

plants. Although it is not possible to determine the total number of entities within these categories which can be classified as small entities, over 64 percent of all potato growers and 94 percent of U.S. fruit and vegetable processing firms could be considered small by Small Business Administration guidelines. The negative impact on U.S. producers due to increased imports is likely to be small since U.S. prices are more influenced by domestic production and market conditions than by imports. Any negative impact is likely to be offset by a positive impact upon importers, exporters, potato processing firms, and consumers. The increased availability of Canadian potatoes will benefit potato farmers, shippers, importers, wholesalers, and retailers as well as potato processing firms. Consumers will be positively affected by slightly lowered prices.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12778

This rule allows potatoes to be imported into the United States from Canada. State and local laws and regulations regarding potatoes imported under this rule will be preempted while the vegetable is in foreign commerce. Fresh potatoes are generally imported for immediate distribution and sale to the consuming public, and will remain in foreign commerce until sold to the ultimate consumer. The question of when foreign commerce ceases in other cases must be addressed on a case-by-case basis. No retroactive effect will be given to this rule; and this rule will not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

List of Subjects

7 CFR Part 319

Bees, Coffee, Cotton, Fruits, Honey, Imports, Nursery stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

7 CFR Part 321

Imports, Plant diseases and pests, Potatoes, Quarantine, Reporting and recordkeeping requirements.

Accordingly, 7 CFR parts 319 and 321 are amended as follows:

PART 319—FOREIGN QUARANTINE NOTICES

1. The authority citation for part 319 continues to read as follows:

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 151-167, 450; 21 U.S.C. 136 and 136a; 7 CFR 2.17, 2.51, and 371.2(c).

2. In § 319.37-2, paragraph (a), the table, the first entry for "Solanum spp." is revised to read as follows:

§ 319.37-2 Prohibited articles.

(a) * * *

Tree, plant, or fruit disease, or injurious insect, or other plant pest determined as existing in the places named and capable of being transported with the prohibited article

Prohibited article (except seeds unless specifically mentioned)

Foreign country(ies) or locality(ies) from which prohibited

Solanum spp. (potato) (tuber bearing species only—Section Tuberarium) (excluding potato tubers which are subject to 7 CFR part 321).

All except Canada.

PART 321—RESTRICTED ENTRY ORDERS

3. The authority citation for part 321 is revised to read as follows:

Authority: 7 U.S.C. 136, 136a, 154, 159, and 162; 44 U.S.C. 35; 7 CFR 2.17, 2.51, and 371.2(c).

§ 321.2 [Amended]

4. Section 321.2 is revised by removing the definitions for *Processing potato*, *Seed lot*, *Seed potato*, *Sibling potatoes*, and *Table stock*.

5. The section heading for § 321.8 is revised to read "§ 321.8 *Importation of potatoes from Bermuda.*"

6. Section 321.9 is revised to read as follows:

§ 321.9 Importation of potatoes from Canada.

Potatoes grown in Canada may be imported from Canada into the United

States free of restrictions, except that potatoes grown in Newfoundland and the Land District of South Saanich on Vancouver Island of British Columbia may not be imported.

Done in Washington, DC, this 23rd day of February 1994.

Patricia Jensen,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 94-4725 Filed 3-1-94; 8:45 am]

BILLING CODE 3410-34-P

Commodity Credit Corporation

7 CFR Part 1475

RIN 0560-AD49

Emergency Livestock Assistance

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: On November 29, 1993, the Commodity Credit Corporation (CCC) issued an interim rule to the regulations for the livestock emergency programs, which are authorized by the Agricultural Act of 1949 as amended, and the CCC Charter Act. The interim rule, provided an amended and simplified method for determining the value of livestock feed needs. Other minor changes to update the regulations included changes in weight ranges and an appropriate amount of energy required to provide the daily maintenance needs for dairy goats; determining pasture value; applying the \$50,000 payment limitation to crop year rather than calendar year; and calculating interest on refunds due CCC. This rule adopts as final the interim rule published on November 29, 1993.

EFFECTIVE DATE: March 2, 1994.

FOR FURTHER INFORMATION CONTACT:

James C. Williams, Program Specialist, Emergency Operations and Livestock Programs Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, P.O. Box 2415, Washington, DC 20013-2415, telephone 202-690-1324.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This final rule is issued in conformance with Executive Order 12866. Based on information compiled by the Department, it has been determined that this final rule:

- (1) Would have an annual effect on the economy of less than \$100 million;
- (2) Would not adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;
- (3) Would not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (4) Would not alter the budgetary impact of entitlements, grants, user fees, or loan programs or rights and obligations of recipients thereof; and
- (5) Would not raise novel, legal, or policy issues arising out of legal mandates, the President's priorities, or principles set forth in Executive Order 12866.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since the CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of these determinations.

Environmental Evaluation

It has been determined by an environmental evaluation that this action will not have a significant impact on the quality of the human environment. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Federal Assistance Program

The title and number of the Federal Assistance Program, as found in the Catalog of Federal Domestic Assistance, to which this rule applies are: Commodity Loans and Purchases—10.051.

Executive Order 12778

This final rule has been reviewed in accordance with Executive Order 12778. The provisions of the final rule do not preempt State laws and are not retroactive to 1992 and prior crop years. Before any judicial action may be brought regarding the provisions of this regulation, the administrative appeal provisions set forth at 7 CFR part 780 must be exhausted.

Executive Order 12372

This program/activity is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Paperwork Reduction Act

The amendments to 7 CFR part 1475 set forth in this final rule will not result in any change in the public reporting burden.

Background

An interim rule was published in the *Federal Register* on November 29, 1993, at 58 FR 62510 which amended 7 CFR part 1475 to provide for administering CCC's livestock emergency programs.

The interim rule amended § 1475.3 to modify the definition for dairy cow "weight ranges" and to add a weight range for dairy goats in the table.

The interim rule amended § 1475.6:

- (1) Paragraph (c), to change the reference from CCC-653 to CCC-651;
- (2) Paragraph (e)(4), to clarify the manner in which pasture value is actually calculated for 1991 and subsequent crop years;
- (3) Paragraph (i)(1)(i)(A), to change the method for determining the value of livestock feed needs; and
- (4) Paragraph (i)(2)(iii), to correct a misprint in the *Federal Register*.

The interim rule amended § 1475.10(b) to clarify when the emergency livestock feed program may be suspended or terminated in a contiguous county.

The interim rule amended § 1475.17(a), (c), and (g) to clarify what type of interest will be charged on refunds to CCC.

The interim rule amended § 1475.22 to change the payment limitation from "calendar" year to "crop" year.

The interim rule provided for a 30-day public comment period which ended on December 29, 1993. No comments were received during the comment period.

Accordingly, under the authority of 7 U.S.C. 1427, and 1471-1471j and 15

U.S.C. 7146 and 714c, the interim rule amending 7 CFR part 1475, which was published at 58 FR 62510 on November 29, 1993, is adopted as a final rule without change.

Signed at Washington, DC, on February 24, 1994.

Bruce R. Weber,
Executive Vice President, Commodity Credit Corporation.

[FR Doc. 94-4673 Filed 3-1-94; 8:45 am]

BILLING CODE 3410-05-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 93-AWA-1]

Alteration of Jet Route J-29

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action realigns Jet Route J-29 from the Bangor, ME, Very High Frequency Omnidirectional Range/Tactical Air Navigation (VORTAC) facility to the Halifax, Canada, Very High Frequency Omnidirectional Range/Distance Measuring Equipment (VOR/DME). This action was requested by the Canadian government to improve operations and expedite the flow of air traffic transiting to the Halifax area.

EFFECTIVE DATE: 0901 u.t.c. April 28, 1994.

FOR FURTHER INFORMATION CONTACT: Patricia P. Crawford, 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) 267-9255.

SUPPLEMENTARY INFORMATION:

History

On September 10, 1993, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to realign J-29 from the Bangor, ME, VORTAC (BGR), to the Halifax, Canada, VOR/DME (YHZ) (58 FR 47680). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as

that proposed in the notice. Jet Routes are published in paragraph 2004 of FAA Order 7400.9A dated June 17, 1993, and effective September 16, 1993, which is incorporated by reference in 14 CFR 71.1 (58 FR 36298; July 6, 1993). The jet route listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations realigns J-29 from the Bangor, ME, VORTAC, to the Halifax, Canada, VOR/DME. Realigning J-29 will improve operations and expedite the flow of air traffic to the Canadian airspace.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9A, Airspace Designations and Reporting Points, dated June 17, 1993, and effective September 16, 1993, is amended as follows:

Paragraph 2004—Jet Routes

* * * * *

J-29 [Revised]

From the INT of the United States/Mexican Border and the Corpus Christi, TX, 229° radial, via Corpus Christi; Palacios, TX; Humble, TX; Lufkin, TX; Elm Grove, LA; El Dorado, AR; Memphis, TN; Pocket City, IN; INT Pocket City 051° and Rosewood, OH, 230° radials; Rosewood; Dryer, OH; Jamestown, NY; Syracuse, NY; Plattsburgh, NY; Bangor, ME; to Halifax, Canada; excluding the portions within Mexico and Canada.

* * * * *

Issued in Washington, DC, on February 22, 1994.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 94-4715 Filed 3-1-94; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 94-ANM-6]

Modification of Class E Airspace, Hayden, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This action modifies the Class E Airspace at Yampa Valley Airport, Hayden, Colorado. The airspace was described incorrectly, using a magnetic radial instead of a true radial, and cited the Yampa Valley Airport instead of the Craig Moffat Airport. Therefore, controlled airspace as depicted on aeronautical charts does not currently encompass the instrument approach procedure at the Craig Moffat Airport. Airspace reclassification, in effect as of September 16, 1993, has discontinued use of the term "transition area" replacing it with the designation "Class E airspace."

DATES: *Effective date:* March 2, 1994.

Comment date: Comments must be received before March 31, 1994.

ADDRESSES: Send comments on the rule to: Manager, Airspace & Procedures Branch, ANM-530, FAA Docket 94-ANM-6, Federal Aviation Administration, 1601 Lind Ave., SW., Renton, WA 98055-4056.

FOR FURTHER INFORMATION CONTACT: Ted Melland, ANM-536, FAA Docket No. 94-ANM-6, 1601 Lind Avenue SW., Renton, Washington 98055-4056, Telephone: (206) 227-2536.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, and was not preceded by notice and public procedure, comments are invited on the rule. The FAA will

use the comments submitted, together with other available information to review the regulation. If the FAA finds that further changes are appropriate, it will initiate rulemaking proceedings to amend the regulation.

Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule, and in determining whether additional rulemaking is required. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the rule which might suggest the need to modify the rule.

History

The Hayden, Colorado, Class E airspace was designated to contain an instrument approach procedure in controlled airspace from 700 feet or more above the surface of the earth at Craig Moffat Airport. It was incorrectly published under the Yampa Valley Airport title, and the airspace information incorrectly lists a magnetic radial instead of a "true" radial. Accordingly, neither the airspace designation nor the aeronautical chart depiction reflect the controlled airspace. Currently, IFR pilots are not afforded controlled airspace in which to conduct instrument flight rules procedures to the Craig Moffat Airport. Similarly, VFR pilots do not have correct references for controlled airspace.

Any matter which adversely affects aeronautical safety requires immediate corrective action in the interest of flight safety. Therefore, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to public interest, and the FAA finds good cause, pursuant to 5 U.S.C., 553(d) for making this amendment effective in less than 30 days to promote the safe and efficient handling of air traffic in the area.

Airspace reclassification, in effect as of September 16, 1993, has discontinued the use of the term "transition area," and airspace areas extending upward from 700 feet or more above the surface of the earth is now Class E airspace. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace designations for airspace extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of FAA Order 7400.9A dated June 17, 1993, and effective September 16, 1993, which is incorporated by reference in 14 CFR 71.1 (58 FR 36298; July 6, 1993). The Class E airspace designation listed in this document will be published subsequently in the order.

The Rule

This amendment of part 71 of the Federal Aviation Regulations amends the Hayden, Colorado, Class E airspace, which was designed to provide controlled airspace for an instrument approach procedure at Craig Moffat Airport. The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71, in effect as of September 16, 1993, as follows:

PART 71—[Amended]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9A, Airspace Designation and Reporting Points, dated June 17, 1993, and effective September 16, 1993, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above surface of the earth.

* * * * *

ANM CO E5 Hayden, CO [Amended]

Hayden, Craig Moffat Airport, CO
(lat. 40°29'43" N., long. 107°31'18" W
Hayden VOR/DME

(lat. 40°31'13" N., long. 107°18'17" W)
That airspace extending upward from 700 feet above the surface within 4.3 miles each side of the Hayden VOR/DME 262° radial

extending from the VOR/DME to 15.7 miles southwest of the VOR/DME.

* * * * *

Issued in Seattle, Washington, February 3, 1994.

Richard E. Prang,

Acting Manager, Air Traffic Division.

[FR Doc. 94-4716 Filed 3-1-94; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****15 CFR Part 946**

[Docket No. 931221-3321]

RIN 0648-AF72

Weather Service Modernization Criteria

AGENCY: National Weather Service (NWS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: This final rule establishes NWS criteria for taking certain modernization actions such as commissioning new weather observation systems, decommissioning outdated NWS radars and evaluating staffing needs for field offices in an affected area; and its criteria for certifying that closing, consolidating, automating, or relocating a field office will not degrade service to the affected area. A notice of proposed rulemaking (published December 6, 1993, 58 FR 64202) set forth the proposed criteria for those actions except for automating and closing field offices. The criteria for those two actions require further development and, after notice, public comments, and consultation with the Committee and NRC will be published in final form before either of these actions take place. All final criteria will be set forth as Appendix A to the basic modernization regulations at 15 CFR part 946 promulgated at 58 FR 64088.

EFFECTIVE DATE: March 2, 1994.

ADDRESSES: Requests for copies of documents should be sent to Julie Scanlon, NOAA/GCW, 1325 East-West Highway, #18111, Silver Spring, MD 20910, 301-713-0053.

FOR FURTHER INFORMATION CONTACT: Julie Scanlon, 301-713-0053.

SUPPLEMENTARY INFORMATION: Section 704 of the NOAA Authorization Act of 1992 (Act) requires the NWS to contract with the National Research Council (NRC) for a review of the scientific and technical modernization criteria by

which the NWS proposes to certify, under section 706 of the Act, actions to close, consolidate, automate, or relocate a field office and the preparation and submission of a report assessing these criteria. The NRC prepared this report and submitted it to the Secretary of Commerce on July 28, 1993. The NRC endorsed the criteria proposed, with certain reservations about some of the criteria that relate to the commissioning of Automated Surface Observing System (ASOS) and automation certification.

Section 704(b) of the Act requires the NWS to publish the final criteria in the *Federal Register*, based on the NRC report, after providing an opportunity for public comment, and after consulting with the NRC and the Modernization Transition Committee (the Committee). The public comment period closed January 5, 1994. There was one comment received. This was submitted by the National Weather Service Employees Organization (NWSEO). Consultation with the Committee was completed on January 13, 1994. The Committee reviewed the public comment and offered one recommendation to be added to the criteria. Consultation with the NRC was completed on February 23, 1994.

The major comments were as follows. *Comment 1—NWSEO* stated that the criteria do not contain "statistical and analytical measures" for determining that there will be no degradation of service but rather are merely "process criteria."

*Response—*The commenter is incorrect in stating that the criteria are merely process criteria. The criteria for each action contain the necessary analytical and performance measures. The criteria for consolidation contain measures for evaluating each of its component and subcomponent elements, often in exhaustive detail. These include measures to ensure that the new radar is commissionable, e.g., adequate operations and maintenance personnel, adequate backup capability, system availability of at least 96 percent; and that the old radar can be decommissioned. The criteria for relocation include a checklist to ensure that each element of the move will be considered in advance and can be completed without degrading services. The NRC found these criteria to be adequate to determine that no degradation would result from these actions.

The commenter advocates use of *post hoc* statistical verification measures for every type of certifiable action. Such a regime is impractical. For example, in the case of a relocation, it is impossible to collect statistical data from the new

office location until the old office has been relocated there, and the office relocation can not legally occur until a relocation certification has been approved; yet the certification would be dependent on the statistical data.

As contemplated by NWSEO, such a regime would impose extensive delays and costs on the modernization and clearly would be unreasonable. Statistical data must be collected over a long period of time after the restructuring actively has taken place to be statistically valid. The minimum time period that would be acceptable would be 1 year after the certifiable event.

Comment 2—The NWSEO contends that any relocation also constitutes a closure and, therefore, the criteria should be the same.

Response—Congress specifically listed four separate types of actions that are to be certified and clearly stated that one, closures, could not take place until 1996. This scheme is clearly understandable. The proposed interpretation of NWSEO would effectively eliminate a "relocation" as a separate category of certifiable action. Relocation of an office is distinctly different from closure of an office. In the case of relocation, the same office continues to exist, albeit in a different location. The office continues to provide the same products and services to the same users in the same service area. In the case of a closure, the office ceases to exist as an entity; the responsibility for providing products and services and the service area is reassigned to another office, or split up among several other offices. Also, as the commentor notes, this interpretation would preclude the NWS from relocating any office until 1996. The legislative history of Public Laws 100-685 and 102-567 make it clear that one of Congress' overriding concerns was with the closure of offices as the NWS field office structure shrinks from 250 to 116. Before the new Weather Forecast Office (WFO) takes on full responsibility for its new larger area, statistical verification is appropriate. In the case of a relocation, no such considerations are present.

Comment 3—NWSEO comment states that the evidence from previous office moves is not an appropriate basis for certifying that relocating the Redwood City office will not lead to any degradation of service.

Response—In essence, this comment repeats the arguments discussed above—the NWS cannot relocate this office until it has statistical verification and not until at least 1996 after AWIPS is installed. The NWS disagrees for the reasons stated.

The NWS agrees that it is important to identify those analogous previous office moves that will be relied upon for evidence. Primarily, these are the offices that were moved in their entirety, although experience in moving other offices in stages may be useful with respect to certain aspects of the relocation and, therefore, that evidence may be relevant. Offices that have been moved in their entirety were: The Washington WSFO, which was moved from Camp Springs, MD, to Sterling, VA; the Philadelphia WSFO which was moved from Philadelphia, PA, to Mount Holly, NJ; and the Ann Arbor WSFO, which was moved from Ann Arbor, MI to White Lake, MI. The evidence from these moves will be considered as part of the relocation certification.

The comment that these moves are within a "local commuting area" (a concept that was not even in existence at the time of one of these moves) and may involve different climatological conditions completely misses the point—there simply is no difference between the existing office and the relocated office in terms of the data that is received, the equipment and staff that processes it, the products and services that are disseminated, and the way they are disseminated, except perhaps where the telecommunications services are obtained from a different company. The evidence from these previous moves demonstrates that the NWS is capable of making the necessary technical changes so that the relocated office will operate identically and provide identical services.

Comment 4—The NWSEO states "no new technology is involved in relocation actions".

Response—At the time of the actual relocation from Redwood City, CA, to Monterey, CA, no new technology will be involved. The Redwood City office will be moved in its entirety, including all existing equipment, to Monterey. The commentor is correct however, that "the new facility at Monterey will have NEXRAD and eventually AWIPS", since Monterey will become a WFO. These later steps could involve a consolidation or closure. This illustrates that a relocation is a distinctly different action than a consolidation or closure, which will involve new technology. Certifications of such consolidation or closures will include evidence based on the use of the new technology.

Comment 5—The NWSEO commented that "the criteria proposed by the NWS contains no measure of service quality, nor any indication that service quality will be measured as part of the certification process."

Response—For a consolidation certification, criteria 2, User Confirmation of Services, measures service quality from the user perspective. After services have been transferred to the NEXRAD office, but prior to the consolidation action, confirmation that services have not been degraded is obtained from users in the affected service area. Since this is impractical for relocation certification, evidence from other completed office moves is used as a measure of service quality.

Comment 6—The Committee recommended that section 1A3 be amended to include that there would be no degradation of service.

Response—the NWS agrees and has changed that section accordingly.

A. Classification Under Executive Order 12866

This rule is not subject to review under E.O. 12866.

B. Regulatory Flexibility Act Analysis

These regulations set forth the criteria for certain modernization actions such as commissioning new weather observation systems, decommissioning outdated NWS radars, and evaluating staff needs at a field office and the criteria for certifying certain modernization actions such as consolidating and relocating a field office, will not result in a degradation of service to the affected area. These criteria will be appended to the Weather Service Modernization regulations. The General Counsel of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration when these criteria were proposed, that this action will not have a significant economic impact on a substantial number of small entities. These final criteria are intended for internal agency use, and the impact on small business entities will be negligible. The final criteria does not directly affect "small government jurisdictions" as defined by Public Law 96-354, the Regulatory Flexibility Act.

C. Paperwork Reduction Act of 1980

These regulations will impose no information collection requirements of the type covered by Public Law 96-511, the Paperwork Reduction Act of 1980.

D. E.O. 12612

This rule does not contain policies with sufficient Federalism implications to warrant preparation of a Federalism assessment under Executive Order 12612.

E. National Environmental Policy Act

NOAA has concluded that publication of the final rule does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required. A programmatic Environmental Impact Statement (EIS) regarding NEXRAD was prepared in November 1984, and an Environmental Assessment to update the portion of the EIS dealing with the bioeffects of NEXRAD non-ionizing radiation is being reviewed.

List of Subjects in 15 CFR Part 946

Administrative practice and procedure, Certification, Commissioning, Decommissioning, National Weather Service, Weather service modernization.

Dated: February 23, 1994.

Elbert W. Friday, Jr.,

Assistant Administrator for Weather Services.

For the reasons set out in the preamble, 15 CFR part 946 is amended as follows:

PART 946—MODERNIZATION OF THE NATIONAL WEATHER SERVICE

1. The authority citation for part 946 continues to read as follows:

Authority: Title VII of Pub. L. 102-567, 106 Stat. 4303 (15 U.S.C. 313 note).

2. An Appendix A is added at the end of part 946 to read as follows:

Appendix A to Part 946—National Weather Service Modernization Criteria**I. Modernization Criteria for Actions Not Requiring Certification****(A) Commissioning of New Weather Observation Systems****(1) Automated Surface Observation Systems (ASOS)**

Purpose: Successful commissioning for full operational use requires a demonstration, by tests and other means, that the ASOS equipment, as installed in the field office, meets its technical requirements; that the prescribed operating, maintenance, and logistic support elements are in place; that operations have been properly staffed with trained personnel and that the equipment can be operated with all other installed mating elements of the modernized NWS system.

Note: It may be necessary to incorporate work-arounds to complete some of the items listed below in a timely and cost-effective manner. A work-around provides for an alternative method of meeting a commissioning criteria through the application of a pre-approved operational procedure implemented on a temporary basis, for example, by human augmentation

of the observation for the occurrence of freezing rain, until such time as a freezing rain sensor has been accepted for operational use with ASOS. The ASOS Plan referenced below includes a process for recommending, approving, and documenting work arounds and requires that they be tracked as open items until they can be eliminated by implementation of the originally intended capability.

References: The criteria and evaluation elements for commissioning are set forth and further detailed in the NWS-Sponsored Automated Surface Observing System (ASOS) Site Component Commissioning Plan (the ASOS Plan), more specifically in Addendum I, Appendix D of the ASOS Site Component Commissioning Evaluation Package (the ASOS Package).

Criteria: a. ASOS Acceptance Test: The site component acceptance test, which includes objective tests to demonstrate that the ASOS, as installed at the given site, meets its technical specifications, has been successfully completed in accordance with item 1a, p. D-2 of Appendix D of the ASOS Package.

b. Sensor Siting: Sensor sitings provide representative observations in accordance with Appendix C of the ASOS Package, Guidance for Evaluating Representativeness of ASOS Observations and item 1b, p. D-2 of Appendix D of the ASOS Package.

c. Initialization Parameters: Initialization parameters are in agreement with source information provided by the ASOS Program Office, in accordance with item 1c, pp. D-2 & D-3 of Appendix D of the ASOS Package.

d. Sensor Performance Verification: Sensor performance has been verified in accordance with the requirements stated in the ASOS Site Technical Manual and item 1d, p. D-3 of the ASOS Package.

e. Field Modification Kits/Firmware Installed: All critical field modification kits and firmware for the site as required by attachments 3a & b (pp. D-45 & D-46) or memorandum issued to the regions, have been installed on the ASOS in accordance with item 1e, p. D-4 of Appendix of the ASOS Package.

f. Operations and Maintenance Documentation: A full set of operations and maintenance documentation is available in accordance with items 2a-h, pp. D-5 & D-6 of Appendix D of the ASOS Package.

g. Notification of and Technical Coordination with Users: All affected users have been notified of the initial date for ASOS operations and have received a technical coordination package in accordance with item 2i, pp. D-6 & D-7 of Appendix D of the ASOS Package.

h. Availability of Trained Operations Personnel: Adequate operations staff are available, training materials are available, and required training has been completed, per section 3.2.3.1 of the ASOS Plan, in accordance with items 3a-c, p. D-8 of Appendix D of the ASOS package.

i. Maintenance Capability: Proper maintenance personnel and support systems and arrangements are available in accordance with items 4a-e, pp. D-9 & D-10 of Appendix D of the ASOS Package.

j. Performance of Site Interfaces: The equipment can be operated in all of its

required modes and in conjunction with all of its interfacing equipment per the detailed checklists of items 5a-b, pp. D-11 & D-19 of Appendix D of the ASOS Package.

k. Support of Associated NWS Forecasting and Warning Services: The equipment provides proper support of NWS forecasting and warning services and archiving, including operation of all specified automatic and manually augmented modes per the checklist, items 6a-e, pp. D-20 to D-29, of Appendix D of the ASOS Package.

l. Service Backup Capabilities: Personnel, equipment, and supporting services are available and capable of providing required backup readings and services in support of operations when primary equipment is inoperable in accordance with items 7a-g, pp. D-30 to D-32, of Appendix D of the ASOS Package.

m. Augmentation Capabilities: Personnel are available and trained to provide augmentation of ASOS observations in accordance with augmentation procedures, items 8a-c, p. D-33 of Appendix D of the ASOS Package.

n. Representativeness of Observations: Observations are representative of the hydrometeorological conditions of the observing location as determined by a period of observation of at least 60 days prior to commissioning in accordance with Appendix C and item 6e, pp. D-27 to D-29 of Appendix D of the ASOS Package.

(2) WSR-88D Radar System

Purpose: Successful commissioning for full operational use requires a demonstration, by tests and other means, that the WSR-88D radar system, as installed in the field office, meets its technical requirements; that the prescribed operating, maintenance, and logistic support elements are in place; that operations have been properly staffed with trained personnel; and that the equipment can be operated with all other installed mating elements of the modernized NWS system.

Note: It may be necessary to incorporate work-arounds to complete some of the items listed below in a timely and cost-effective manner. A work-around provides for an alternative method of meeting a commissioning criteria through the application of a pre-approved operational procedure implemented on a temporary basis. The WSR-88D Plan referenced below includes a process for recommending, approving, and documenting work arounds and requires that they be tracked as open items until they can be eliminated by implementation of the originally intended capability.

Reference: The criteria and evaluation elements for commissioning are set forth and further detailed in the NWS-Sponsored WSR-88D Site Component Commissioning Plan (the 88D Plan) and an Attachment to that Plan, called the WSR-88D Site Component Commissioning Evaluation Package (the WSR-88D Package).

Criteria: a. WSR-88D Radar Acceptance Test: The site component acceptance test, which includes objective tests to demonstrate that the WSR-88D radar, as installed at the given site, meets its technical specifications,

has been successfully completed in accordance with items 1a-f, p. A-2 of Appendix A of the WSR-88D Package.

b. Availability of Trained Operations and Maintenance Personnel: Adequate operations and maintenance staffs are available, training materials are available, and required training has been completed in accordance with items 2a-h, pp. A-3 & A-4 of Appendix A of the WSR-88D Package.

c. Satisfactory Operation of System Interfaces: The system can be operated in all of its required modes and in conjunction with all of its interfacing equipment in accordance with items 3a-e, p. A-5 of Appendix A of the WSR-88D Package.

d. Satisfactory Support of Associated NWS Forecasting and Warning Services: The system provides proper support of NWS forecasting and warning services, including at least 96 percent availability of the radar coded message for a period of 30 consecutive days prior to commissioning in accordance with items 4a-kk, pp. A-6 to A-17 of Appendix A of the WSR-88D Package.

e. Service Backup Capabilities: Service backup capabilities function properly when the primary system is inoperable in accordance with items 5a-e, p. A-18 of Appendix A of the WSR-88D Package.

f. Documentation for Operations and Maintenance: A full set of operations and maintenance documentation is available in accordance with items 6a-n, pp. A-19 to A-25 of Appendix A of the WSR-88D Package.

g. Spare Parts and Test Equipment: A full complement of spare parts and test equipment is available on site in accordance with items 7a-e, p. A-26, of Appendix A of the WSR-88D Package.

(B) Decommissioning an Outdated NWS Radar

Purpose: Successful decommissioning of an old radar requires assurance that the existing radar is no longer needed to support delivery of services and products and local office operations.

References: The criteria and evaluation elements for decommissioning are set forth and further detailed in the NWS-Sponsored Network and Local Warning Radars (Including Adjunct Equipment) Site Component Decommissioning Plan (the Plan), more specifically in Appendix B to that Plan, called the Site Component Decommissioning Evaluating Package, and in Section 3.3 of the Internal and External Communication and Coordination Plan for the Modernization and Associated Restructuring of the Weather Service.

Criteria: a. Replacing WSR-88D(s) Commissioning/User Service Confirmation: The replacing WSR-88D(s) have been commissioned and user confirmation of services has been successfully completed, i.e., all valid user complaints related to actual system performance have been satisfactorily resolved, in accordance with items 1a-c, p. B-10 of Appendix B of the Plan.

b. Operation Not Dependent on Existing Radar: The outdated radar is not required for service coverage, in accordance with items 2a-c, p. B-11 of Appendix B of the Plan.

c. Notification of Users: Adequate notification of users has been provided, in

accordance with items 3a-f, pp. B-12 & B-13 of Appendix B of the Plan.

d. Disposal of Existing Radar: Preparations for disposal of the old existing radar have been completed, in accordance with items 4a-d, pp. B-14 & B-15 of Appendix B of the Plan.

(C) Evaluating Staffing Needs for Field Offices in Affected Areas

References: The criteria and evaluation elements are set forth and further detailed in the ASOS and WSR-88D Evaluation Packages and in the Human Resources and Position Management Plan for the National Weather Service Modernization and Associated Restructuring (the Human Resources Plan).

Criteria: 1. Availability of Trained Operations and Maintenance Personnel at a NEXRAD Weather Service Forecast Office or NEXRAD Weather Service Office: Adequate operations and maintenance staffs are available to commission a WSR-88D, specifically criterion b. set forth in section I.A.2. of this Appendix which includes meeting the Stage 1 staffing levels set forth in chapter 3 of the Human Resources Plan.

2. Availability of Trained Operations and Maintenance Personnel at any field office receiving an ASOS: Adequate operations and maintenance staff are available to meet the requirements for commissioning an ASOS, specifically criteria h and i set forth in section I.A.1 of this Appendix.

II. Criteria for Modernization Actions Requiring Certification

(A) Modernization Criteria Common to all Types of Certifications (Except as Noted)

1. Notification: Advanced notification and the expected date of the proposed certification have been provided in the National Implementation Plan.

2. Local Weather Characteristics and Weather Related Concerns: A description of local weather characteristics and weather related concerns which affect the weather services provided to the affected service area is provided.

3. Comparison of Services: A comparison of services before and after the proposed action demonstrates that all services currently provided to the affected service area will continue to be provided with no degradation of services.

4. Recent or Expected Modernization of NWS Operations in the Affected Service Area: A description of recent or expected modernization of NWS operations in the affected service area is provided.

5. NEXRAD Network Coverage: NEXRAD network coverage or gaps in coverage at 10,000 feet over the affected service area are identified.

6. Air Safety Appraisal (applies only to relocation and closure of field offices at an airport): Verification that there will be no degradation of service that affects aircraft safety has been made by conducting an air safety appraisal in consultation with the Federal Aviation Administration.

7. Evaluation of Services to In-state Users (applies only to relocation and closure of the only field office in a state): Verification that there will be no degradation of weather

services provided to the state has been made by evaluating the effect on weather services provided to in-State users.

8. Liaison Officer: Arrangements have been made to retain a Liaison Officer in the affected service area for at least two years to provide timely information regarding the activities of the NWS which may affect service to the community, including modernization and restructuring; and to work with area weather service users, including persons associated with general aviation, civil defense, emergency preparedness, and the news media, with respect to the provision of timely weather warnings and forecasts.

9. Meteorologist-In-Charge's (MIC) Recommendation to Certify: The MIC of the future WFO that will have responsibility for the affected service area has recommended certification in accordance with 15 CFR 946.7(a).

10. Regional Director's Certification: The cognizant Regional Director has approved the MIC's recommended certification of no degradation of service to the affected service area in accordance with 15 CFR 946.8.

(B) Modernization Criteria Unique to Consolidation Certifications

1. WSR-88D Commissioning: All necessary WSR-88D radars have been successfully commissioned in accordance with the criteria set forth in section I.A.2. of this Appendix.

2. User Confirmation of Services: All valid user complaints related to actual system performance have been satisfactorily resolved in accordance with section 3.3 of the Internal and External Communication and Coordination Plan for the Modernization and Associated Restructuring of the National Weather Service.

3. Decommissioning of Existing Radar: The existing radar, if any, has been successfully decommissioned in accordance with the criteria set forth in section I.B. of this Appendix.

(C) Modernization Criteria Unique to Relocation Certifications

1. Approval of Proposed Relocation Checklist: The cognizant regional director has approved a proposed relocation checklist setting forth the necessary elements in the relocation process to assure that all affected users will be given advanced notification of the relocation, that delivery of NWS services and products will not be interrupted during the office relocation, and that the office to be relocated will resume full operation at the new facility expeditiously so as to minimize the service backup period.

Specific Elements: a. Notification of and Technical Coordination with Users: The proposed relocation checklist provides for the notification of and technical coordination with all affected users.

b. Identification and Preparation of Backup Sites: The proposed relocation checklist identifies the necessary backup sites and the steps necessary to prepare to use backup sites to ensure service coverage during the move and checkout period.

c. Start of Service Backup: The proposed relocation checklist provides for invocation of service backup by designated sites prior to office relocation.

d. Systems, Furniture and Communications: The proposed relocation

checklist identifies the steps necessary to move all systems and furniture to the new facility and to install communications at the new facility.

e. Installation and Checkout: The proposed relocation checklist identifies all steps to install and checkout systems and furniture and to connect to communications at the new facility.

f. Validation of Systems Operability and Service Delivery: The proposed relocation checklist provides for validation of system operability and service delivery from the new facility.

2. Publishing of the Proposed Relocation Checklist and Evidence form Completed Moves: The proposed relocation checklist and the evidence from other similar office moves that have been completed, have been published in the *Federal Register* for public comment. The evidence from the other office moves indicates that they have been successfully completed.

3. Resolution of Public Comments Received: All responsive public comments received from publication, in the *Federal Register*, of the checklists and of the evidence from completed moves are satisfactorily answered.

[FR Doc. 94-4659 Filed 3-1-94; 8:45 am]

BILLING CODE 3510-12-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 177

[Docket No. 92F-0100]

Indirect Food Additives: Polymers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of the polymeric reaction product of 1,3,5-benzenetricarbonyl trichloride with piperazine and 1,2-diaminoethane as a food-contact layer of reverse osmosis membranes. This action responds to a petition filed by PCI Membrane Systems, Ltd.

DATES: Effective March 2, 1994; written objections and requests for a hearing by April 1, 1994.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Julius Smith, Center for Food Safety and Applied Nutrition (HFS-216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-9500.

SUPPLEMENTARY INFORMATION: In a notice published in the *Federal Register* of March 23, 1992 (57 FR 10028), FDA announced that a food additive petition (FAP 9B4157) had been filed by PCI Membrane Systems, Ltd., Laverstoke Mill, Whitechurch, Hampshire RG28 7NR, England. The petition proposed that the food additive regulations be amended to provide for the safe use of the reaction product of 1,3,5-benzenetricarbonyl trichloride with piperazine and 1,2-diaminoethane as a food-contact layer of reverse osmosis membranes.

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed use for the polymeric reaction product of 1,3,5-benzenetricarbonyl trichloride with piperazine and 1,2-diaminoethane as the food-contact layer of reverse osmosis membranes is safe. Based on this information, the agency has also concluded that the additive will have the intended technical effect and therefore, § 177.2550 (21 CFR 177.2550) should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before April 1, 1994, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any

particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 177

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 177 is amended as follows:

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

1. The authority citation for 21 CFR part 177 continues to read as follows:

Authority: Secs. 201, 402, 409, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 379e).

2. Section 177.2550 is amended by adding new paragraph (a)(5) and by revising paragraph (d)(1) to read as follows:

§ 177.2550 Reverse osmosis membranes.

* * * * *

(a) * * *

(5) A polyamide reaction product of 1,3,5-benzenetricarbonyl trichloride polymer (CAS Reg. No. 4422-95-1) with piperazine (CAS Reg. No. 110-85-0) and 1,2-diaminoethane (CAS Reg. No. 107-15-3). The membrane is the food-contact layer and may be applied as a film on a suitable support. Its maximum weight is 15 milligrams per square decimeter (1 milligram per square inch).

* * * * *

(d) *Conditions of use*—(1) Reverse osmosis membranes described in paragraphs (a)(1), (a)(2), (a)(3), and (a)(5) of this section may be used in contact with all types of liquid food at temperatures up to 80 °C (176 °F).

* * * * *

Dated: February 16, 1994.

Janice F. Oliver,
Acting Director, Center for Food Safety and
Applied Nutrition.
[FR Doc. 94-4661 Filed 3-1-94; 8:45 am]
BILLING CODE 4160-01-F

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2647

RIN 1212-AA38

Reduction or Waiver of Complete Withdrawal Liability

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This amendment to the Pension Benefit Guaranty Corporation's regulation on Reduction or Waiver of Complete Withdrawal Liability (29 CFR part 2647) establishes procedures under which covered multiemployer pension plans may adopt rules, subject to PBGC approval, for the reduction or waiver of complete withdrawal liability, and establishes standards for PBGC approval of such rules. The Employee Retirement Income Security Act of 1974 directs the PBGC to prescribe such procedures and standards. The amendment allows covered multiemployer pension plans to develop their own rules for the reduction or waiver of complete withdrawal liability, and also provides less restrictive time limits on employer applications to plans for abatement of complete withdrawal liability.

EFFECTIVE DATE: April 1, 1994.

FOR FURTHER INFORMATION CONTACT: Ralph L. Landy, Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005-4026; (202) 326-4127 (202-326-4179 for TTY and TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Background

Section 4203 of the Employee Retirement Income Security Act of 1974, as amended ("ERISA" or "the Act"), sets forth the circumstances under which an employer is deemed to have completely withdrawn from a covered multiemployer pension plan. The amount of complete withdrawal liability is calculated under section 4211. Section 4207(a) requires the PBGC to provide by regulation for the reduction or waiver of complete withdrawal liability in the event that an employer that has withdrawn from a plan

subsequently resumes covered operations under the plan or renews an obligation to contribute under the plan, to the extent that the PBGC determines that reduction or waiver of complete withdrawal liability is consistent with the purposes of ERISA. Section 4207(b) requires the PBGC to prescribe by regulation a procedure and standards for the amendment of plans to provide alternative rules for the reduction or waiver of complete withdrawal liability in the event that an employer that has withdrawn from a plan subsequently resumes covered operations under the plan or renews an obligation to contribute under the plan, to the extent such rules are consistent with the purposes of ERISA.

The PBGC's regulation on Reduction or Waiver of Complete Withdrawal Liability (29 CFR part 2647; see also 29 CFR 2640.6) provides rules requiring pension plans to reduce or waive complete withdrawal liability under ERISA section 4207(a). However, the regulation has not heretofore provided a procedure for pension plans to adopt alternative rules for reduction or waiver of complete withdrawal liability under ERISA section 4207(b).

When the PBGC originally proposed the regulation on Reduction or Waiver of Complete Withdrawal Liability, the PBGC was not prepared to propose rules under section 4207(b). The PBGC believed at that time, however, that "it is important to provide the relief contemplated under section 4207(a)." (49 FR 8036.) Consequently, the PBGC decided to propose and issue rules under section 4207(a) at that time and to promulgate rules under section 4207(b) at a later date.

On October 23, 1992, the PBGC published (at 57 FR 48348) a proposed amendment to the regulation on Reduction or Waiver of Complete Withdrawal Liability. The provisions of the proposed amendment included a procedure for pension plans to adopt alternative rules for reduction or waiver of complete withdrawal liability, requirements for a plan sponsor to submit a written request for PBGC approval of a plan amendment adopting rules for the reduction or waiver of complete withdrawal liability, a description of the information to be submitted to the PBGC for its review of the request, the standards for PBGC approval of the request, a safe harbor period of at least fifteen days from the date of resuming covered operations for an employer resuming covered operations to file its application for abatement of complete withdrawal liability, and an editorial change to expand the purpose of part 2647 to

cover both section 4207(a) and section 4207(b) of ERISA. All of these provisions were discussed in the preamble to the proposed amendment. No written comments were received on the proposal, and the PBGC is adopting the amendment as proposed.

Compliance With Rulemaking Guidelines

The PBGC has determined that this action is not a "significant regulatory action" under the criteria set forth in Executive Order 12866 because it will not have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

Under section 605(b) of the Regulatory Flexibility Act, the PBGC certifies that this rule will not have a significant economic impact on a substantial number of small entities. Pension plans with fewer than 100 participants have traditionally been treated as small plans. This rule affects only multiemployer plans covered by the PBGC. Defining "small plans" as those with under 100 participants, they represent less than 6 percent of all multiemployer plans covered by the PBGC (118 out of 2000). Approximately 500,000 employers contribute to multiemployer plans, most of them small employers (under 100 employees). The PBGC estimates that fewer than 10,000 (2 percent) of these employers are required to pay complete withdrawal liability in any year, and an even smaller percentage subsequently resume their participation under a plan and thereby become subject to these rules. Therefore, the PBGC waives compliance with sections 603 and 604 of the Regulatory Flexibility Act.

Paperwork Reduction Act

The collection of information requirements contained in this rule (viz., in § 2647.9) have been reviewed and approved by the Office of Management and Budget under section 3504(h) of the Paperwork Reduction Act of 1980 under control number 1212-0044. The PBGC estimates that not more