Vernon	15835	110.9	8.9	84.0	
NY New Rochelle	23745	166.3	4.7	44.3	
NY New York	16281	114.0	16.3	153.8	50
NY Niagara Falls	10904	76.4	15.5	146.2	50
NY Rochester	11704	82.0	21.1	199.1	50
NY Syracuse	11351	79.5	17.0	160.4	50
NY Utica	10726	75.1	16.6	156.6	50
NY Yonkers	17484	122.5	9.0	84.9	
NY Dutchess County	17616	123.4	2.7	25.5	
NY Nassau County	21329	149.4	2.6	24.5	
NY Orange County	16772	117.5	3.1	29.2	
NY Rockland County	20283	142.1	3.7	34.9	
NY Suffolk County	17633	123.5	3.5	33.0	
NY Westchester County	30382	212.8	2.6	24.5	
NY Amherst Consortium	15956	111.8	3.6	34.0	
NY Erie County Consortium	14464	101.3	4.1	38.7	
NY Monroe County Consortium	18303	128.2	2.4	22.6	
NY Jefferson County Consortium	10719	75.1	11.0	103.8	
NY Onondaga County Consortium	16503	115.6	2.9	27.4	
NY Schenectady Consortium	14439	101.1	7.8	73.6	
**** North Carolina**					
NC Charlotte	16793	117.6	8.5	80.2	
NC Fayetteville	12825	89.8	15.3	144.3	50
NC Goldsboro	10726	75.1	17.4	164.2	50
NC Greensboro	15644	109.6	8.2	77.4	
NC Raleigh	16896	118.3	7.7	72.6	
NC Wilmington	12077	84.6	16.8	158.5	50
NC Wake County	17520	122.7	3.6	34.0	
NC Asheville Consortium	12882	90.2	8.7	82.1	
NC Durham Consortium	14997	105.0	8.8	83.0	
NC Gastonia Consortium	12681	88.8	8.0	75.5	
NC Surry County Consortium	12224	85.6	8.0	75.5	
NC Winston-Salem Consortium	16151	113.1	7.8	73.6	
**** North Dakota**					
ND Fargo	13554	94.9	7.9	74.5	
**** Ohio**					
OH Akron	12015	84.2	16.5	155.7	50
OH Canton	10133	71.0	18.8	177.4	100
OH Cincinnati	12547	87.9	20.7	195.3	50
OH Cleveland	9258	64.8	25.2	237.7	100
OH Columbus	13151	92.1	12.6	118.9	
OH Dayton	9946	69.7	22.0	207.5	100
OH East Cleveland	9020	63.2	25.9	244.3	100
OH Hamilton City	11108	77.8	14.0	132.1	50
OH Lima	9535	66.8	18.6	175.5	100
OH Lorain	10676	74.8	16.6	156.6	100
OH Mansfield	11774	82.5	14.5	136.8	50
OH Springfield	10648	74.6	16.6	156.6	100

FY 1994 HOME Program Match Reductions Based on Fiscal Distress—Continued

[Last column indicates 100% or 50% reduction]

	PCI89	PCI ratio	FamPv Pct	FamPv Ratio	100% or 50%
OH Toledo	11894	83.3	15.4	145.3	50
OH Youngstown	8544	59.8	24.4	230.2	100
OH Franklin County	18560	130.0	3.4	32.1	.....
OH Hamilton County	16203	113.5	4.3	40.6	.....
OH Lake County	15185	106.4	3.7	34.9	.....
OH Summit County	16958	118.8	3.7	34.9	.....
OH Cuyahoga County Consortium	18212	127.6	3.2	30.2	.....
OH Montgomery County Consortium	16540	115.9	4.9	46.2	.....
OH Stark County Consortium	13758	96.4	6.3	59.4	.....
OH Warren Consortium	12900	90.4	9.4	88.7	.....
**** Oklahoma**					
OK Lawton	10772	75.5	13.4	126.4	50
OK Oklahoma City	13528	94.8	12.0	113.2	.....
OK Tulsa	15434	108.1	11.5	108.5	.....
**** Oregon**					
OR Clackamas County	16329	114.4	4.7	44.3	.....
OR Eugene Consortium	12846	90.0	10.3	97.2	.....
OR Portland Consortium	14479	101.4	8.9	84.0	.....
OR Salem Consortium	12722	89.1	9.3	87.7	.....
OR Washington County Consortium	16357	114.6	4.8	45.3	.....
**** Pennsylvania**					
PA Allentown	12822	89.8	9.3	87.7	.....
PA Altoona	10398	72.8	14.0	132.1	100
PA Bethlehem	13684	95.8	8.8	83.0	.....
PA Erie	10715	75.1	15.2	143.4	50
PA Harrisburg	11037	77.3	23.9	225.5	50
PA Johnstown	8500	59.5	22.5	212.3	100
PA Lancaster	10693	74.9	16.3	153.8	100
PA Philadelphia	12091	84.7	16.1	151.9	50
PA Pittsburgh	12580	88.1	16.6	156.6	50
PA Reading	11041	77.3	15.2	143.4	50
PA Scranton	11108	77.8	11.1	104.7	.....
PA Williamsport	10276	72.0	16.4	154.7	100
PA York	10485	73.4	16.4	154.7	100
PA Allegheny County	16335	114.4	5.9	55.7	.....
PA Beaver County	11695	81.9	10.8	101.9	.....
PA Berks County	15686	109.9	2.6	24.5	.....
PA Chester County	20601	144.3	3.0	28.3	.....
PA Lancaster County	14771	103.5	4.0	37.7	.....
PA Montgomery County	20325	142.4	2.1	19.8	.....
PA Washington County	12738	89.2	9.7	91.5	.....
PA York County	15120	105.9	2.8	26.4	.....
PA Bucks County Consortium	18885	132.3	2.6	24.5	.....
PA Delaware County Consortium	16874	118.2	5.3	50.0	.....
PA Luzerne County Consortium	12044	84.4	8.0	75.5	.....
PA Westmoreland County Consortium	12693	88.9	8.2	77.4	.....
**** Rhode Island**					
RI Pawtucket	12865	90.1	8.1	76.4	.....
RI Providence	11838	82.9	18.3	172.6	50
RI Woonsocket	11997	84.0	11.6	109.4	.....
**** South Carolina**					
SC Charleston	14093	98.7	16.3	153.8	50
SC Columbia	12210	85.5	15.7	148.1	50
SC Greenville	14708	103.0	13.7	129.2	50
SC North Charleston	10315	72.2	19.2	181.1	100
SC Spartanburg	12142	85.0	17.1	161.3	50
SC Greenville County	13808	96.7	6.5	61.3	.....
SC Sumter County Consortium	9936	69.6	17.1	161.3	100
**** South Dakota**					
SD Sioux Falls	13677	95.8	5.5	51.9	.....
**** Tennessee**					
TN Chattanooga	12332	86.4	14.4	135.8	50
TN Knoxville	12108	84.8	15.3	144.3	50
TN Memphis	11682	81.8	18.7	176.4	50
TN Nashville-Davidson	15195	106.4	10.0	94.3	.....

