b. [Reserved]

Dated: March 17, 1994.

Iain S. Baird,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 94-6886 Filed 3-23-94; 8:45 am]

BILLING CODE 3510-DT-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1310

Provisional Exemption From Registration for Certain List I Chemical Handlers

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Interim rule.

SUMMARY: Under the provisions of the Domestic Chemical Diversion Control Act of 1993 (DCDCA), which was enacted on December 17, 1993, and becomes effective April 16, 1994, any person who manufactures, distributes, imports or exports a list I chemical (formerly known as a precursor chemical), or who proposes to do so, must first obtain a registration.

Since regulations implementing the DCDCA may not be finalized by April 16, 1994, DEA is establishing a temporary exemption from the registration requirement for any person who must register under the DCDCA. The exemption will stay in effect for each affected person until DEA has either approved the person's application for registration or the Administrator has issued a final order regarding the application, provided that the person makes proper application for registration within 45 days of the effective date of the regulations implementing the DCDCA. Failure to submit to a proper application within this time period will invalidate the exemption. At this time, affected persons are requested to submit to DEA a notice of their intent to seek registration.

EFFECTIVE DATE: March 24, 1994.

FOR FURTHER INFORMATION CONTACT: G. Thomas Gitchel, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Telephone (202) 307-4025.

SUPPLEMENTARY INFORMATION: On December 17, 1993, the Domestic Chemical Diversion Control Act of 1993 was enacted. The DCDCA redesignates precursor chemicals and essential chemicals in Title 21, section 802, as list I chemicals and list II chemicals respectively, and requires that any person who manufactures, distributes, imports or exports a list I chemical shall obtain an annual registration from DEA for each location where such activities are carried out.

The DCDCA also removes the exemption from the definition of a regulated transaction for drugs marketed or distributed under the Food, Drug and Cosmetic Act which either, (1) contain ephedrine or its salts, optical isomers, or salts of optical isomers either as the only active medicinal ingredient or in combination with therapeutically insignificant quantities of another active medicinal ingredient, or (2) contain another listed chemical which DEA has determined is being diverted to obtain the listed chemical for use in the manufacture of a controlled substance. As a result, any person who manufactures, imports, exports or distributes, either by wholesale or retail sales, any drug described above will be required to register and will also be subject to the applicable requirements of the DCDCA and title 21, Code of Federal Regulations, parts 1310 and 1313, when the DCDCA becomes effective on April 16, 1994. Those persons manufacturing, distributing, importing, or exporting drugs distributed or marketed under the Food, Drug and Cosmetic Act which contain ephedrine in combination with therapeutically significant quantities of another drug will remain exempt from the requirements of the DCDCA and the applicable portions of title 21 of the regulations.

The DCDCA also establishes certain other requirements with respect to listed chemicals which will be addressed in a separate **Federal Register** notice proposing the establishment of regulations implementing the DCDCA.

In the event that the regulations and administrative mechanisms to implement the DCDCA are not finalized prior to the April 16, 1994 effective date, DEA is establishing a temporary exemption from the registration requirement for affected persons who manufacture, distribute, import or export list I chemicals. Each affected person will be exempted from the registration requirement until they have made proper application for registration with DEA, provided such application is made within 45 days after the effective date of the regulations implementing the DCDCA, and that application has either been approved by DEA or the Administrator has issued a final order regarding the application following a full administrative proceeding pursuant to sections 823 and 824 of the Controlled Substances Act. Failure to make proper application within the specified time period will result in loss of the exemption. Further, the exemption will apply only to the requirement to register which goes into effect in April 16, 1994. All other requirements of the DCDCA become effective on April 16, 1994, and the requirements of parts 1310 and 1313 of title 21 of the regulations will remain in full force and effect. The change in the designation of the regulated chemicals from precursor and essential to list I and list II chemicals will have no effect on the requirements of parts 1310 and 1313.

To assist DEA in ensuring that the necessary information regarding registration and application forms reaches the affected persons, these persons are requested to notify DEA at this time of their intent to register for their activities. The notice should reflect the name under which business is conducted, the address at which the list I chemical activities are conducted, the type of activity (i.e., manufacture, distribute, import or export), and the specific list I chemical(s) involved. Notice should be submitted for each separate physical location at which such activities are carried out. Notices should be sent to:

Drug Enforcement Administration, Chemical Operations Section, Office of Diversion Control, Washington, DC 20537.

With respect to persons who manufacture list I chemicals, DEA has made a preliminary determination that registration will not be required for persons who manufacture a list I chemical solely for internal consumption with no subsequent distribution or exportation of the List I chemical. Those persons who manufacture a list I chemical for distribution will be required to register. Specific details regarding DEA's determination will be set forth in the **Federal Register** notice proposing the regulations to implement the DCDCA.

The Acting Administrator of the Drug Enforcement Administration hereby certifies that this interim rulemaking will have no significant impact upon entities whose interests must be considered under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq. This interim rulemaking grants a temporary exemption from the registration requirements of the DCDCA pending completion of the regulatory amendments necessary to implement the DCDCA.

This rule is not a significant regulatory action and therefore has not been reviewed by the Office of Management and Budget pursuant to Executive Order 12866.

This action has been analyzed in accordance with the principles and criteria in Executive Order 12612, and it has been determined that the interim rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 21 CFR Part 1310

Drug traffic control, Reporting and recordkeeping requirements, List I and List II chemicals.

For reasons set out above, title 21, Code of Federal Regulations, part 1310 is amended as follows.

PART 1310—[AMENDED]

1. The authority citation for part 1310 continues to read as follows:

Authority: 21 U.S.C. 802, 830, 871(b).

2. Section 1310.09 is added to read as follows:

§ 1310.09 Temporary exemption from registration.

Each person required by section 3(b) of the Domestic Chemical Diversion Control Act of 1993 (Pub. L. 103–200, effective April 16, 1994), to obtain a registration to manufacture, distribute, import, or export a list I chemical (other than those list I chemicals exempted under § 1310.01(f)(1)(iv)), is temporarily exempted from the registration requirement. The exemption will remain in effect for each person until the person has made proper application for registration and the Administration has approved or denied such application, provided that the application has been submitted within 45 days following the effective date of the regulations in part 1309 implementing the Domestic Chemical Diversion Control Act of 1993. This exemption applies only to registration; all other chemical control requirements set forth in the Domestic Chemical Diversion Control Act of 1993 and in parts 1310 and 1313 of this chapter remain in full force and effect.

Dated: March 17, 1994.

Stephen H. Greene,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 94–6884 Filed 3–23–94; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 203 and 234

[Docket No. R–94–1647; FR–3445–F–02]

RIN 2502–AF93

Single Family and Manufactured Home FHA Insurance—Miscellaneous Amendments, Final Rule; Correction

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule; Correction.

SUMMARY: On July 30, 1993 (58 FR 40996), the Department published in the **Federal Register**, a final rule that implemented various provisions in the Housing and Community Development Act of 1992 that related to FHA single family and manufactured home loan limits, veterans exemption from certain equity requirements, establishment of mortgage insurance premiums, and the correction of defects in certain FHA insured homes. The purpose of this document is to correct certain editorial errors contained in 24 CFR parts 203 and 234 of that final rule.

EFFECTIVE DATE: August 30, 1993.

FOR FURTHER INFORMATION CONTACT: *For Single Family Housing issues:* Morris Carter, Director, Single Family Development Division, room 9272, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 708–2700. A telecommunications device for deaf persons (TDD) is available at (202) 708–4594. (These are not toll-free telephone numbers.)

For manufactured home loan issues: Robert J. Coyle, Director, Title I Insurance Division, room 9160, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 708–2880. A telecommunications device for deaf persons (TDD) is available at (202) 708–4594. (These are not toll-free telephone numbers.)

SUPPLEMENTARY INFORMATION: Accordingly, in FR Doc. 93–18038, a final rule published in the Federal Register on July 30, 1993 (58 FR 40996), 24 CFR parts 203 and 234 is corrected to read as follows:

§ 203.18 [Corrected]

1. On page 41002, in column one, in § 203.18(e) introductory text, correct lines 8 through 10 to read, "excess of the lesser of 100 percent of the appraised value of the property or the cost of acquisition as of the date the".

§ 203.18 [Corrected]

2. On page 41002, in column three, in § 203.18b(b)(1), correct line 2 to read, "in paragraph (a) of this section must consist".

§ 203.50 [Corrected]

3. On page 41003, in column two, in § 203.50(f)(1)(i), correct line 13 to read. "the case of an eligible non-".

§ 203.259a [Corrected]

4. On page 41003, in column two, in § 203.259a(b), correct line 4 to read, "§ 203.284 or § 203.285 for mortgages executed on or".

§ 234.27 [Corrected]

5. On page 41006, in column one, in § 234.27(a)(2), in the paragraph heading, the word "Limitation" is lower-cased to read "limitation".

§ 234.27 [Corrected]

6. On page 41006, in column three, in § 234.27(d)(4)(ii), lines 1 and 2, are corrected to read, "Borrower-paid closing costs allowed under § 234.48(a)(1)–(2), except".

7. On page 41007, in column two, § 234.48 is corrected by redesignating paragraph (a)(2)(v) as (a)(2)(vi); and by adding a new paragraph (a)(2)(v), to read as follows:

§ 234.48 Charges, fees or discounts.

(a) * * *

(2) * * *

(v) Fees paid to an appraiser or inspector approved by the Commissioner for the appraisal and inspection, if required, of the property; and

* * * * *

Dated: March 18, 1994.

Myra L. Ransick,

Assistant General Counsel for Regulations.

[FR Doc. 94–6925 Filed 3–23–94; 8:45 am]

BILLING CODE 4210–27–P

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 0

[A.G. Order No. 1858–94]

Organization; Vacancy Designation.

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This order amends § 0.132(c) of title 28, Code of Federal Regulations to allow the Attorney General, in the

event of a vacancy in the office of the Associate Attorney General, to designate another official of the Department to perform the functions and duties of and act as Associate Attorney General. This amendment will conform the designation process for an Acting Associate Attorney General with that for other senior Department officials.

EFFECTIVE DATE: March 17, 1994.

FOR FURTHER INFORMATION CONTACT:

Carl Stern, Director, Office of Public Affairs, U.S. Department of Justice, Washington, D.C. 20530, (202) 616–2777.

SUPPLEMENTARY INFORMATION: This order pertains to a matter of internal Department management. It does not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 605(b). This order has not been reviewed by the Office of Management and Budget pursuant to Executive Order No. 12866.

List of Subjects in 28 CFR Part O

Authority delegations (Government agencies), Government employees, Organization and functions (Government agencies), Whistleblowing.

Accordingly, by virtue of the authority vested in me as Attorney General, including 5 U.S.C. 301 and 28 U.S.C. 509 and 510, Part O of title 28 of the Code of Federal Regulations is amended as follows:

PART O—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

1. The authority citation for Part O continues to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 509, 510, 515–519.

2. Section 0.132 is amended by revising paragraph (c) to read as follows:

§ 0.132 Designating officials to perform the functions and duties of certain offices in case of absence, disability or vacancy.

* * * * *

(c) In the event of a vacancy in the office of Associate Attorney General, the Attorney General may designate another official of the Department to perform the functions and duties of and act as Associate Attorney General.

* * * * *

Dated: March 17, 1994.

Janet Reno,

Attorney General.

[FR Doc. 94–6871 Filed 3–23–94; 8:45 am]

BILLING CODE 4410–10–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FL–051–5819; FRL–4851–6]

Approval and Promulgation of Implementation Plans Florida: Approval of Revisions to Florida Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving revisions to the Florida State Implementation Plan (SIP) for ozone. These revisions were submitted to EPA through the Florida Department of Environmental Regulation (FDER) on January 8, 1993, and revise regulations for Stage I vapor recovery (Stage I) in Florida's SIP and add regulations pertaining to Stage II vapor recovery (Stage II). This plan has been submitted by the FDER to satisfy the requirement of section 182(b)(3) of the 1990 Clean Air Act, which requires all ozone nonattainment areas classified as moderate or above to require owners and operators of gasoline dispensing facilities to install and operate Stage II vapor recovery systems. FDER has also submitted this plan as an integral part of the program to achieve and maintain the National Ambient Air Quality Standards (NAAQS) for ozone, carbon monoxide and nitrogen dioxide. EPA proposed approval of these revisions on December 14, 1993, (58 FR 65307), and no comments were received. These regulations meet all of EPA's requirements for Stage II programs and therefore EPA is approving the SIP revisions.

EFFECTIVE DATE: This final rule will be effective April 25, 1994.

ADDRESSES: Copies of the material submitted by Florida may be examined during normal business hours at the following locations:

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

Florida Department of Environmental Protection, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399–2400.

Environmental Protection Agency, Air Docket, 6102, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Alan W. Powell of the EPA Region IV Air Programs Branch at (404) 347–2864 and at the above address.

SUPPLEMENTARY INFORMATION: On November 15, 1990, the President signed into law the Clean Air Act Amendments of 1990. The Clean Air Act as amended in 1990 (CAA) includes new requirements for the improvement of air quality in ozone nonattainment areas. Under section 181(a) of the CAA, nonattainment areas were categorized by the severity of the area's ozone problem, and progressively more stringent control measures were required for each category of higher ozone concentrations. The basis for classifying an area in a specific category was the ambient air quality data obtained in the three year period 1987–1989. The CAA delineates in section 182 the SIP requirements for ozone nonattainment areas based on their classifications. Specifically, section 182(b)(3) requires areas classified as moderate to implement Stage II controls unless and until EPA promulgates On Board Vapor Recovery (OBVR) regulations pursuant to section 202(a)(6) of the CAA. Based on consultation with the National Highway Transportation Safety Board, EPA determined that OBVR were unsafe and therefore moderate areas must implement a Stage II program. On January 22, 1993, the United States Court of Appeals for the District of Columbia ruled that EPA's previous decision not to require OBVR controls be set aside and that OBVR regulations be promulgated pursuant to section 202(a)(6) of the CAA. Subsequently, EPA reached a settlement with the plaintiffs which required EPA to promulgate final regulations by January 22, 1994. After such promulgation, moderate areas will not be required to implement Stage II regulations, but Florida has indicated that the State intends to continue Stage II as part of its long term maintenance plan. The EPA Administrator signed the OBVR final rule on January 24, 1994. Under section 182(b)(3), EPA was required to issue guidance as to the effectiveness of Stage II systems. In November 1991, EPA issued technical and enforcement guidance to meet this requirement. These two documents are entitled "Technical Guidance-Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities" (EPA–450/3–91–022) and "Enforcement Guidance for Stage II Vehicle Refueling Control Programs." In addition, on April 16, 1992, EPA published the "General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990" (57 FR 13498). The guidance documents and the General Preamble discuss Stage II statutory requirements and indicate what EPA believes a State submittal needs to include to meet those requirements. The Florida regulations meet those requirements and are discussed below.

Rule 17-252, Gasoline Vapor Recovery

Stage II

The Southeast Florida Air Quality region is designated nonattainment for ozone and classified as moderate. See 56 FR 56694 (November 6, 1991) and 57 FR 56762 (November 30, 1992), codified at 40 CFR 81.300 through 81.437. Under section 182(b)(3) of the CAA, Florida was required to submit Stage II vapor recovery rules for this area by November 15, 1992. On January 8, 1993, FDER submitted to EPA Stage II vapor recovery rules that were adopted by the State on December 9, 1992, and the rules became state effective January 21, 1993. The Florida regulation meets all EPA requirements (see proposal, December 14, 1993, 58 FR 65307). Additional information is contained in the Technical Support Document (TSD) which is available for review in the EPA Region IV office.

Stage I

The Stage I regulations have been amended to require Stage I vapor recovery at all facilities subject to the Stage II requirements in areas which are designated as a nonattainment or maintenance area for ozone under Rule 17–275, F.A.C. (Broward, Dade, Duval, Hillsborough, Palm Beach, and Pinellas Counties). The gasoline tanker truck section was also revised to require submerged filling at bulk plants and facilities required to have Stage I and II vapor recovery. These revisions are consistent with EPA policy and requirements.

Final Action

EPA is approving the above referenced revisions as meeting the requirements of section 182(b)(3) of the CAA. All of the revisions are consistent with EPA guidance.

This document makes final the action proposed at (58 FR 65307). As noted elsewhere in this document, EPA received no adverse public comment on the proposed action. As a direct result, the Regional Administrator has reclassified this action from Table 2 to Table 3 under the processing procedures established at 54 FR 2214, January 19, 1989.

This action has been classified as a Table 3 action by the 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 Shapiro, Acting Assistant Administrator for Air and Radiation. A future document will inform the general public of these tables. On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and 3 SIP revisions from the requirements of section 3 of Executive Order 12291 for 2 years. The EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. The OMB has agreed to continue the waiver until such time as it rules on EPA's request. This request continues in effect under Executive Order 12866 which superseded Executive Order 12291 on September 30, 1993.

Under section 307(b)(1) of the Act, 42 U.S.C. 7607 (b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 23,1994. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for 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) of the Act, 42 U.S.C. 7607 (b)(2).)

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a 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.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small non-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Nitrogen dioxide, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: March 8, 1994.

Donald J. Guinyard,

Acting Regional Administrator.

Part 52, title 40, chapter I of the Code of Federal Regulations, 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 K—Florida

2. Section 52.520 is amended by adding paragraph (c)(79) to read as follows:

§ 52.520 Identification of plan.

* * * * *

(c) * * *

(79) Revisions to the F.A.C. Chapter 17–252 which were submitted by the Florida Department of Environmental Protection on January 8, 1993. The submittal revised the regulations for vapor recovery.

(i) Incorporation by reference.

(A) Revision to F.A.C. 17–252 which was effective on February 2, 1993: 17–252.100; 17–252.200(2–12); 17–252.300; 17–252.400; 17–252.500; 17–252.800; 17–252.900

(ii) Other material.

(A) Letter of January 8, 1993, from the Florida Department of Environmental Regulation.

* * * * *

[FR Doc. 94–6976 Filed 3–23–94; 8:45 am]

BILLING CODE 6560–50–F

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40 CFR Part 52

[AK–4–2–6299; FRL–4850–3]

Approval and Promulgation of State Implementation Plans: Alaska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.