

(c) Within the next 2,000 hours TIS after the effective date of this AD, unless already accomplished in accordance with paragraph (b) of this AD, replace the forward wing attachment fittings with new front steel adapter fittings (Modification No. 6/1887), P/N C6WM1162-3 and C6WM1163-4, in accordance with the Accomplishment Instructions section of de Havilland SB No. 6/500, dated January 22, 1988.

(d) The installation of new front steel adapter fittings (Modification No. 6/1887) as specified in paragraphs (b) and (c) of this AD is considered terminating action for the repetitive inspection requirement of this AD.

(e) Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(f) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, New York Aircraft Certification Office, 181 Franklin Avenue, room 202, Valley Stream, New York 11581. The request shall be forwarded through an FAA Maintenance Inspector, who may add comments and then send it to the Manager, New York Aircraft Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York Aircraft Certification Office.

(g) The inspections required by this AD shall be done in accordance with de Havilland Service Bulletin No. 6/476, Revision B, dated January 22, 1988. The modification required by this AD shall be done in accordance with de Havilland Service Bulletin No. 6/500, dated January 22, 1988. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from de Havilland, Inc., 123 Garrett Boulevard, Downsview, Ontario, Canada, M3K 1Y5. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment (39-8819) supersedes AD 69-02-01, Amendment 39-2347, and AD 85-16-10, Amendment 39-5216.

(i) This amendment (39-8819) becomes effective on March 31, 1994.

Issued in Kansas City, Missouri, on February 3, 1994.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 94-3048 Filed 2-9-94; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 71

[Airspace Docket No. 91-ANM-16]

Alteration of Jet Routes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects the description of Jet Route J-54, located in the vicinity of Idaho and Oregon, published in the Federal Register on February 3, 1994. That final rule inadvertently removed a segment from Cherokee, WY, to Laramie, WY. Therefore, this action reflects the reinstatement of that jet route segment from Cherokee, WY, to Laramie, WY, in the description of Jet Route J-54.

EFFECTIVE DATE: 0701 u.t.c., March 9, 1994.

FOR FURTHER INFORMATION CONTACT:

Norman W. Thomas, Airspace and Obstruction Evaluation Branch (ATP-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-9230.

SUPPLEMENTARY INFORMATION: On February 3, 1994, the Federal Aviation Administration (FAA) published a final rule correcting the description of Jet Route J-54, located in Idaho and Wyoming, to reinstate Boise, ID, and to remove a segment from Cherokee, WY, to Laramie, WY (59 FR 5080). This action reflects the reinstatement of the segment from Cherokee, WY, to Laramie, WY, in the description of J-54.

Correction of Final Rule

Accordingly, pursuant to the authority delegated to me, the publication on February 3, 1994 (59 FR 5080) and the description in FAA Order 7400.9A, which is incorporated by reference in 14 CFR 71.1, are corrected as follows:

§ 71.1 [Corrected]

On page 5080, in the second column, the description for J-54 is corrected to read as follows:

J-54 [Corrected]

From Tatoosh, WA, via Olympia, WA; Baker, OR; Boise, ID; Pocatello, ID; Cherokee, WY; to Laramie, WY.

Issued in Washington, DC, on February 4, 1994.

Willis C. Nelson,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 94-3044 Filed 2-7-94; 12:25 pm]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 31

[TD 8436]

RIN 1545-AP91

Deposits of Employment Taxes; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendment.

SUMMARY: This document contains a correcting amendment to Treasury Decision 8436 which was published in the Federal Register for Thursday, September 24, 1992 (57 FR 44099). The final regulations relate to the deposit of Federal employment taxes (including railroad retirement taxes) under section 6302 of the Internal Revenue Code.

EFFECTIVE DATE: January 1, 1993.

FOR FURTHER INFORMATION CONTACT: Vincent G. Surabian at (202) 622-4940 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of this correcting amendment provide guidance under section 6302 relating to the deposit of Federal employment taxes, effective January 1, 1993.

Need for Correction

As published, TD 8436 contains an ambiguity which may prove to be misleading and is in need of clarification. Section 31.6302-1(f)(3)(ii) of the regulations provides that the deposit makeup date for deposit shortfalls for employers depositing under the Semi-weekly or One-Day rule is the first Wednesday or Friday (whichever is earlier) falling on or after the 15th day of the month following the month in which the deposit was required to be made. Section 31.6302-1(h)(2) of the regulations, however, provides that if the aggregate amount of taxes reportable on the return for the return period exceeds the total amount deposited by the employer with regard to the return period pursuant to § 31.6302-1, the balance due must be remitted in accordance with the applicable forms and instructions. Under section 6151(a) of the Internal Revenue Code, any balance due is required to be paid by the due date of the return for the return period. The due date for Form 941, Employer's Quarterly Federal Tax Return, is the last day of the

first month following the close of the calendar quarter.