FY 1994 HOME Program Match Reductions Based on Fiscal Distress—Continued

[Last column indicates 100% or 50% reduction]

	PCI89	PCI ratio	FamPv Pct	FamPv Ratio	100% or 50%
TN Knox County	15333	107.4	6.4	60.4	
TN Shelby County	17987	126.0	4.1	38.7	
**** Texas**					
TX Abilene	11857	83.0	11.0	103.8	
TX Amarillo	12744	89.3	13.1	123.6	
TX Arlington	16239	113.7	5.7	53.8	
TX Austin	14295	100.1	11.5	108.5	
TX Beaumont	12751	89.3	16.6	156.6	50
TX Brownsville	6284	44.0	38.5	363.2	100
TX College Station	9262	64.9	16.6	156.6	100
TX Corpus Christi	11755	82.3	16.4	154.7	50
TX Dallas	16300	114.2	14.7	138.7	50
TX Denton	12013	84.1	9.9	93.4	
TX El Paso	9603	67.3	21.2	200.0	100
TX Forth Worth	13162	92.2	13.6	128.3	50
TX Galveston	12399	86.8	20.0	188.7	50
TX Garland	15056	105.5	5.8	54.7	
TX Houston	14261	99.9	17.2	162.3	50
TX Irving	16424	115.0	7.7	72.6	
TX Laredo	6981	48.9	32.2	303.8	100
TX Lubbock	12322	86.3	13.3	125.5	50
TX Mc Allen	9814	68.7	27.7	261.3	100
TX Odessa	11588	81.2	15.5	146.2	50
TX Pasadena	12402	86.9	11.1	104.7	
TX Port Arthur	9706	68.0	24.0	226.4	100
TX San Angelo	11353	79.5	13.7	129.2	50
TX San Antonio	10884	76.2	18.7	176.4	50
TX Tyler	13400	93.9	15.2	143.4	50
TX Waco	10195	71.4	19.7	185.8	100
TX Wichita Falls	11686	81.9	13.2	124.5	
TX Bexar County	12736	89.2	7.9	74.5	
TX Dallas County	17395	121.8	5.4	50.9	
TX Fort Bend County	16723	117.1	6.3	59.4	
TX Harris County	16167	113.2	6.1	57.5	
TX Hidalgo County	5346	37.4	41.5	391.5	100
TX Tarrant County	15850	111.0	4.8	45.3	
****Utah**					
UT Ogden	10754	75.3	13.1	123.6	
UT Salt Lake City	13482	94.4	11.9	112.3	
UT Salt Lake County Consortium	11866	83.1	6.6	62.3	
UT Provo Consortium	9050	63.4	11.1	104.7	50
****Virginia**					
VA Alexandria	25509	178.7	4.7	44.3	
VA Chesapeake	13817	96.8	7.0	66.0	
VA Danville	11344	79.5	15.0	141.5	50
VA Hampton	13099	91.7	8.8	83.0	
VA Lynchburg	12657	88.7	12.8	120.8	
VA Newport News	12711	89.0	12.2	115.1	
VA Norfolk	11643	81.6	15.1	142.5	50
VA Portsmouth	11158	78.2	14.9	140.6	50
VA Richmond	13993	98.0	17.4	164.2	50
VA Roanoke	12513	87.6	12.8	120.8	
VA Virginia Beach	15242	106.8	4.3	40.6	
VA Arlington County	25690	179.9	4.2	39.6	
VA Fairfax County	24784	173.6	2.2	20.8	
VA Henrico County	18019	126.2	3.9	36.8	
VA Prince William County	17795	124.6	2.4	22.6	
VA Charlottesville Consortium	14579	102.1	7.6	71.7	
****Washington**					
WA Seattle	18308	128.2	7.4	69.8	
WA Spokane	12375	86.7	12.5	117.9	
WA Tacoma	12272	86.0	12.5	117.9	
WA Yakima	11593	81.2	15.7	148.1	50
WA Kitsap County	14311	100.2	7.5	70.8	
WA Pierce County	13946	97.7	7.1	67.0	
WA Spokane County	13217	92.6	7.4	69.8	
WA Clark County Consortium	13962	97.8	7.0	66.0	

FY 1994 HOME Program Match Reductions Based on Fiscal Distress—Continued

[Last column indicates 100% or 50% reduction]

	PCI89	PCI ratio	FamPv Pct	FamPv Ratio	100% or 50%
WA King County Consortium	18735	131.2	4.0	37.7	
WA Snohomish County Consortium	15766	110.4	4.9	46.2	
****West Virginia**					
WV Charleston	16067	112.5	15.0	141.5	50
WV Huntington Consortium	11275	79.0	15.7	148.1	50
****Wisconisn**					
WI Eau Claire	11426	80.0	10.1	95.3	
WI Green Bay	12969	90.8	10.0	94.3	
WI Kenosha	12284	86.0	9.9	93.4	
WI Madison	15143	106.1	6.6	62.3	
WI Milwaukee	11106	77.8	18.5	174.5	50
WI Racine	11858	83.1	13.2	124.5	
WI Milwaukee County Consortium	17707	124.0	2.6	24.5	
****Puerto Rico**					
PR Aguadilla Municipio	3722	26.1	62.5	589.6	100
PR Arecibo Municipio	3652	25.6	60.7	572.6	100
PR Bayamon Municipio	5134	36.0	40.2	379.2	100
PR Caguas Municipio	4547	31.8	48.8	460.4	100
PR Carolina Municipio	5524	38.7	38.8	366.0	100
PR Guaynabo Municipio	8321	58.3	37.3	351.9	100
PR Mayaguez Municipio	4380	30.7	54.3	512.3	100
PR Ponce Municipio	3735	26.2	58.8	554.7	100
PR San Juan Municipio	6383	44.7	44.8	422.6	100

[FR Doc. 94–2022 Filed 1–28–94; 8:45 am]
BILLING CODE 4210–32–P

federal register

Monday
January 31, 1994

Part VI

Department of the Treasury

Fiscal Service

31 CFR Part 206

Management of Federal Agency Receipts, Disbursements, and Operation of Cash Management Improvements Fund; Rule

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 206

RIN 1510–AA34

Management of Federal Agency Receipts, Disbursements, and Operation of the Cash Management Improvements Fund

AGENCY: Financial Management Service, Fiscal Service, Treasury.

ACTION: Final rule.

SUMMARY: This document revises collection and deposit regulations requiring timely methods, principally Electronic Funds Transfer (EFT), for the collection and deposit of funds as authorized by section 2652 of the Deficit Reduction Act of 1984. This document also incorporates revisions, authorized by the Cash Management Improvement Act of 1990 (CMIA 90) and the Cash Management Improvement Act Amendments of 1992 (CMIA 92), that require executive agencies to use effective, efficient disbursement mechanisms, principally EFT, in the delivery of payments. An agency's failure to comply may result in a charge equal to the cost of such non-compliance to the Treasury's General Fund.

EFFECTIVE DATE: March 2, 1994.

ADDRESSES: Cash Management Policy and Planning Division, Financial Management Service, U.S. Department of the Treasury, room 511, Liberty Center, 401 14th Street SW., Washington, DC 20227.

FOR FURTHER INFORMATION CONTACT: John Galligan (202) 874–6935 (Director, Cash Management Policy and Planning Division); Donald Clark (202) 874–6657 (Program Specialist); or Randall Lewis (202) 874–6680 (Principal Attorney).

SUPPLEMENTARY INFORMATION:

Authority

This regulation is authorized by section 2652 of the Deficit Reduction Act of 1984, Pub. L. 98–369, 98 Stat. 494 (1984), codified at 31 U.S.C. 3720, as amended; section 4 of the Cash Management Improvement Act of 1990, Pub. L. 101–453, 104 Stat. 1058 (1990), codified at 31 U.S.C. 3335; the Cash Management Improvement Act Amendments of 1992, Pub. L. 102–589, 106 Stat. 5133 (1992); and additional authority found at 5 U.S.C. 301, 31 U.S.C. 321, 31 U.S.C. 3301, 31 U.S.C. 3302, 31 U.S.C. 3321, 31 U.S.C. 3327, 31 U.S.C. 3328, and 31 U.S.C. 3332. Regulations governing Federal payments by the Automated Clearing House method of EFT appear in 31 CFR part 210 and 31 CFR part 370. Additional agency guidance for the use of EFT is published in the Treasury Financial Manual.

Background

Prior to passage of CMIA 90, part 206 of CFR title 31 (Management of Federal Agency Receipts and Operation of the Cash Management Improvements Fund) reflected exclusively the requirements of section 2652 of the Deficit Reduction Act of 1984 (DRA 84). Pursuant to the authorities vested in the Secretary of the Treasury in DRA 84, and given the technological and cost-effective breakthroughs in the collection of funds such as pre-authorized debit and credit/debit cards in the years since its passage into law, this Part prescribes that executive agencies shall collect and deposit monies to the Treasury via EFT, when cost effective, when practicable, and when consistent with existing statutes.

CMIA 90 and the CMIA 92 expand the cash management regulatory role of the Secretary of the Treasury (hereinafter, "Secretary") to include the disbursement of funds. As outlined in the preamble to the Notice of Proposed Rulemaking (NPRM) published August 5, 1993, it is envisioned that the policy of the Secretary will be that all executive branch collections will be made by EFT and all executive branch payments will be disbursed by EFT, to the maximum extent possible, when cost-effective, practicable, and consistent with current statutory authority. Further, it is consistent with the policy outlined in the Vice President's report dated September 7, 1993, "From Red Tape To Results: Creating A Government That Works Better and Costs Less." The policy calls for the Federal Government to use EFT to pay and reimburse expenses for all Federal employees, to handle all interagency payments, to make payments to State and local governments, to pay for purchases from the private sector, and to make all payments to private individuals. EFT allows Federal agencies to meet program objectives with convenience, security, and reliability for recipients and payers. In addition, by permitting greater control over the timing of collections and payments, EFT improves cash management and supports agency efforts to comply fully with Office of Management and Budget directives and guidelines which implement the Prompt Payment Act. EFT reduces processing costs and paperwork and makes possible the electronic interface between issuer and receiver accounting systems.

The Secretary continues to acknowledge that there will be specific exceptions for which the use of EFT will not be required. The Secretary's policy is to use EFT whenever it is cost-effective, practicable, and consistent with current statutory authority. Many commenters described specific existing examples of collection or payment cash flows that did not meet one, or more, of these tests. For example, it has been suggested that delivering payments by EFT is not practicable for: (1) Vendor payments to companies whose banks do not pass on to them the information identifying the reason for the payment, and (2) Salary or benefit payments to recipients who have no established bank account. Several commenters said that program agencies should be allowed the discretion to determine when not to require EFT for specific cash flows. To provide the clearest guidance and to clarify the policy for requiring EFT, the Financial Management Service has inserted more specific language regarding when EFT will be required for specific cash flows within the body of the rule. This language reflects the approach that was contemplated in the preamble of the NPRM for inclusion in the Treasury Financial Manual.

Comments on the Proposed Rule

The Financial Management Service (hereinafter, "the Service") received a total of 60 comments on the August 5, 1993, NPRM from 18 commenters: 17 from Federal agency officials and one from a private citizen.

The following is a discussion of the significant and most frequently commented-upon issues:

All commenters expressed strong support for the goal of expanding the use of EFT for collecting and disbursing Federal funds. Two commenters expressed complete support for the NPRM, as written. Several commenters noted the importance of potential improvements of economy and efficiency that will accompany this paperless approach.

Authority: Five agencies questioned the Service's authority to regulate all disbursements pursuant to section 4 of the CMIA 90, as amended, and as codified at 31 U.S.C. 3335. Two other agencies questioned the Service's authority to regulate all collections under section 2652 of the Deficit Reduction Act of 1984 (DRA 84), as amended, and as codified at 31 U.S.C. 3720. The Service has reviewed the statutory language and legislative history of CMIA and DRA 84 in light of the concerns raised by agencies, and

remains confident of its authority under these statutes. The plain language of 31 U.S.C. 3335 and 3720 unambiguously provide the Secretary with authority to promulgate this regulation.

As was stated in the preamble to the NPRM published on August 5, 1993 (58 FR 41902), it is not the intent of the Service to require the use of EFT techniques when it is not cost-effective, when it is not practicable, or when it is not consistent with other statutes. We have reinforced this policy by specifically including these policies within the language of part 206.

We thank those agencies that responded to our invitation for comments regarding specific statutory barriers to achieving an all-EFT environment. As stated in the preamble to the NPRM, these barriers will be considered when the Service and agencies evaluate specific cash flows to determine which ones should be converted to EFT.

Implementation Barriers: Fifteen comments related to existing barriers that agencies will encounter when attempting to implement EFT in collecting or disbursing Federal funds. Five of those commenters noted the inability of some banks and vendors to receive and transmit adequate accompanying data necessary to identify the source and purpose of EFT funds transfers. Five commenters also noted that it may not be cost-effective to make or receive nonrecurring, small-dollar payments via EFT. One commenter noted the inability to make payments via EFT to recipients who have no established bank account. Another commenter noted that some service providers such as public utilities may refuse to accept EFT payments.

The Service acknowledges that all of these may be legitimate barriers and will consider them in the implementation of EFT conversion initiatives. All of the above-mentioned barriers to Governmentwide use of EFT, as well as many others, have been identified by interagency work groups established under guidance of the Chief Financial Officers Council Operations Group. The Service is working with these groups to eliminate these and other impediments to EFT and to foster Governmentwide use of EFT. Treasury applauds the progressive efforts of agencies, such as the Federal Transit Administration, that require vendors to accept EFT payment as a condition of acceptance of contracts, the Department of Defense and Department of Veterans Affairs, which require EFT for employee salary payments, and the General Services Administration and Department of Agriculture which modified payment systems so that payments made by EFT are available to recipients no later than those made by check.

One commenter included a request that the Service work with agencies to evaluate cash flows and identify candidates for EFT transfer. The Service will continue working with agencies through the periodic cash management review and annual cash management certification processes to achieve conversion to EFT mechanisms whenever cost-effective, practicable, and consistent with existing statutes.

One commenter recommended postponing implementation of the Final Rule until all barriers are eliminated. The Service believes that it is possible to achieve immediate progress in implementing EFT mechanisms for some cash flows in which no barriers exist and to concurrently work to eliminate barriers where they do exist.

Setting Standards for EFT: One commenter questioned why language in the preamble of the NPRM states that agencies will set their own standards, but the last sentence of section 206.4(b) states that the Service will work jointly with the agency to set timetables for converting cash flows to EFT. Based on agency comments, the Service wishes to make a very clear distinction between the setting of agency standards for EFT attainment, on the one hand, and setting conversion timetables and issuing Notices of Deficiency for non-compliance with the provisions of 31 CFR Part 206, on the other hand. Overall "standards," or "goals," of EFT attainment are numerical percentages agencies may establish as benchmarks to measure success in attaining EFT. These standards/goals are not addressed in this rule and do not relate to the conversion timetables or issuance of Notices of Deficiency. Instead, this Rule describes the process whereby the Service will work jointly with agencies to evaluate individual cash flows, identify candidates for EFT conversion, and negotiate timetables for those conversions, as described in sections 206.4(b) and 206.6.

Billing Policy and Procedures: NPRM § 206.3 Billing Policy and Procedures (Final Rule § 206.3 Billing Policy and Procedures). One commenter disagreed with the inclusion in this section of a billing standard of 5 business days. The commenter suggested that separate billing standards be established within each agency for every application. The Rule currently reads: "An agency may prepare and transmit bills later than the 5-day timeframe, if it can demonstrate that it is cost-effective to do so." The Rule remains unchanged and will accommodate agency variations, when proven to be cost-effective.

Consult Further with other Entities Before Publishing Rule: Two commenters suggested that more consultation with entities outside Government is warranted before publishing the Final Rule. The Service disagrees. The Service met with Federal agencies during the 9 months prior to publication of the NPRM and incorporated agency comments into the NPRM. Non-governmental entities were afforded the opportunity to respond to the NPRM, published for public comment on August 5, 1993. Further, the Service has ongoing dialogue with financial institutions that participate in Treasury's various financial networks and the Service hosts an interagency work group created to develop Governmentwide Electronic Data Interchange standards in close consultation with the financial institution community and associations.

Another commenter recommended consulting with the "Small Business Community," by way of the Small Business Administration (SBA). The SBA has been involved with the effort to expand EFT, as a participant of the EFT Vendor Payment Work Group, operating under the auspices of the Chief Financial Officers Council Operations Group. The Work Group is developing better means of expanding EFT payments and was specifically invited to review the NPRM and submit comments.

Promote Use of the Government Small Purchase Card: (Final Rule § 206.2 Definitions) Two commenters recommended that the Service promote use of the Government Small Purchase Card as a tool for streamlining the procurement and payment process for many purchases. The Final Rule includes reference to the Small Purchase Card within the definition of EFT. The Service will continue to promote the use of the Government Small Purchase Card as an EFT application, whenever cost-effective.

Exceptions to EFT Policy: One commenter noted an inconsistency between the NPRM preamble and §§ 206.4(b) and (d). The preamble of the NPRM lists three exceptions for use of EFT applications: (1) Not cost-effective, (2) not practicable, and (3) not consistent with current statutory authority. The commenter noted that language in § 206.4 only recognized the first two of these exception situations. The Service agrees and has revised the wording in §§ 206.4(b) and (d) to include, "not consistent with current statutory authority."

Another commenter suggested that an application should be exempted if the use of EFT would undermine accomplishment of program objectives. The Service acknowledges that such concerns are covered by the "when practicable" exception of § 206.4(b). If a Federal agency demonstrates that the use of EFT, in and of itself, would undermine program objectives, the Service would exempt specific cash flows.

Cost-benefit Analysis: Four comments related to possible requirements for agencies to submit cost-benefit analyses in support of using mechanisms other than EFT. One commenter expressed concern that obtaining Treasury approval of non-EFT mechanisms was intrusive upon agencies' management prerogatives. Section 206.4(c) states that an agency may be required to provide a cost-benefit analysis when proposing the use of a collection or payment mechanism other than EFT. Where the inefficiency or impracticality of EFT is evident, a cost-benefit analysis may not be required. One commenter suggested that it may be counterproductive to require a cost-benefit analysis if an agency uses lockbox or other Treasury-approved mechanism. The Service initiated the lockbox network in 1983, when it was considered the most efficient mechanism for collecting and depositing funds. In the intervening 10 years, technological advances have made other mechanisms, such as EFT, pre-authorized debit, more cost effective. Therefore, a lockbox may no longer qualify as more effective than EFT. Two commenters stated a concern that cost-benefit analyses should include all costs. For example, they suggest that requiring vendors to accept payment by EFT could potentially narrow the field of bidders and result in higher prices. Demonstratably higher prices and other additional agency costs, such as those needed to obtain and maintain bank account information necessary for EFT transmission, should be included in cost-benefit analyses. The Service will consider this comment when revising the Treasury Financial Manual and will direct that cost-benefit analyses will include all relevant costs.

Consider Agency Staff Time Required to Prepare Reports: One commenter expressed concern over additional agency burden required to prepare reports for the Service, as outlined in § 206.6(c). The review and reporting necessary to implement this regulation, as described in § 206.6(c), is already in place and has been operating successfully since 1985. It includes the periodic complete cash management reviews and the annual cash management certifications already performed jointly by the agency and the Service.

Appeals Process: Three comments were received addressing the appeals process. Two commenters felt that the Appeals Board was not objective, because two members are from the Service and one member is from outside the Service.

The authority to assess agencies with penalties for failure to use efficient mechanisms to make payments or collections is vested solely with Treasury through statutes. The language of 31 U.S.C. 3335 and 31 U.S.C. 3720(a) places the authority to impose and collect charges for noncompliance with the Secretary, and the appeals process is within the discretion of the Secretary. However, in consideration of the comments that the Appeals Board should be represented by individuals with broad and varied experience, the composition of the Appeals Board has been altered in the Final Rule to include only one member from the Service. The Appeals Board will consist of two permanent members—the Deputy Chief Financial Officer, Department of the Treasury, and the Assistant Commissioner for Federal Finance of the Service. The temporary member of the Appeals Board will be a cash management official of an agency other than the agency appealing the Notice of Deficiency.

Penalties: Seven comments addressed the use of penalties. Four comments expressed preference for positive inducements to encourage EFT use, rather than penalties. The Deficit Reduction Act of 1984, required agencies to pay charges for failure to comply with scheduled conversions of collections cash flows to improved mechanisms. Procedures implementing those requirements have been in effect since 1985. The procedures in this Rule regarding the use of penalties for payments noncompliance closely reflect those existing procedures for collections. The CMIA 90/92 statutes provide specifically for assessment of penalties, when agencies fail to use the most efficient funds transfer mechanisms. The CMIA statutes do not provide for the use of positive inducements. However, to allow for time to review agency concerns questioning when and how to assess penalties against agencies that fail to meet scheduled implementation dates for conversion to efficient payment mechanisms, Treasury will defer issuing regulations to implement the provision of the CMIA 90/92 giving Treasury the authority to assess such penalties. Therefore, references to penalties in this rule pertain solely to collection cash flows.

Regulatory Analysis

It is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required. The Regulatory Flexibility Act defines small entities to include certain nonprofit, for-profit, and Governmental entities. Revisions made pursuant to CMIA 90 only will impact executive agencies, entities not encompassed by that definition. The flexibility incorporated into the revisions to deposit and collection provisions has been included in order to avoid the imposition of EFT in those situations where significant costs or impracticality preclude its effective use and, therefore, will not result in a significant economic impact on a substantial number of small entities.

It has been determined that this document is not a significant regulatory action as defined in E.O. 12866. Therefore, an assessment of anticipated benefits, costs, and regulatory alternatives is not required.

List of Subjects in 31 CFR Part 206

Accounting, Banks, Banking, Electronic funds transfer.

Authority and Issuance

For the reasons set out in the preamble, it is proposed to revise title 31, part 206 of the Code of Federal Regulations to read as follows:

PART 206—MANAGEMENT OF FEDERAL AGENCY RECEIPTS, DISBURSEMENTS, AND OPERATION OF THE CASH MANAGEMENT IMPROVEMENTS FUND

Sec.

206.1 Scope and application.
206.2 Definitions.
206.3 Billing policy and procedures.
206.4 Collection and payment mechanisms.
206.5 Collection and deposit procedure exceptions.
206.6 Cash management planning and review.
206.7 Compliance.
206.8 Appeals.
206.9 Charges.
206.10 Operation of and payments from the Cash Management Improvements Fund.

Authority: 5 U.S.C. 301; 31 U.S.C. 321, 3301, 3302, 3321, 3327, 3328, 3332, 3335, 3720, and 6503.

§ 206.1 Scope and application.

(a) This subpart applies to all Government departments and agencies in the executive branch (except the Tennessee Valley Authority) and all

monies collected and disbursed by these departments and agencies. This subpart does not apply to interagency transfers of funds, except that agencies are to use the Treasury's On-Line Payment and Collection (OPAC) system for interagency payments between executive agencies, when cost-effective.

(b) Policies and guidelines are prescribed for promoting efficient, effective cash management through improved billing, collection, deposit, and payment of funds. These objectives seek to improve funds availability and the efficiency and effectiveness with which funds are transferred.

(c) Authority to implement this regulation has been delegated within the Department of the Treasury (hereinafter, "Treasury") to the Commissioner (hereinafter, "the Commissioner") of the Financial Management Service (hereinafter, "the Service)." The Service maintains the final authority as granted under the Deficit Reduction Act of 1984 to specify use of a particular method or mechanism of collection and deposit and to recover costs that result from noncompliance. Authority is also granted to the Service, under the Cash Management Improvement Act of 1990, as amended by the Cash Management Improvement Act Amendments of 1992, to provide for the timely disbursement of funds. An agency will require the collection or disbursement of funds by the agency via EFT as a provision of new contractual agreements or renewal of existing contracts that impact agency collection or payment mechanisms.

§ 206.2 Definitions.

For the purpose of this part, the following definitions apply:

Agency means any department, instrumentality, office, commission, board, service, Government corporation, or other establishment in the executive branch, except the Tennessee Valley Authority.

Billing means any of a variety of means by which the Government places a demand for payment against an entity that is indebted to the Government. The term encompasses invoices, notices, initial demand letters, and other forms of notification.

Cash management means practices and techniques designed to accelerate and control collections, ensure prompt deposit of receipts, improve control over disbursement methods, and eliminate idle cash balances. "Cash Management Review Process" means periodic examinations of collection and disbursement cash flows to ensure that the most effective mechanisms are used to process the funds.

Collection means the transfer of monies from a source outside the Federal Government to an agency or to a financial institution acting as an agent of the Government.

Collection mechanism means any one of a number of tools or systems by which monies are transferred to the Government from a source outside the Government.

Cutoff time means a time predesignated by a financial institution beyond which transactions presented or actions requested will be considered the next banking day's business.

Day means a calendar day unless otherwise specified.

Deposit means as a noun, money that is being or has been presented for credit to the Treasury. Deposits can be made by an agency or directly by the remitter. All such transfers are effected through a Federal Reserve Bank or other financial institution. As a verb, deposit means the act of presenting monies for credit to the Treasury by an official of an agency.

Depositary means a bank or other financial institution that has been authorized by the Treasury to receive monies for credit to the Treasury.

Disburse means the initiation of an Electronic Funds Transfer (EFT) transaction or other methods of drawing funds from accounts maintained by the Government.

Electronic funds transfer (EFT) means any transfer of funds, other than a transaction originated by cash, check or similar paper instrument, that is initiated through an electronic terminal, telephone, computer, or magnetic tape, for the purpose of ordering, instructing, or authorizing a financial institution to debit or credit an account. The term includes, but is not limited to, Fed Wire transfers, Automated Clearing House (ACH) transfers, transfers made at automatic teller machines (ATM) and Point-of-Sale (POS) terminals (to include use of the Government small purchase card), and other means of credit card transactions.

Fund means the Cash Management Improvements Fund.

Monies (or "receipts") means EFT transactions, currency, negotiable instruments, and/or demand deposits owed to or collected by an agency.

Next-day deposit means a deposit made before the cutoff time on the day following the day on which the funds were received by an agency. For example, if an agency receives funds for deposit at 3 p.m. on Monday and transmits the deposits to the depositary by 2 p.m. on Tuesday (the depositary's next cutoff time), then next-day deposit requirements are met.

Payment means a sum of money transferred to a recipient in satisfaction of an obligation. A payment includes any Federal Government benefit or nonbenefit payment.

(1) A benefit payment is a disbursement for a Federal Government entitlement program or annuity. Benefit payments may be one-time or recurring payments including, but not limited to, payments for Social Security, Supplemental Security Income, Black Lung, Civil Service Retirement, Railroad Retirement Board Retirement/Annuity, Department of Veterans Affairs Compensation/Pension, Central Intelligence Agency Annuity, Military Retirement Annuity, Coast Guard Retirement, and Worker's Compensation.

(2) A nonbenefit payment is a Federal Government disbursement other than a benefit payment. Nonbenefit payments may be one-time or recurring payments including, but not limited to, payments for vendors, Internal Revenue Service tax refunds, Federal salaries and allotments therefrom, grants, travel disbursements and reimbursements, loans, principal and/or interest related to U.S. savings bonds, notes, and other savings-type securities, and payments of service fees to organizations qualified to issue and/or redeem savings bonds.

Point-of-sale (POS) terminal means an automated credit card or debit card transaction device.

Presumed EFT means that agencies will presume that new payment recipients will elect EFT as the means of payment delivery. Enrollment forms for use in establishing routine payments will be designed with this approach in mind, to obtain the required written consent of the recipient.

Recipient means a person, corporation, or other public or private entity receiving benefit or nonbenefit payments from the Government.

Same-day deposit means a deposit made before the cutoff time on the day on which the funds were received by an agency. For example, if an agency receives funds for deposit at 10 a.m. on Monday and transmits the deposits by 2 p.m. on Monday (the depositary's cutoff time), then a same-day deposit has been achieved.

Service means the Financial Management Service, Department of the Treasury.

Treasury Financial Manual (TFM) means the manual issued by the Service containing procedures to be observed by all Government departments and agencies in relation to central accounting, financial reporting, and other Governmentwide fiscal responsibilities of the Department of the

Treasury. Volume I, Chapter 6–8000 (I TFM 6–8000) contains agency cash management procedures to be followed pertaining to these regulations.

Copies of the TFM are available free to Government agencies. Others who are interested in ordering a copy may call (202) 208–1819 or write the Directives Management Branch, Financial Management Service, Department of the Treasury, Liberty Center (UCP–741), Washington, DC 20227 for further information.

§ 206.3 Billing policy and procedures.

The billing process is considered an integral part of an effective cash management collection program. In those situations where bills are required and the failure to bill would affect the cash flow, bills will be prepared and transmitted within 5 business days after goods have been shipped or released, services have been rendered, or payment is otherwise due. An agency may prepare and transmit bills later than the 5-day timeframe if it can demonstrate that it is cost-effective to do so. In addition, the bill must include the terms and dates of payments, and late payment provisions, if applicable. Terms and dates of payments will be consistent with industry practices. I TFM 6–8000 describes detailed billing policies, procedures, and industry standards for agencies.

§ 206.4 Collection and payment mechanisms.

(a) All funds are to be collected and disbursed by EFT when cost-effective, practicable, and consistent with current statutory authority.

(b) Collections and payments will be made by EFT when cost- effective, practicable, and consistent with current statutory authority. When consistent with these criteria, specific cash flows will utilize EFT as follows:

(1) Fees/Fines: EFT will be adopted as the presumed method of collecting fees and fines, especially when these collection cash flows are recurring or of large dollar amounts.

(2) Tax Collections: EFT will be adopted as the primary method for collecting taxes. EFT mechanisms may include ACH credit or debit cards.

(3) Salary Payment: Presumed EFT will be adopted as the method for paying employees, and entrance enrollment forms for establishing regular payments will be designed to use this approach.

(4) Vendor and Miscellaneous Payments: Each department and agency will exercise its authority under the Federal Acquisition Regulation to require that all contractors are paid by EFT, unless a determination is made that it is not in the best interest of the Federal Government to do so. EFT will be adopted as the standard method of payment for all Federal program payments originated by agencies or their agents.

(5) Benefit Payments: EFT will be presented to new beneficiaries as the presumed method for receiving benefits. EFT payment methods, such as Electronic Benefit Transfer, will be adopted and implemented to make EFT accessible to all benefit recipients.

(c) (1) Selection of the best collection and payment mechanism is a joint responsibility of an agency and the Service. An agency has responsibility for conducting cash management reviews; gathering volume and dollar data relative to the operation of the systems; and funding any implementation and operational costs above those normally funded by Treasury. The Service is the required approval authority when an agency desires to convert from one collection mechanism to another. The Service's written approval is required prior to an agency entering into new contractual agreements or renewing existing contracts for agency collections or payments systems. Agencies will follow guidelines for the cost-effective usage of collection and payment mechanisms, published in the TFM, Volume I, Part 6-8000, in their selection and recommendation to the Service of an appropriate funds transfer mechanism. The agency will provide the Service with a recommended mechanism for any new or modified cash flows. The Service will review the recommendations, approve a mechanism, and assist with implementation.

(2) If an agency proposes a collection or payment mechanism other than EFT, it may be required to provide a cost-benefit analysis to justify its use. Cost/benefit analyses must include, at a minimum, known or estimated agency personnel costs, costs of procurement, recurring operational costs, equipment and system implementation and maintenance costs, costs to payment recipients, and costs to remitters. Agencies should consult with Treasury to determine the need to include interest costs associated with float in their computations of benefits and costs.

(d) An agency will require the collection of funds by the agency to be made via EFT and the disbursement of funds by the agency to be made via EFT as a provision of new contractual agreements or renewal of existing contracts that impact agency collection or payment mechanisms, when cost-effective, practicable, and consistent with current statutory authority.

§ 206.5 Collection and deposit procedure exceptions.

(a) The following collection and deposit timeframe requirements are to be followed in exception cases where EFT mechanisms are not utilized:

(1) An agency will achieve same-day deposit of monies. Where same day deposit is not cost-effective or is impracticable, next day deposit of monies must be achieved except in those cases covered by I TFM 6–8000.

(2) Deposits will be made at a time of the day prior to the depositary's specified cutoff time, but as late as possible in order to maximize daily deposit amounts.

(3) When cost-beneficial to the Government, an agency may make multiple deposits.

(b) Any additional exceptions to the above policies are listed in I TFM 6–8000.

§ 206.6 Cash management planning and review.

(a) An agency shall periodically perform cash management reviews to identify areas needing improvement.

(b) As part of its cash management review process, an agency is expected to document cash flows in order to provide an overview of its cash management activities and to identify areas that will yield savings after cash management initiatives are implemented. The Service will evaluate an agency's EFT policy and application, to include mitigating circumstances that may prevent the use of EFT, as part of the cash management reviews.

(c) An agency's cash management reviews will provide the basis for identification of improvements and preparation of cash flow reports for submission to the Service as prescribed by I TFM 6–8000. That Chapter provides requirements for an agency in performing periodic cash management reviews, identifying improvements, and preparing cash flow reports. In addition, the Chapter describes the timing and content of periodic reports that must be submitted by an agency to the Service on progress made in implementing cash management initiatives and associated savings.

(d) The Service will periodically review an agency's cash management program to ensure that adequate progress is being made to improve overall cash management at an agency. As part of its oversight authority, the Service may visit an agency and review all or specific cash management activities of an agency. An agency will

be notified in advance of the Service's review and will be required to provide the Service with documentation of the agency cash management review within the timeframes required by I TFM 6–8000.

§ 206.7 Compliance.

(a) The Service will monitor agency cash management performance. Part of the monitoring process will include establishing implementation end dates for conversion to, or expansion of, EFT mechanisms, as well as the identification of mitigating circumstances that may prevent the use of EFT.

(b) In cases where an agency fails to meet a scheduled date within its control, or where an agency converts to a less cost-effective transfer mechanism without prior, written Service approval as determined in accordance with § 206.4(c), the Service will send a formal Notice of Deficiency to an agency's designated cash management official. A separate Notice will be sent for each initiative.

(1) *Collections cash flows.* For collections cash flows, the Notice of Deficiency will include the nature of the deficiency, the amount of the proposed charge, the method of calculation, the right to file an appeal, and the date the charge will be imposed in the absence of an appeal. The amount of the charge will be equal to the cost of such noncompliance to the Treasury's General Fund.

(2) *Payments cash flows.* [Reserved]

§ 206.8 Appeals.

(a) An agency that chooses to file an appeal must submit the appeal in writing to the Commissioner within 45 days of the date of the Notice of Deficiency. In the event of an appeal, the charge imposed under Notice of Deficiency will be deferred pending the results of the appeal. If an appeal is not submitted (i.e., received by the Commissioner) within 45 days, the amount indicated in the Notice of Deficiency will be charged per § 206.9(a).

(b) The appeal will contain the elements and follow the submission procedures specified in I TFM 6-8000. The appeal will include the background leading to the Notice of Deficiency, the basis of the appeal, and the action requested by an agency. An agency should state its disagreements with the Notice of Deficiency which may include cost-benefit factors, the amount of the charge, and other items.

(c) An agency must state what action it requests in its appeal. An agency may request that the Notice of Deficiency be completely overturned for cost-benefit or other considerations. Alternatively, an agency may request a reduced charge, deferral of the charge, an alternative solution to cash management improvement, or a combination of these actions.

(d) *Appeals Board.* The Commissioner will refer the appeal to an Appeals Board. The Appeals Board will consist of three members—two permanent members and one temporary member. The permanent members will be the Deputy Chief Financial Officer, Department of the Treasury, and the Assistant Commissioner, Federal Finance, of the Service. The temporary board member will be a cash management official from an agency other than the agency appealing the Notice of Deficiency. The Board will be convened on an as-needed basis. The order of agency assignment to the Board will be published by Treasury in Volume I, Chapter 6-8000 of the TFM. The Deputy Chief Financial Officer, Department of the Treasury, the Assistant Commissioner, Federal Finance, and the designated agency cash management official may delegate their responsibility to a staff subordinate having sufficient experience in cash management matters. The Assistant Commissioner's designee may be from any area other than that which issued the Notice of Deficiency.

(e) *Appeal review process.* The Appeals Board will review the Notice of Deficiency, any additional information submitted by the Service, and the written appeal from an agency. Based on this review, the Board may decide additional investigation is required. The Board may request an agency and/or the Service to meet with the Board as part of the review process.

(f) *Appeal finding.* A written majority decision will be rendered by the Appeals Board within 30 days of receipt of the appeal. The Board may extend this period for an additional period, not to exceed 30 days, if required. The Appeals Board will notify the Commissioner and the agency of the decision. The decision of the Board whether to uphold the Notice of Deficiency, to overturn the Notice of Deficiency, or to mandate some other action will be stated in the finding. Other action mandated may include a reduced charge, a deferral of the charge, an alternate solution to cash management improvement, or a combination of these actions. The basis of the decision, the amount of the charge, and the effective date of the charge will be stated in the finding. The effective date of the charge may be retroactive to the date indicated in the Notice of Deficiency.

(g) Any terms related to charge deferral shall be stated; the Service and an agency will be required to submit evidence of compliance to such terms at a future specified date. At this future time, the Appeals Board will review the evidence of compliance. Based on this evidence, the Board will decide whether to impose a charge.

§ 206.9 Charges.

(a) Within 30 days of the effective date of the charge or the appeals decision, an agency must submit appropriate accounting information to the Service's Assistant Commissioner, Federal Finance. The charge will be calculated following procedures outlined in I TFM 6–8000, and will be assessed for each month that noncompliance continues.

(b) *Collection noncompliance.* In the case of cash management collection noncompliance, an agency will absorb the charge from amounts appropriated or otherwise made available to carry out the program to which the collections relate. Charges collected from an executive agency in the case of cash management collection noncompliance will be deposited in the Cash Management Improvements Fund as outlined in § 206.10.

(c) *Payment noncompliance.* [Reserved]

(d) If an agency does not voluntarily pay the charge assessed under § 206.9(a), the Service will debit the appropriate account automatically. By failing to pay voluntarily the charges as required by the Deficit Reduction Act of 1984, an agency will be deemed to authorize the automatic debit to its account.

(e) The Commissioner will formally terminate the charge when the Commissioner has determined that an agency has complied. In addition, on an annual basis, the Commissioner will review an agency's performance and calculation of the charge, and will notify an agency in writing of any changes to the amount being charged.

§ 206.10 Operation of and payments from the Cash Management Improvements Fund.

(a) The Cash Management Improvements Fund (Fund) will be operated as a revolving fund by the Service. Charges assessed under § 206.9(a) for cash management collection noncompliance will be deposited into the Fund according to the Deficit Reduction Act of 1984. The Service will also disburse any payments from the Fund based on projects

selected by a project selection and approval committee.

(b) *Committee composition.* The committee will consist of three members—two permanent members and one temporary member. The permanent members will be the Commissioner and the Assistant Commissioner, Federal Finance, of the Service. The temporary committee member will be a cash management official from an agency other than an agency being considered for funds. The order of agency assignment to the Committee will be published in a TFM Bulletin, when funds are first deposited to the Fund. Decisions of the project selection and approval committee cannot be appealed. Agencies will be notified of any available amounts in the Fund and requirements to apply for such monies through a TFM bulletin.

(c) As provided by 31 U.S.C. 3720, sums in the Fund will be available without fiscal year limitation for the payment of expenses incurred in developing improved methods of collection and deposit and the expenses incurred in carrying out collections and deposits using such methods, including the costs of personal services and the costs of the lease or purchase of equipment and operating facilities.

(d) In addition to all reports required by law and regulation, for each fiscal year during which there is a balance in Fund, the Service will prepare and publish, by the 60th day following the close of the fiscal year, a full report on payments, receipts, disbursements, balances of the Fund, and full disclosure on projects financed by the Fund.

Russell D. Morris,

Commissioner.

[FR Doc. 94–1980 Filed 1–28–94; 8:45 am]

BILLING CODE 4810–35–P