Under § 31.6302-1 of the regulations, a deposit under the Semi-weekly or One-Day rule with respect to a pay date occurring on the last day of a return period (calendar quarter) is not due until after the close of that return period. For example, an employer with a pay date on Wednesday, March 31, 1993, must make a deposit by Thursday, April 1, 1993, if depositing under the One-Day rule, or by Wednesday, April 7, 1993, if depositing under the Semi-weekly rule. Under § 31.6302-1(f)(3)(ii), as drafted, a shortfall with respect to either deposit would not be due until Wednesday, May 19, 1993, well after the return due date (April 30) for the return period. This result was not intended.

List of Subjects in Part 31

Employment taxes, Income taxes, Penalties, Pensions, Railroad retirement, Reporting and recordkeeping requirements, Social security, Unemployment compensation.

Accordingly, 26 CFR part 31 is, corrected by making the following correcting amendment:

PART 31—EMPLOYMENT TAXES AND COLLECTION OF INCOME AT SOURCE

Paragraph 1. The authority citation for part 31 continues to read in part as follows:

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

§ 31.6302-1 [Amended]

Par. 2. In § 31.6302-1, paragraph (f)(3)(ii) is amended by adding the language "or, if earlier, the return due date for the return period" immediately after the last word in the paragraph and before the period.

Dale D. Goode,

Federal Register Liaison Officer, Ass't Chief Counsel (Corporate).

[FR Doc. 94-3175 Filed 2-9-94; 8:45 am]

BILLING CODE 4830-01-U

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900-AF94

Procedural Due Process and Appellate Rights

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) has amended its adjudication regulations concerning procedural due process and appellate

rights. This amendment is necessary to clearly reflect VA policy concerning the scheduling of claimant hearings, and to clarify the number of decision-makers VA will provide to conduct claimant hearings. The intended effects of this amendment are to stipulate that a claimant hearing will not normally be scheduled solely for the purpose of receiving argument by a claimant's representative, and that the claimant is expected to be present at the hearing; and to clarify that the requisite number of decision-makers for the conduct of claimant hearings is one.

EFFECTIVE DATE: This amendment is effective, February 10, 1994.

FOR FURTHER INFORMATION CONTACT: John Bisset, Jr., Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 233-3005.

SUPPLEMENTARY INFORMATION: VA published a proposal to amend 38 CFR 3.103(c)(2) to stipulate that a claimant hearing will not normally be scheduled solely for the purpose of receiving argument by a claimant's representative, and that the claimant is expected to be present at the hearing, in the *Federal Register* of July 15, 1993 (58 FR 38103-04). VA also published a proposal to amend § 3.103 (c)(1) and (c)(2) to clarify that the requisite number of decision-makers for the conduct of claimant hearings is one, in the *Federal Register* of July 15, 1993 (58 FR 38106).

Interested persons were invited to submit written comments, suggestions or objections concerning the proposals on or before August 16, 1993. In order to avoid any possible confusion that might arise if final rules were separately published, we have combined publication of the final rule proposed under RIN 2900-AG33 with the final rule under RIN 2900-AF94. Since no comments concerning either proposal were received, the proposed amendments are adopted without change.

The Secretary hereby certifies that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. The reason for this certification is that this amendment would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

The Catalog of Federal Domestic Assistance program numbers are 64.104, 64.105, 64.109 and 64.110.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

Approved: January 12, 1994.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 3 is amended as set forth below:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A, continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

§ 3.103 [Amended]

2. In § 3.103(c)(1), in the third sentence, remove the word "personnel" and insert, in its place, the words "one or more employees"; in the fourth sentence, remove the words "VA personnel" and insert, in their place, the words "one or more VA employees".

3. In § 3.103(c)(2), remove the first two sentences and add, in their place, the sentences:

§ 3.103 Procedural due process and appellate rights.

* * * * *

(c) * * *

(2) The purpose of a hearing is to permit the claimant to introduce into the record, *in person*, any available evidence which he or she considers material and any arguments or contentions with respect to the facts and applicable law which he or she may consider pertinent. All testimony will be under oath or affirmation. The claimant is entitled to produce witnesses, but the claimant and witnesses are expected to be present. The Veterans Benefits Administration will not normally schedule a hearing for the sole purpose of receiving argument from a representative. * * *

* * * * *

4. In § 3.103(c)(2), in what is now the fifth sentence, remove the word "personnel" and insert, in its place, the words "employee or employees".

[FR Doc. 94-3066 Filed 2-9-94; 8:45 am]

BILLING CODE 8320-01-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

(PA-15-6025; FRL-4828-2)

Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; RACT for VOC's From Synthetic Organic Chemical Manufacturing Industries (SOCMI) in Allegheny County

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking a limited approval/limited disapproval on a State Implementation Plan (SIP) revision submitted by the Pennsylvania Department of Environmental Resources (PADER). This revision establishes and requires reasonably available control technology (RACT) to control fugitive volatile organic compounds (VOC) emissions from Synthetic Organic Chemical and Polymer Manufacturing-Fugitive Sources (SOCMI) and the associated test method required to determine compliance. This revision has been submitted by the PADER at the request of the Allegheny County Bureau of Air Pollution Control (BAPC) to fulfill its 1982 ozone SIP commitment to adopt all applicable control technique guidelines (CTG's) published by EPA. The intended effect of this document is to take limited approval action on the revision because the regulation strengthens the SIP. At the same time, EPA is taking limited disapproval action on this revision because it does not fully meet the Federal SIP requirements. Furthermore, the limited disapproval action initiates the 18-month sanction clock and the 24-month Federal implementation plan (FIP) period. These actions are being taken under the Clean Air Act (CAA).

EFFECTIVE DATE: This rule will become effective on March 14, 1994.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; Jerry Kurtzweg ANR-443, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; Commonwealth of Pennsylvania, Department of Environmental Resources Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg,

Pennsylvania 17105; and Allegheny County Health Department, Bureau of Air Pollution Control, 301 39th Street, Pittsburgh, Pennsylvania 15201.

FOR FURTHER INFORMATION CONTACT: Kelly A. Sheckler, (215) 597-6863.

SUPPLEMENTARY INFORMATION: On December 15, 1992 (57 FR 59327), EPA published a notice of proposed rulemaking (NPR) for the Commonwealth of Pennsylvania. The NPR proposed limited approval and limited disapproval of the addition of section 534, Synthetic Organic Chemical and Polymer Manufacturing-Fugitive Sources and section 605 I, the associated test method required to determine compliance with section 534, which revised Article XX of the Allegheny County Health Department Rules and Regulations, as a revision to the Allegheny County portion of the Pennsylvania SIP. The formal SIP revision was submitted by the Commonwealth of Pennsylvania on July 13, 1987.

As discussed in the NPR (57 FR 59327), the proposed revision serves to strengthen the SIP because the regulations constitute RACT for the synthetic organic chemical and polymer manufacturing fugitive sources, except as discussed below. By taking limited approval action, the regulations will be made federally enforceable. Therefore, EPA is taking limited approval action. At the same time, the revision is not approvable pursuant to section 182(a)(2)(A) of the CAA because its Director discretion provisions are not consistent with the interpretation of section 172 of the pre-amendment guidance. Specifically, section 534 at paragraph D of the Allegheny County's regulation, which provides the Director of the Allegheny County BAPC the discretion to approve alternatives, must be amended to require that the use of any alternative VOC emission reduction system and/or alternative monitoring procedures also be approved by the United States Environmental Protection Agency. Therefore, EPA is also taking limited disapproval action.

Under section 179(a)(2), if the Administrator disapproves a submittal under section 110(k) for an area designated nonattainment based on the submittal's failure to meet one or more of the elements required by the Act, the Administrator must apply sanctions set forth in section 179(b) unless the deficiency has been corrected within 18 months of such disapproval. Section 179(b) provides two sanctions available to the Administrator: Highway funding and emission offsets. The disapproval action in this final rulemaking initiates

the 18-month sanctions period for Allegheny County. Moreover, final disapproval triggers the 24-month period by which EPA must promulgate a Federal implementation plan (FIP) under section 110(c) until such time as the Commonwealth of Pennsylvania corrects the language of Article XX, section 534 at paragraph D as described above.

The rationale for EPA's action are explained in the NPR and will not be restated here. No public comments were received on the NPR.

Final Action

EPA is taking limited approval/limited disapproval action on the addition of section 534, Synthetic Organic Chemical and Polymer Manufacturing-Fugitive Sources and section 605 I, the associated test method required to determine compliance with section 534, which revised Article XX, as a revision to the Allegheny County portion of the Pennsylvania SIP.

The Agency has reviewed this request for revision of the federally-approved State implementation plan for conformance with the provisions of the 1990 amendments enacted on November 15, 1990. The Agency has determined that this action does not conform with the statute as amended and must be disapproved. The Administrator has examined the issue of whether this action should be reviewed only under the provisions of the law as it existed on the date of submittal to the Agency (i.e., prior to November 15, 1990) as has determined that the Agency must apply the new law to this revision.

The limited disapproval action taken in this rulemaking notice initiates, the 18-month sanction clock for Allegheny County and the 24-month FIP clock for EPA, upon the effective date of this document.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

This action pertaining to the limited approval/limited disapproval of Allegheny County's RACT for VOC's from SOCMI, has been classified as a Table 3 action for signature by the Acting Regional Administrator under the procedures published in the *Federal Register* on January 19, 1989 (54 FR 2214-2225), as revised by an October 4, 1993 memorandum from Michael H.

Shapiro, Acting Assistant Administrator for Air and Radiation. On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and Table 3 SIP revisions from the requirements of section 3 of Executive Order 12291 for a period of two years. The EPA has submitted a request for a permanent waiver for Table 2 and 3 SIP revisions. The OMB has agreed to continue the waiver until such time as it rules on EPA's request. This request is still applicable under Executive Order 12866, which superseded Executive Order 12291 on September 30, 1993.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 11, 1994. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile Organic Compounds.

Dated: January 6, 1994.

Stanley L. Laskowski,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraph(c)(86) to read as follows:

§ 52.2020 Identification of plan.

(c) * * *
(86) Revisions to the Pennsylvania Regulations for reasonably available control technology (RACT) to control fugitive organic chemical manufacturing industries, Article XX of the Rules and Regulations of the Allegheny County Health Department, section 534 and 605 I submitted on July 13, 1987 by the Pennsylvania Department of Environmental Resources (DER).

(i) Incorporation by reference.

(A) Letter of July 13, 1987 from the Pennsylvania Department of Environmental Resources transmitting regulations for the control of "Synthetic Organic Chemical and Polymer Manufacturing-Fugitive Sources" and the associated test method, EPA method 21.

(B) Article XX, of the Rules and Regulations of the Allegheny County Health Department, section 534 and 605 I, effective June 10, 1987.

3. Section 52.2023 is amended by adding paragraph (h) to read as follows:

§ 52.2023 Approval status.

* * * *

(h) The Allegheny County Bureau of Air Pollution Control (BAPC) Article XX, section 534 at paragraph D, does not fulfill its 1982 ozone SIP commitment to adopt all applicable control technique guidelines published by EPA. These regulations establish and require reasonable available control technology to control fugitive volatile organic compounds emissions (VOC) from synthetic organic chemical and polymer manufacturing-fugitive sources and associated test method required to determine compliance, but provide the Director of the Bureau authority to approve an alternative VOC emission reduction system and/or alternative monitoring procedure. The approval of any such alternatives by the Director of the BAPC cannot and would not amend the SIP. Only the Administrator of the United States Environmental Protection Agency (EPA) has the authority to approve an alternative VOC emission reduction system and/or the use of an alternative monitoring procedure as a revision to the SIP. Air Pollution Article XX, section 534 at paragraph D of the SIP will remain inadequate until this language providing for Director discretion is corrected to require that any such alternatives approved by the Director of BAPC must also be approved by EPA. The amended version of Article XX, section 534, paragraph D must be adopted by the Commonwealth, submitted to EPA and approved as a SIP revision to correct this deficiency in the Pennsylvania SIP.

[FR Doc. 94-2911 Filed 2-9-94; 8:45 am]

BILLING CODE 8560-50-F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 93-33; RM-8160; 8233]

Radio Broadcasting Services; Oakhurst, Firebaugh and June Lake, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 276A for Channel 296A at Oakhurst, California, and modifies the license for Station KAAT (FM) accordingly to enable it to increase its effective radiated power to six kilowatts, in response to a petition filed by California Sierra Corporation. Additionally, Channel 234A is substituted for Channel 276A at Firebaugh, California, a vacant allotment for which a petition for reconsideration seeking reinstatement of an application is pending. See 58 FR 12916, March 3, 1993. Coordinates for Channel 276A at Oakhurst, California, are 37-25-08 and 119-44-04. Coordinates for Channel 234A at Firebaugh, California, are 36-51-30 and 120-27-12. (See also, Supplementary Information, *infra*). With this action, the proceeding is terminated with respect to RM-8160 only.

EFFECTIVE DATE: March 24, 1994.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's First Report and Order, MM Docket No. 93-33, adopted, January 11, 1994, and released, February 7, 1994. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, located at 1919 M Street, NW., room 246, or 2100 M Street, NW., suite 140, Washington, DC 20037.

An additional proposal filed in this proceeding by Don Stewart, seeking the allotment of a Class A FM channel to June Lake, California, is the subject of a Further Notice of Proposed Rule Making and will be resolved separately.

List of Subjects in 47 CFR Part 73

Radio Broadcasting Part 73 of title 47 of the Code of Federal Regulations is amended as follows: