Appendix E to Part 50—Emergency Planning and Preparedness for Production and Utilization Facilities

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IV. Content of Emergency Plans

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F. Training.

1. The program to provide for: (a) The training of employees and exercising, by periodic drills, of radiation emergency plans to ensure that employees of the licensee are familiar with their specific emergency response duties, and (b) The participation in the training and drills by other persons whose assistance may be needed in the event of a radiation emergency shall be described. This shall include a description of specialized initial training and periodic retraining programs to be provided to each of the following categories of emergency personnel:

i. Directors and/or coordinators of the plant emergency organization;

ii. Personnel responsible for accident assessment, including control room shift personnel;

iii Radiological monitoring teams;

iv. Fire control teams (fire brigades);

v. Repair and damage control teams;

vi. First aid and rescue teams;

vii. Medical support personnel;

viii. Licensee's headquarters support personnel;

ix. Security personnel.

In addition, a radiological orientation training program shall be made available to local services personnel; e.g., local emergency services/Civil Defense, local law enforcement personnel, local news media persons.

2. The plan shall describe provisions for the conduct of emergency preparedness exercises as follows: Exercises shall test the adequacy of timing and content of implementing procedures and methods, test emergency equipment and communications networks, test the public notification system, and ensure that emergency organization personnel are familiar with their duties.[3]

a. A full participation[4] exercise which tests as much of the licensee, State and local emergency plans as is reasonably achievable without mandatory public participation shall be conducted for each site at which a power reactor is located. This exercise shall be conducted within two years before the issuance of the first operating license for full power (one authorizing operation above 5% of rated power) of the first reactor and shall include participation by each State and local government within the plume exposure pathway EPZ and each state within the ingestion exposure pathway EPZ. If the full participation exercise is conducted more than one year prior to issuance of an operating licensee for full power, an exercise which tests the licensee's onsite emergency plans shall be conducted within one year before issuance of an operating license for full power. This exercise need not have State or local government participation.

b. Each licensee at each site shall annually exercise the onsite emergency plan.

c. Offsite plans for each site shall be exercised biennially with full participation by each offsite authority having a role under the plan. Where the offsite authority has a role under a radiological response plan for more than one site, it shall fully participate in one exercise every two years and shall, at least, partially participate[5] in other offsite plan exercises in this period.

d. A State should fully participate in the ingestion pathway portion of exercises at least once every six years. In States with more than one site, the State should rotate this participation from site to site.

e. Licensees shall enable any State or local government located within the plume exposure pathway EPZ to participate in annual exercises when requested by such State or local government.

f. Remedial exercises will be required if the emergency plan is not satisfactorily tested during the biennial exercise, such that NRC, in consultation with FEMA, cannot find reasonable assurance that adequate protective measures can be taken in the event of a radiological emergency. The extent of State and local participation in remedial exercises must be sufficient to show that appropriate corrective measures have been taken regarding the elements of the plan not properly tested in the previous exercises.

g. All training, including exercises, shall provide for formal critiques in order to identify weak or deficient areas that need correction. Any weaknesses or deficiencies that are identified shall be corrected.

h. The participation of State and local governments in an emergency exercise is not required to the extent that the applicant has identified those governments as refusing to participate further in emergency planning activities, pursuant to 10 CFR 50.47(c)(1). In such cases, an exercise shall be held with the applicant or licensee and such governmental entities as elect to participate in the emergency planning process.

* * * * *

Dated at Rockville, MD, this 14th day of March, 1994.

For the Nuclear Regulatory Commission.

James M. Taylor,

Executive Director for Operations.

[FR Doc. 94–7065 Filed 3–24–94; 8:45 am]

BILLING CODE 7590-01-P

[3] Use of site specific simulators or computers is acceptable for any exercise.

[4] "Full participation" when used in conjunction with emergency preparedness exercises for a particular site means appropriate offsite local and State authorities and licensee personnel physically and actively take part in testing their integrated capability to adequately assess and respond to an accident at a commercial nuclear power plant. "Full participation" includes testing major observable portions of the onsite and offsite emergency plans and mobilization of state, local and licensee personnel and other resources in sufficient numbers to verify the capability to respond to the accident scenario.

[5] "Partial participation" when used in conjunction with emergency preparedness exercises for a particular site means appropriate offsite authorities shall actively take part in the exercise sufficient to test direction and control functions; i.e., (a) protective action decision making related to emergency action levels, and (b) communication capabilities among affected State and local authorities and the licensee.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Parts 8, 12, 28, 86, 92, 200, 207, 213, 215, 219, 220, 221, 241, 243, 248, 250, 260, 510, 511, 570, 590, 750, 760, 791, 811, 812, 813, 850, 880, 881, 882, 883, 884, 885, 886, 887, 905, 912, 913, 941, 942, 960, 961, 964, 965, 968, 969, 970, and 1800

[Docket No. R-94-1712; FR-3046-F-01]

RIN 2502-AF50

Section 572, Low-Income Term; Miscellaneous Nomenclature Changes

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to make nomenclature changes throughout title 24 of the Code of Federal Regulations to remove the term "lower income" and insert in its place "low-income". These changes will conform HUD terminology to current practice required by recent legislation.

EFFECTIVE DATE: April 25, 1994.

FOR FURTHER INFORMATION CONTACT: Myra L. Ransick, Assistant General Counsel for Regulations, Department of Housing and Urban Development, room 10276, 451 Seventh Street SW., Washington, DC 20410, telephone (202) 708–3055. A telecommunications device for hearing- or speech-impaired persons (TDD) is available at (202) 708–3259. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: This final rule will implement section 572 of the Cranston-Gonzales National Affordable Housing Act (NAHA), Public Law 101–625 (November 28, 1990), by making nomenclature changes throughout title 24 of the Code of Federal Regulations to reflect the new use of the term "low-income" instead of the term "lower income." The amendments in section 572 of NAHA changed references in the United States Housing Act of 1937 (42 U.S.C. 1437 *et seq.*) (the 1937 Act) by striking "lower income families" and inserting in its place "low-income families", and by striking "lower income housing" and inserting in its place "low-income housing." This rule will conform the Department of Housing and Urban Development's regulations by removing the term "lower income" wherever it appears in a context associated with the 1937 Act, and by inserting in its place the term "low-income."

Tables following the Preamble to this rule show in list format the nomenclature changes being made by this rule to the various sections of title 24 of the Department's regulations.

The Department has determined that this document need not be published as a proposed rule, as generally required by the Administrative Procedure Act (APA), since this final rule merely conforms HUD regulations to reflect legislative changes in terminology. As a rule relating to agency practice, it is exempt from the proposed rulemaking requirements of the APA (see section 553(b)(A)).

A Finding of No Significant Impact with respect to the environment required by the National Environmental Policy Act (42 U.S.C. 4321–4347) is unnecessary, since this nomenclature change is categorically excluded under HUD regulations at 24 CFR 50.20(k).

As required by section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities because it merely makes nomenclature changes to the Department's regulations.

This final rule was listed as item 1542 in the Department's Semiannual Agenda of Regulations published on October 25, 1993 (58 FR 56402, 56431) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

List of Subjects

24 CFR Part 8

Administrative practice and procedure, Civil rights, Equal employment opportunity, Grant programs—housing and community development, Individuals with disabilities, Loan programs—housing and community development, Reporting and recordkeeping requirements.

24 CFR Part 12

Administrative practice and procedure, Grant programs—housing and community development, Loan programs—housing and community development, Reporting and recordkeeping requirements.

24 CFR Part 28

Administrative practice and procedure, Claims, Fraud, Penalties.

24 CFR Part 86

Administrative practice and procedure, Lobbying (Government agencies), Reporting and recordkeeping requirements.

24 CFR Part 92

Grant programs—housing and community development, Manufactured homes, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 200

Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Home improvement, housing standards, Lead poisoning, Loan programs—housing and community development, Mortgage insurance, Organization and functions (Government agencies), Reporting and recordkeeping requirements, Social security.

24 CFR Part 207

Manufactured homes, Mortgage insurance, Reporting and recordkeeping requirements, Solar energy.

24 CFR Part 213

Cooperatives, Mortgage insurance, Reporting and recordkeeping requirements.

24 CFR Part 215

Grant programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 219

Loan programs—housing and community development, Low and moderate income housing.

24 CFR Part 220

Home improvement, Loan programs—housing and community development, Mortgage insurance, Reporting and recordkeeping requirements, Urban renewal.

24 CFR Part 221

Low and moderate income housing, Mortgage insurance, Reporting and recordkeeping requirements.

24 CFR Part 241

Energy conservation, Home improvement, Loan programs—housing and community development, Mortgage insurance, Reporting and recordkeeping requirements, Solar energy.

24 CFR Part 243

Aged, Grant programs—housing and community development, Individuals with disabilities, Loan programs—housing and community development, Low and moderate income housing, Mortgage insurance, Pets, Reporting and recordkeeping requirements.

24 CFR Part 248

Intergovernmental relations, Loan programs—housing and community development, Low and moderate income housing, Mortgage insurance, Reporting and recordkeeping requirements.

24 CFR Part 250

Intergovernmental relations, Low and moderate income housing, Mortgage insurance.

24 CFR Part 260

Grant programs—housing and community development, Low and moderate income housing.

24 CFR Part 510

Lead poisoning, Loan programs—housing and community development, Relocation assistance, Reporting and recordkeeping requirements, Urban renewal, Social security.

24 CFR Part 511

Administrative practice and procedure, Grant programs—housing and community development, Lead poisoning, Low and moderate income housing, Reporting and recordkeeping requirements, Technical assistance.

24 CFR Part 570

Administrative practice and procedure, American Samoa, Community development block grants, Grant programs—housing and community development, Grant programs—education, Guam, Lead poisoning, Loan programs—housing and community development, Low and moderate income housing, Northern Mariana Islands, Pacific Islands Trust Territory, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands, Student aid.

24 CFR Part 590

Government property, Housing, Intergovernmental relations, Low and moderate income housing, Reporting and recordkeeping requirements, Urban renewal.

24 CFR Part 750

Grant programs—housing and community development, Intergovernmental relations, Loan programs—housing and community development, Public housing, Rent subsidies, Reporting and recordkeeping requirements, Social security.

24 CFR Part 760

Certain housing assistance programs, Income verification procedures.

24 CFR Part 791

Grant programs—housing and community development, Intergovernmental relations, Public housing, Rent subsidies.

24 CFR Part 811

Public housing, Securities, Taxes.

24 CFR Part 812

Low and moderate income housing, Reporting and recordkeeping requirements.

24 CFR Part 813

Grant programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements, Utilities.

24 CFR Part 850

Grant programs—housing and community development, Low and moderate income housing, Reporting and recordkeeping requirements.

24 CFR Part 880

Grant programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 881

Grant programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 882

Grant programs—housing and community development, Lead poisoning, Manufactured homes, Homeless, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 883

Grant programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 884

Grant programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements, Rural areas.

24 CFR Part 885

Aged, Individuals with disabilities, Loan programs—housing and community development, Low and moderate income housing, Reporting and recordkeeping requirements.

24 CFR Part 886

Grant programs—housing and community development, Lead poisoning, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 887

Grant programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 905

Aged, Grant programs—housing and community development, Grant programs—Indians, Individuals with disabilities, Indians, Loan programs—housing and community development, Loan programs—Indians, Low and moderate income housing, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 912

Public housing, Reporting and recordkeeping requirements.

24 CFR Part 913

Grant programs—housing and community development, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 941

Grant programs—housing and community development, Loan programs—housing and community development, Public housing.

24 CFR Part 942

Aged, Individuals with disabilities, Pets, Public housing.

24 CFR Part 960

Aged, Grant programs—housing and community development, Individuals with disabilities, Public housing.

24 CFR Part 961

Drug abuse, Drug traffic control, Grant programs—housing and community development, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 964

Grant programs—housing and community development, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 965

Energy conservation, Government procurement, Grant programs—housing and community development, Lead poisoning, Loan programs—housing and community development, Public housing, Reporting and recordkeeping requirements, Utilities.

24 CFR Part 968

Grant programs—housing and community development, Loan programs—housing and community development, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 969

Grant programs—housing and community development, Low and moderate income housing, Public housing.

24 CFR Part 970

Grant programs—housing and community development, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 1800

Energy conservation, Grant programs—energy, Loan programs—energy, Penalties, Reporting and recordkeeping requirements, Solar energy.

Accordingly, the Department amends title 24 of the Code of Federal Regulations as follows:

1. The authority citation for 24 CFR parts 8, 12, 28, 86, 92, 200, 207, 213, 215, 219, 220, 221, 241, 243, 248, 250, 260, 510, 511, 570, 590, 750, 760, 791, 811, 812, 813, 850, 880, 881, 882, 883, 884, 885, 886, 887, 905, 912, 913, 941, 942, 960, 961, 964, 965, 968, 969, 970, and 1800 continues to read as follows:

Authority: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

2. In the list below, for each entry indicated in the left column, remove the reference indicated in the middle column from wherever it appears in the section and add the reference indicated in the right column:

Section	Remove	Add
8.28(a)(1)	lower-income	low-income.
Appendix A to part 8, under the undesignated center heading "Housing Programs", paragraphs 1, 4, and 18	Lower-income	Low-income.
Appendix A to part 8, under the undesignated center heading "Housing Programs", paragraph 11	lower income	low-income.
Appendix B to part 8, paragraph 3	Lower-Income	Low-Income.
12.3, Definition for *Indian Housing Authority*, paragraph (1)	lower income	low-income.
12.3, Definition for *Public housing agency*	lower income	low-income.
28.5(c)(2)	lower income	low-income.

Section	Remove	Add
28.5(c)(2), In the list of commonly named programs	Lower-Income	Low-Income.
86.15, definitions for *Indian Housing Authority*, paragraph 1, and *Public housing agency*	lower income	low-income.
92.252(b)	lower income	low-income.
200.1005, Definition for *PHA*	lower income	low-income.
200.1105, Definition for *PHA*	lower income	low-income.
207.19(e)(9)(i)(B)(*2*)	lower income	low-income.
213.45a(b)(2)	lower income	low-income.
215.40(c)	lower income	low-income.
219.320(a)	lower income	low-income.
219.325(b)	lower income	low-income.
219.330(b)(2)	lower income	low-income.
220.511(d)(1)(ii)(B)	lower income	low-income.
221.530(a)(3)(vii)(A)(*2*)(*ii*)	lower income	low-income.
241.1005(b), definition for *Limited equity cooperative*	lower income	low-income.
241.1005(b), definition heading for *Low income families*	*Low income*	*Low-income.*
243.20 (c)(3)(ii)(A) and (c)(3)(iii)	lower income	low-income.
248.201, definition heading for *Lower Income Families*	*Lower income*	*Low-income.*
248.201, definition for *Lower Income Families*	lower income	low-income.
248.201, definition for *Plan of Action*	lower income	low-income.
248.211(a)	lower income	low-income.
248.221(b)(1) (i) and (ii)	lower income	low-income.
248.233(d) (1) and (7)	lower income	low-income.
250.6, undesignated text following paragraph (b)	lower income	low-income.
260.1	lower income	low-income.
510.52(c)(3)(iii)(B) (*2*)	lower income	low-income.
511.1(b)	lower income	low-income.
511.2, definition heading for *Lower income family*	*Lower income*	*Low-income.*
511.2, definition for *Lower income family*	lower income	low-income.
511.2, definition for *Public Housing Agency (PHA)*	lower income	low-income.
511.2, definition heading for *Rents affordable to lower income families*	*lower income*	*low-income.*
511.10(a) (1), (3), and (4) and (c)(2)(i)	lower income	low-income.
511.11(b) and (e)(1)(i)(A)	lower income	low-income.
511.14(e) and (g)(1)(iii)(A)(*2*)	lower income	low-income.
511.20(b)(2)(i)(C)	lower income	low-income.
511.20(b)(3)	lower income families.	low-income families.
511.40(b)(1)	lower income	low-income.
511.52(b)(2)	lower income	low-income.
511.71(d)	lower-income families.	low-income families.
511.71(d)	lower-income persons.	low-income persons.
511.76(c)(2)(i)	lower income	low-income.
511.81(b)(2)(i)	lower income	low-income.
570.3, definition heading for *Low and moderate income household or lower income household*	*lower income household.*	*low-income household.*
570.3, definition heading for *Low and moderate income person or lower income person*	*lower income person.*	*low-income person.*
570.3, definition heading for *Low income household*	Low income	Low-income.
570.3, definition heading for *Low income person*	*Low income*	*Low-income.*
590.1(b)	lower income	low-income.
590.5, definition heading for *Lower income families*	Lower income	Low-income.
590.7(b)(2) (iv) and (v)	lower income	low-income.
750.5, definition for *Public housing agency (PHA)*	lower income	low-income.
760.5, definition for *Public Housing Agency (PHA)*	lower income	low-income.
791.102, definition for *Public housing agency*	lower income	low-income.
791.302(a)	lower-income	low-income.
791.402, section heading and paragraph (a)	lower-income	low-income.
791.407(a)(2)	lower income	low-income.
811.102(m)	lower income	low-income.
811.202, definition for *Loan Agreement.*	lower income	low-income.
812.3(b)(1)(i) introductory text and (b)(1)(ii)	lower income or lower-income.	low-income.
813.102, definition for *Indian Housing Authority*	*lower income*	*low-income.*
813.102, definition heading for *Lower income Family*	Lower Income	Low-Income.
813.102, definition for *Public Housing Agency.*	lower income	low-income.
813.102, definition for *Very-Low-Income Family*	*Lower Income*	*Low-Income.*
813.103	Lower Income	Low-Income.
813.104(a)	Lower Income	Low-Income.
813.105(a) introductory text, (b) introductory text, (b) (1) and (2), (c) (1) and (2)	Lower Income	Low-Income.
813.110(c)	Lower-Income	Low-Income.
850.1	lower income	low-income.
850.3, definitions for *Lower income household and Lower income unit*	lower income	low-income.
850.13(a) (2) and (3), (b) (1) and (2)	lower income	low-income.

Section	Remove	Add
850.15(a), (d) introductory text, (d) (1), (2), (4) and (6)	lower income	low-income.
850.17(a)	lower income	low-income.
850.31(f)	lower income	low-income.
850.33 (f)(4), (g)(3), (i), (j), and (r)(4)	lower income	low-income.
850.35 (d)(2)(iii)(B) and (d)(2)(iv)	lower income	low-income.
850.37(f)	lower income	low-income.
850.39(b)(1), (6), and (10), and (c)(1)	lower income	low-income.
850.61(b)	lower income	low-income.
850.151 (d), (e) paragraph heading, (e) (1), (2), (4), and (5), and (f)(1), (f)(2) introductory text, and (f)(2) (i) and (ii).	lower income	low-income.
880.101(a)(1)	lower-income	low-income.
880.103(c)	lower-income	low-income.
880.201, definition heading for *Lower Income Family*	*Lower Income*	*Low-Income.*
880.201, definition for *PHA*	lower-income	low-income.
880.204 (a) and (e)	lower-income	low-income.
880.206(h)	lower-income	low-income.
880.209(c) paragraph heading and text	*Lower-income*	*Lower-income.*
881.101(a)(1)	lower-income	low-income.
881.103(c)	lower-income	low-income.
881.201, definition heading for *Lower Income Family*	*Lower Income*	*Low-Income.*
881.201, definition for *PHA*	lower-income	low-income.
881.204 (a) and (e)	lower-income	low-income.
881.206(g)	lower-income	low-income.
881.209(c) paragraph heading and text	lower-income	low-income.
882.116(a)	Lower-Income	Low-Income.
882.117(c)(1)(i)	lower-income	low-income.
882.123(h) introductory text	lower-income	low-income.
882.204(a)(2)	Lower-Income	Low-Income.
882.207 section heading and introductory text	lower-income	low-income.
882.401(a)	lower-income	low-income.
882.402, definition for *Eligible Family ("Family")*	lower-income	low-income.
882.404(b)(5)	lower-income	low-income.
882.513 section heading and (a) paragraph heading	lower-income	low-income.
882.514(c)	Lower-Income	Low-Income.
882.601	lower-income	low-income.
882.602, definition for *Assisted Family*	lower-income	low-income.
882.701(a)	lower-income	low-income.
882.708(c)(3) (i) and (iii) introductory text, and (d)	lower income	low-income.
882.708(g)	lower-income	low-income.
882.716	lower income	low-income.
882.721(c)	lower income	low-income.
882.753(c)(3)	lower income	low-income.
883.101(a)(1)	lower income	low-income.
883.103(c)	lower-income	low-income.
883.302, definition for *Impacted jurisdiction*	lower-income	low-income.
883.302, definition for *Lower Income Family*	*Lower Income*	*Low-Income.*
883.302, definition for *PHA (Public Housing Agency)*	lower-income	low-income.
883.305(a)	lower-income	low-income.
883.305(e)	lower income	low-income.
883.309(a)(7)	lower-income	low-income.
884.102, definition for *Lower Income Family*	*Lower Income*	*Low-Income.*
884.110((c)	lower income	low-income.
884.116(a)	Lower-Income	Low-Income.
885.9 (d) and (f)(1)(iii)(A)(*2*)	lower income	low-income.
885.740 (e)(4) and (e)(6)(i)(C)(*1*)(*ii*)	lower income	low-income.
885.700, definition for *Family (eligible family)*	lower-income	low-income.
885.725(a)	lower income	low-income.
885.730(c)(3) (i) and (iii) and (g)	lower income	low-income.
885.750(c)(1)(ii)	lower income	low-income.
885.950(b)	lower income	low-income.
886.102, definition for *Lower Income Family*	*Lower Income*	*Low-Income.*
886.302, definition for *Eligible project or project*	lower income	low-income.
886.302, definition for *Lower Income Family*	*Lower Income*	*Low-Income.*
887.7, definition for *2Lower income family*	*Lower income*	*Low-income.*
887.7, definitions for *Public Housing Agency (PHA)* and *Very low-income family*	lower income	low-income.
887.105(b)(1)	lower income	low-income.
887.109	lower income	low-income.
887.151 (a)(2) and (b)	lower income	low-income.
887.455 (b) and (c)	lower income	low-income.
905.102, definitions for *Annual contributions contract (ACC), Homebuyer, Housing Manager, Indian area,* and *Indian Housing Authority (IHA).*	low income	low-income.
905.745(a)(1)	low income	low-income.
912.3(b)(1)(i) introductory text and (b)(1)(ii)	or lower-income.	

Section	Remove	Add
913.102, definitions for *Indian Housing Authority* and *Public Housing Agency (PHA)*	lower income	low-income.
913.102, definition heading for *Lower Income Family*	*Lower Income*	*Low-Income.*
913.102, definition for *Very Low-Income Family*	Lower-Income	Low-Income.
913.104(a)	Lower Income	Low-Income.
913.105(a), (b) introductory text, and (b)(4)	Lower Income	Low-Income.
913.110(c)	Lower-Income	Low-Income.
941.101(a) introductory text	lower income	low-income.
941.202(h)	lower-income	low-income.
941.209	lower-income	low-income.
941.302(d)(2)	lower income	low-income.
942.3(c)	lower income	low-income.
960.204(b)(3)	lower income	low-income.
960.205(c) (1) and (5)	lower income	low-income.
961.5, definitions for *Indian Housing Authority*, paragraph (1)	lower income	low-income.
961.5, definition for *Project*	low income	low-income.
961.5, definition for *Public housing agency (PHA)*	low income	low-income.
964.39(e)	lower income	low-income.
965.101(a)(1)(ii)	lower income	low-income.
965.472, definition for *Public Housing Agency (PHA)*	lower income	low-income.
968.101 (a) and (b)(2)	low income	low-income.
968.105, definition for *Annual contributions contract (ACC)*	lower income	low-income.
969.102	lower-income	low-income.
970.2(c)	lower income	low-income.
970.7(a)(2)	lower income	low-income.
970.9(b)(2)	lower income	low-income.
970.12	lower income	low-income.
1800.3, definition for "Family"	lower-income	low-income.

Dated: March 11, 1994.

Henry G. Cisneros,

Secretary.

[FR Doc. 94–6481 Filed 3–24–94; 8:45 am]

BILLING CODE 4210–32–P

Office of the Assistant Secretary for Public and Indian Housing

24 CFR Parts 905 and 941

[Docket No. R–94–1690; FR–3550–F–02]

RIN 2577–AB34

Public and Indian Housing Development—Amendment to Calculation of Total Development Cost

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Final rule.

SUMMARY: This rule adopts as final an interim rule, published on November 29, 1993, which revised the Department's regulations at 24 CFR parts 905 and 941 to remove donations (non-public or non-Indian housing funds) from the Department's calculation of total development cost (TDC). The Department's experience indicated that the inclusion of donations within the TDC of projects has created unwarranted delays in the development process, and, in some cases, has been a contributory reason for cost increases in the low-income housing development process.

EFFECTIVE DATE: April 25, 1994.

FOR FURTHER INFORMATION CONTACT: For Public Housing, Janice Rattley, Director of the Office of Construction, Rehabilitation and Maintenance, Department of Housing and Urban Development, 451 Seventh Street SW., room 4136, Washington, DC 20410. Telephone (202) 708–1800 (voice) or (202) 708–4594 (TDD). (These are not toll-free numbers.)

For Indian Housing, Dom Nessi, Director, Office of Native American Programs, Department of Housing and Urban Development, 451 Seventh Street SW., room 4140, Washington, DC 20410. Telephone (202) 708–1015 (voice) or (202) 708–4594 (TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

1. The November 29, 1993 Interim Rule

On November 29, 1993 (58 FR 62522), HUD published an interim rule to remove donations (non-public or non-Indian housing funds) from the Department's calculation of total development cost (TDC).

Before publication of the November 29, 1993 interim rule, the regulations for HUD's public housing development program and Indian housing development program (codified, respectively, in 24 CFR parts 941 and 905) provided for the inclusion of donations (non-public or non-Indian housing funds), in calculating the total development cost (TDC). The project TDC would then be compared to the published TDC limitations currently in effect, which could result in actual development costs that are less than, the same as, or more than the published TDC limitations. Under this procedure, if the project TDC exceeded 100 percent of the published TDC limitation, notwithstanding the reason for the increase over the TDC limitation or the source of funding for the increase, the Field Office was unable to approve the project TDC without authorization of the Regional Administrator or the Assistant Secretary for Public and Indian Housing. This approval procedure was intended to verify Field Office processing, and to ensure that the project TDC would provide modest, non-luxury, durable housing at a reasonable cost. In actual fact, however, the TDC approval process, which did not take into consideration that donations may be the reason for, or the source of payment of, the increase over the TDC limits, resulted in unwarranted delays in the development process because of the amount of time it takes for the request to move through the system. In some cases, these delays were a contributory reason for cost increases in development of public and Indian housing.

The amendments to be made by the November 29, 1993 interim rule, and adopted in final by this rule, permit HUD Field Offices to calculate the project TDC relative to published TDC limitations, and to authorize housing agencies to proceed with developments, without referral to Regional Administrators or the Assistant Secretary, where funds in excess of TDC limits are provided through donations. Where funds in excess of TDC limits will not be provided through donations, Field Offices must continue to seek authorization from the Regional Administrators or the Assistant Secretary. HUD will not provide funds to housing agencies under section 5 of the U.S. Housing Act of 1937 in excess of TDC limitations without such authorization.

The specific sections in 24 CFR parts 905 and 941 amended by the November 29, 1993 interim rule, and adopted in final by this rule, are as follows:

Sections 905.102 and 941.103 are each amended by revising the definition of "total development cost" contained in these sections to clarify that maximum total development cost excludes any donations.

Sections 905.255 and 941.204 are amended to add a new paragraph to each section that will clarify that although donations are not included in the project TDC calculations, donations must be included in the project development cost budget. A new paragraph (j) has been added to § 905.255 and a new paragraph (d) has been added to § 941.204. Additionally, § 905.255(a)(2) is amended to clarify that the "inclusion of all costs" discussed in this paragraph does not include donations.

Additionally, § 941.406 is amended to clarify that the total project cost refers to HUD funds.

2. Public Comments

The November 29, 1993 interim rule solicited public comments through January 28, 1994. By the expiration of the comment period, only one comment was received. The commenter, a public housing agency, stated that it was in full agreement with the interim rule, and supported the amendment to HUD's regulations.

Since no other comments were received on the interim rule, and since the Department intends to make no further changes, the Department will adopt as its final rule the November 29, 1993 interim rule.

Other Matters

Environmental Impact

At the time of development of the November 29, 1993 interim rule, a Finding of No Significant Impact with respect to the environment was made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. That Finding remains applicable to this final rule, and is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk at the above address.

Impact on Small Entities

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this final rule before publication, and, by approving it, certifies that this final rule will not have a significant economic impact on a substantial number of small entities. The rule's major effect is on housing agencies which are state and local governmental entities. The final rule revises the manner in which the total development cost is calculated, and in so doing, reduces delays and costs in the development of public and Indian housing, which is beneficial to housing agencies.

Federalism Impact

The General Counsel, as the Designated Official under section 6(a) of Executive Order No. 12612, Federalism, has determined that this final rule will not have a substantial, direct effect on the States or their political subdivisions or on the relationship between the Federal government and the States, or on the distribution of power or responsibilities among the various levels of government. The rule removes, rather than imposes, a program requirement.

Impact on the Family

The General Counsel, as the Designated Official under Executive Order 12606, The Family, has determined that this final rule does not have a potential significant impact on family formation, maintenance, and general well-being, and thus is not subject to review under the Order. No significant change in existing HUD policies or programs will result from promulgation of this rule, as those policies and programs relate to family concerns.

Regulatory Agenda

This rule was listed as sequence number 1650 in the Department's Semiannual Agenda of Regulations published on October 25, 1993 (58 FR 56402, 56451) under Executive Order 12291 and the Regulatory Flexibility Act.

Catalog of Federal Domestic Assistance Program

The Catalog of Federal Domestic Assistance Program title and number is 14.850, Public and Indian Housing.

List of Subjects

24 CFR Part 905

Aged, Energy conservation, Grant programs—housing and community development, Grant programs—Indians, Indians, Individuals with disabilities, Lead poisoning, Loan programs—housing and community development, Loan programs—Indians, Low and moderate income housing, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 941

Grant programs—housing and community development, Loan programs— housing and community development, Public housing.

Accordingly, the Department adopts as final and without change, the interim rule published on November 29, 1993 (58 FR 62522) that amended 24 CFR parts 905 and 941.

Dated: March 16, 1994.

Joseph Shuldiner,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 94–7035 Filed 3–24–94; 8:45 am]

BILLING CODE 4210-33-P

Office of the Inspector General

24 CFR Parts 2000, 2002, and 2003

[Docket No. R–94–1715; FR–3632–F–01]

RIN 2508–AA08

Removal of Internal Regulations: Office of the Inspector General

AGENCY: Office of the Inspector General, HUD.

ACTION: Final rule.

SUMMARY: This final rule eliminates 24 CFR part 2000, and makes conforming revisions to parts 2002 and 2003. This action complies with Executive Order 12861, by eliminating certain internal management regulations that are not required by law.

EFFECTIVE DATE: April 25, 1994.

FOR FURTHER INFORMATION CONTACT: Emmett N. Roden, Assistant General Counsel, Inspector General and Administrative Proceedings Division, Office of General Counsel, room 10251, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410, telephone (202) 708–2350 or (202) 708–3259 (TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Justification for Final Rulemaking

In general, the Department publishes a rule for public comment before issuing a rule for effect, in accordance with its own regulations on rulemaking, 24 CFR part 10. However, part 10 does provide for exceptions from that general rule where the agency finds good cause to omit advance notice and public participation. The good cause requirement is satisfied when prior public procedure is "impracticable, unnecessary, or contrary to the public interest." (24 CFR 10.1) The Department finds that good cause exists to publish this rule for effect without first soliciting public comment, in that prior public procedure is unnecessary because the rule relates to internal agency organization and management and because the provisions to be removed by this rule are not required by law and are duplicative of statutory provisions or delegations of authority that remain in effect.

Background

The Inspector General Act of 1978 (5 U.S.C. app.) was enacted to create independent and objective units to perform various investigative and monitoring functions in several Executive agencies of the Federal Government, including the Department of Housing and Urban Development (HUD). The Act confers broad authority upon the Inspector General to conduct independent investigations and audits. Consistent with its statutory independence, and with the delegation of authority to issue such rules and regulations as may be necessary to carry out the functions, powers, and duties of the Inspector General, separate regulations have been adopted at 24 CFR chapter XII (Ch. XII) that are applicable only to the Office of Inspector General (OIG) within HUD. Currently, chapter XII concerns such matters as organization, functions, and delegations of authority (part 2000), availability of information to the public (part 2002), implementation of the Privacy Act of 1974 (part 2003), and production in response to subpoenas or demands of courts or other authorities (part 2004).

On September 11, 1993, the President issued Executive Order 12861, which requires each Executive department and agency to undertake to eliminate within 3 years of the effective date of the Order not less than 50 percent of its civilian internal management regulations that are not required by law. Part 2000 is a civilian internal management regulation of the type referenced in the Executive Order. The Inspector General of HUD has determined that 24 CFR part 2000 is not required by law and, in large part, duplicates the provisions of the Inspector General Act or of various published delegations of authority that remain in force. Accordingly, this final rule eliminates part 2000 and amends parts 2002 and 2003, to the extent that those parts contain references to part 2000. (Part 2004 does not contain references to part 2000.)

Other Matters

Environmental Review

In accordance with 40 CFR 1508.4 of the regulations of the Council on Environmental Quality and 24 CFR 50.20(k) of the HUD regulations, the policies and procedures in this document relate only to internal administrative procedures that do not relate to the physical condition of project areas or building sites and, therefore, are categorically excluded from the requirements of the National Environmental Policy Act of 1969.

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this rule before publication and by approving it certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule eliminates unnecessary regulations. There are no anticompetitive discriminatory aspects of the rule with regard to small entities, and there are not any unusual procedures that would need to be complied with by small entities.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this rule will not have substantial direct effects on States or their political subdivisions, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. As a result, the rule is not subject to review under the Order. The rule is limited to eliminating unnecessary or duplicative regulations.

Executive Order 12606, The Family

The General Counsel, as the Designated Official under Executive Order 12606, The Family, has determined that this rule does not have potential for significant impact on family formation, maintenance, and general well-being and, thus, is not subject to review under the Order. No significant change in existing HUD policies or programs will result from promulgation of this rule, as those policies and programs relate to family concerns.

Regulatory Agenda

This rule was not listed in the Department's Semiannual Agenda of Regulations published on October 25, 1993 (58 FR 56402) under Executive Order 12291 and the Regulatory Flexibility Act.

List of Subjects

24 CFR Part 2000

Organization and functions (Government agencies).

24 CFR Part 2002

Freedom of information.

24 CFR Part 2003

Privacy.

For the reasons set out in the preamble, chapter XII of title 24 of the Code of Federal Regulations is amended as follows:

PART 2000—ORGANIZATION, FUNCTIONS AND DELEGATIONS OF AUTHORITY—[REMOVED]

1. Part 2000 is removed and reserved.

PART 2002—AVAILABILITY OF INFORMATION TO THE PUBLIC

2. The authority citation for part 2002 is revised to read as follows:

Authority: 5 U.S.C. 552; Freedom of Information Reform Act of 1986 (Pub. L. 99–570); Inspector General Act of 1978 (5 U.S.C. App.); 42 U.S.C. 3535(d); Delegation of Authority, Jan. 9, 1981 (46 FR 2389).

3. Section 2002.3(a) is revised to read as follows:

§ 2002.3 Request for records.

(a) A request for Office of Inspector General records may be made in person during normal business hours at any office where Office of Inspector General employees are permanently stationed. Although oral requests may be honored, a requester may be asked to submit the request in writing. A written request may be addressed to:

(1) Any Office of Inspector General employee at any location where that employee is permanently stationed; or

(2) The Office of Inspector General, Department of Housing and Urban Development, Washington, DC 20410.

* * * * *

4. Section 2002.17 is amended by revising paragraph (a) and the first sentence of paragraph (e) introductory text, to read as follows:

§ 2002.17 Time limitations.

(a) Upon receipt of a request for records, the appropriate Assistant

Inspector General or an appointed designee will determine within ten working days whether to grant the request. The Assistant Inspector General or designee will notify the requestor immediately in writing of the determination and the right of the person to request a review by the Inspector General of an adverse determination.

* * * * *

(e) In unusual circumstances as specified in this paragraph, and subject to the concurrence of any Assistant Inspector General or appointed designee, the time limits prescribed in either paragraph (a) or (c) of this section may be extended. * * *

* * * * *

5. Section 2002.19 is amended by revising the first sentence to read as follows:

§ 2002.19 Authority to release records or copies.

Any Assistant Inspector General or an appointed designee is authorized to release any record (or copy) pertaining to activities for which he or she has primary responsibility, unless disclosure is clearly inappropriate under this part. * * *

6. Section 2002.21 is amended by revising the first sentence of paragraph (a) introductory text, to read as follows:

§ 2002.21 Authority to deny requests for records and form of denial.

(a) An Assistant Inspector General may deny a request for a record. * * *

* * * * *

PART 2003—IMPLEMENTATION OF THE PRIVACY ACT OF 1974

7. The authority citation for part 2003 continues to read as follows:

Authority: 5 U.S.C. 552a; 5 U.S.C. App. (Inspector General Act of 1978); 42 U.S.C. 3535(d).

8. Section 2003.2 is revised to read as follows:

§ 2003.2 Definitions.

For purposes of this part:

Department means the OIG, except that in the context of §§ 16.1(d); 16.11(b) (1), (3), and (4); and 16.12(e), when those sections are incorporated by reference, the term means the Department of Housing and Urban Development.

Privacy Act Officer means an Assistant Inspector General.

Privacy Appeals Officer means the Inspector General.

9. Section 2003.4 is amended by revising the second sentence to read as follows:

§ 2003.4 Officials to receive requests and inquiries.

* * * Written requests may be addressed to the appropriate Privacy Act Officer at: Office of Inspector General, Department of Housing and Urban Development, Washington, DC 20410.

Dated: March 11, 1994.

Susan Gaffney,

Inspector General

[FR Doc. 94–7036 Filed 3–24–94; 8:45 am]

BILLING CODE 4210–01–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF–356; RE: Notice No. 783]

RIN 1512–AA07

The Hames Valley Viticultural Area (93F–009P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in southern Monterey County, California, to be known as "Hames Valley." The petition was submitted by Mr. Barry C. Jackson of the Harmony Wine Company on behalf of Valley Farm Management, Soledad, California, and Mr. Bob Denney & Associates, Visalia, California. The establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising will help consumers better identify the wines they may purchase, and will help winemakers distinguish their products from wines made in other areas.

EFFECTIVE DATE: April 25, 1994.

FOR FURTHER INFORMATION CONTACT: Robert White, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202–927–8230).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF–53 (43 FR 37672, 54624) revising regulations in 27 CFR part 4. These regulations allow the establishment of definitive viticultural areas. The regulations allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements. On October 2, 1979, ATF published Treasury Decision ATF–60 (44 FR 56692) which added a new part 9 to 27 CFR, for the listing of approved American viticultural areas.

Section 4.25a(e)(1), Title 27 CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features, the boundaries of which have been delineated in subpart C of part 9.

Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include:

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on the features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map with the boundaries prominently marked.

Petition

ATF received a petition from Mr. Barry C. Jackson of the Harmony Wine Company to establish a viticultural area in southern Monterey County, California, to be known as "Hames Valley." Mr. Jackson submitted the petition on behalf of Valley Farm Management, Soledad, California, and Mr. Bob Denney & Associates, Visalia, California. The Hames Valley viticultural area is located approximately three miles west of the town of Bradley and some seven miles north of Lake Nacimiento. It is located totally within the larger and previously established Monterey viticultural area. As stated in the original petition and letter from the petitioner dated April 27, 1993, there are several existing vineyards within the area that comprise approximately 630 acres planted to grapes. No wineries are currently located within the Hames Valley area. The size of the area is about sixteen square miles or approximately 10,240 acres.

Notice of Proposed Rulemaking

In response to Mr. Jackson's petition, ATF published a notice of proposed rulemaking, Notice No. 783, in the **Federal Register** on October 27, 1993 (58 FR 57764), proposing the establishment of the Hames Valley viticultural area. The notice requested comments from all interested persons by December 27, 1993.

Comments to Notice of Proposed Rulemaking

One comment was received in response to the notice of proposed rulemaking (Notice No. 783). The comment was from Mr. Robert H. Denney and Ms. Shelley B. Denney of Robert Denney & Associates, one of the petitioners for the establishment of the Hames Valley viticultural area. This commenter states that the existing Monterey viticultural area covers a vast geographic and climatic area, from the cool Salinas Valley floor area close to Monterey Bay to inland valleys and foothills seventy miles to the south.

According to Mr. and Ms. Denney, these southern valleys exhibit vastly different coastal influences and growing conditions. As a result, the varieties grown, their yields, quality characteristics and flavor components vary widely from Soledad on the north to Hames Valley on the south.

Mr. and Ms. Denney state that, as growers and small business people, it is important to their economic well being to be able to differentiate the wine grapes they grow in Hames Valley from those produced in the cooler regions of the Monterey viticultural area. They further state that by being able to differentiate their grapes and, ultimately through their own efforts, the wineries that purchase their grapes, as well as the consumer, can identify and seek out their product for its unique character.

Evidence That Viticultural Area Name Is Widely Known

The name Hames Valley has been associated with this area since the latter part of the nineteenth century. The petitioner cites Donald T. Clark, *Monterey County Place Names*, p. 201 (1991), which states that the valley was named for John Hames who had extensive land holdings in the area. In addition, the name Hames Valley appears on the U.S.G.S. Bradley Quadrangle, 15 minute series, map of Bradley, California, and also appears on the U.S.G.S. 7.5 minute series map entitled Hames Valley. Additionally, the petitioner notes that there is a creek which runs through the valley named Hames Creek.

Evidence of Boundaries

Hames Valley is located in the eastern foothills of the Santa Lucia Range, west of the confluence of the Salinas, San Antonio, and Nacimiento Rivers. The watershed of Hames Creek is the defining feature of the appellation. Hames Valley is located wholly within the larger, previously approved Monterey viticultural area. A portion of the boundaries of the Monterey viticultural area form the northern and western boundaries of Hames Valley. Swain Valley and the Salinas River form part of the eastern boundary. The ridgeline that separates Hames Valley from the San Antonio River forms the balance of the eastern and southern boundaries.

Geographical Features

Hames Valley is a small east-west oriented valley, west of the generally north-south orientation of the meandering Salinas River. Formed by the watershed of Hames Creek, Hames Valley thrusts its way seven miles into the eastern flank of the Santa Lucia Mountains. Hames Creek empties into the Salinas River approximately two miles downstream from the confluence of the San Antonio and Salinas Rivers. Hames Valley is separated from the San Antonio River by a ridge averaging 1,500 feet in elevation, the highest peak at 1,984 feet. A similar ridgeline forms the northern boundary and separates Hames Valley from the Salinas River.

The general topography within the valley consists of gently sloping alluvial fans and associated terraces. Drainages are generally well defined.

Soils

The petitioner submitted a composite map of the Hames Valley area compiled from the Soil Survey of Monterey County, California, U.S.D.A. Soil Conservation Service, U.S. Forestry Service, University of California Agricultural Experiment Station (1972). According to this map, the principal soils in the area are gravelly sandy loams of the Lockwood series. These comprise approximately 75 percent of the soil types present. Lesser amounts of Chamise shaly loams and Nacimiento silty clay loams are also present. All current viticulture takes place in the Lockwood series soils. Soils in the surrounding areas are also silty and shaly loams, but are located on 30 to 50 percent slopes and are of different compositions. The preponderance of the Lockwood shaly clay loam and the geomorphology (flat, well defined valley floor) set the Hames Valley apart from the surrounding mountainous areas.

Climate

With regard to climate, the petitioner submitted a study by A.N. Kasimatis, Extension Viticulturist, University of California, Davis (August 7, 1970). The study shows that heat summation for the Hames Valley-Bradley area is generally in the 3200 to 3500 degree-day range. This corresponds to a warm region III, similar to the King City and Paso Robles areas. This differs from the generally cooler climate (region I/II) for the Gonzales, Soledad, and Greenfield area, farther north.

Regarding other climatic factors, the petitioner stated that rainfall in the Hames Valley area averages 10 to 12 inches annually.

The petitioner further stated that the east-west axis of the Hames Valley relative to the north-south orientation of the Salinas Valley results in a reduced wind stress factor in the Hames Valley area. Windspeed builds up later in the day and at reduced velocities relative to the "wind-tunnel" effect in the Gonzales-Soledad-Greenfield area. This results in shorter overall exposure to wind stress, from both a time and wind velocity standpoint.

In sum, the following factors differentiate the Hames Valley from the adjacent Salinas Valley:

(a) An east-west axis relative to the general north-south orientation of the Salinas Valley.

(b) A generally warmer microclimate: Region III vs. region I/II.

(c) Higher overall elevation: 500 to 800 feet for Hames Valley, 100 to 500 feet for the Salinas Valley.

(d) Later daily windspeed build-up and duration of wind.

(e) More homogeneous soil profile: Hames Valley with one principal soil type; Salinas Valley, over 70 soil types.

(f) Geographically distinct and separate from the Salinas River Valley.

Viticultural Area Boundary

The boundary of the Hames Valley viticultural area may be found on one United States Geological Survey map, entitled Bradley Quadrangle, 15 minute series, with a scale of 1:62,500. The boundary is described in § 9.147.

Executive Order 12866

It has been determined that this rule is not a significant regulatory action, because it will not (1) 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; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

Regulatory Flexibility Act

It is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities. The establishment of a viticultural area is neither an endorsement nor approval by ATF of the quality of wine produced in the area, but rather an identification of an area that is distinct from surrounding areas. This process merely allows wineries to more accurately describe the origin of their wines to consumers, and helps consumers identify the wines they purchase. Designation of a viticultural area itself has no significant economic impact because any commercial advantage can come only from consumer acceptance of wines made from grapes grown within the area. In addition, no new recordkeeping or reporting requirements are imposed. Accordingly, a regulatory flexibility analysis is not required.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96–511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this final rule because no requirement to collect information is imposed.

Drafting Information

The principal author of this document is Robert White, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practices and procedures, Consumer protection, Viticultural areas, and Wine.

Authority and Issuance

Title 27, Code of Federal Regulations, part 9, American Viticultural Areas, is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Paragraph 2. Subpart C is amended by adding § 9.147 to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.147 Hames Valley.

(a) *Name*. The name of the viticultural area described in this section is "Hames Valley."

(b) *Approved maps*. The appropriate map for determining the boundary of the Hames Valley viticultural area is one U.S.G.S. 15 minute series topographical map, titled Bradley Quadrangle, California, edition of 1961, with a scale of 1:62,500.

(c) *Boundary*. The Hames Valley viticultural area is located in southern Monterey County in the State of California. The boundary is as follows:

(1) Beginning at the southeast corner of section 26, T. 23 S., R. 10 E., which coincides with the point where the 640 foot contour line crosses the Swain Valley drainage, the boundary proceeds in a straight line across section 26 to the northwest corner of section 26, T. 23 S., R. 10 E.;

(2) Then west northwest in a straight line across sections 22, 21, 20, and 19, T. 23 S., R. 10 E., to the northwest corner of section 24, T. 23 S., R. 9 E.;

(3) Then southeast in a straight line across sections 24, 25, 30, 31, and 32, to the southeast corner of section 5, T. 24 S., R. 10 E.;

(4) Then east southeast in a straight line across section 9 to the southeast corner of section 10, T. 24 S., R. 10 E.;

(5) Then east southeast in a straight line for approximately 2.25 miles to Hill 704, located in section 18, T. 24 S., R. 11 E.;

(6) Then north northwest in a straight line for approximately 1.35 miles to Hill 801, located near the northwest corner of section 7, T. 24 S., R. 11 E., and then continue in a straight line to the northwest corner of section 6, T. 24 S., R. 11 E.;

(7) Then in a generally northwesterly direction along the Salinas River for approximately 1 mile to where the Swain Valley drainage enters the Salinas River about .11 mile south of the northern boundary line of section 36, T. 23 S., R. 10 E.;

(8) Then in a westerly direction for approximately .75 mile along the Swain Valley drainage to the southeast corner of section 26, T. 23 S., R. 10 E., the point of beginning.

Signed: February 9, 1994.

Daniel R. Black,

Acting Director.

Approved: March 15, 1994.

John P. Simpson,

Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 94–7066 Filed 3–24–94; 8:45 am]

BILLING CODE 4810–31–U

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 0

[AG Order No. 1857–94]

Delegation of Authority Under the National Cooperative Research and Production Act of 1993, As Amended and Redesignated by the National Cooperative Production Amendments of 1993

AGENCY: Office of the Attorney General, Justice.

ACTION: Final rule.

SUMMARY: The National Cooperative Research Act of 1984 has been amended by the National Cooperative Production Amendments of 1993 to include joint ventures for production within its coverage and redesignated as the "National Cooperative Research and Production Act of 1993." The Act now provides persons engaging in eligible joint ventures for production, as well as persons engaging in joint research and development ventures, with the opportunity to reduce their potential liability for damages under the antitrust laws, provided they file with the Attorney General and the Federal Trade Commission a timely notification concerning the organization and objectives of their venture. The Attorney General or Federal Trade Commission must then publish a notice in the **Federal Register** that identifies the parties to the venture and describes generally the area of planned activity of the venture. The National Cooperative Production Amendments of 1993 also impose certain reporting requirements on the Attorney General. Due to the antitrust-related nature of these notification, publication and reporting functions, the Attorney General has delegated her authority under the Act to the Assistant Attorney General, Antitrust Division.

EFFECTIVE DATE: March 15, 1994.

FOR FURTHER INFORMATION CONTACT: Constance K. Robinson, Deputy Director of Operations, Antitrust Division; U.S. Department of Justice; 10th Street and

Constitution Avenue, NW., room 3214; Washington, DC 20530. Telephone (202) 514–3544.

SUPPLEMENTARY INFORMATION: This order is an internal delegation of authority. It is being published and placed in the Code of Federal Regulations for the general information of the public. This order is not a rule within the meaning of either Executive Order 12291, or the Regulatory Flexibility Act, 5 U.S.C. 601–612. The Department of Justice is issuing this rule as a final rule because it is a "rule of agency organization, procedure, or practice" within the meaning of 5 U.S.C. 553(b).

List of Subjects in 28 CFR Part 0

Authority delegations (government agencies), Government employees, Organization and functions (government agencies), Intergovernmental relations.

By virtue of the authority vested in me, as Attorney General, by 28 U.S.C. 509, 510, and 5 U.S.C. 301, part 0 of title 28 of the Code of Federal Regulations is hereby amended as follows:

PART 0—[AMENDED]

The authority citation for part 0 continues to read as follows:

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

2. Section 0.41 is amended by adding new paragraph (i) and revising paragraph (k) to read as follows:

§ 0.41 [Amended]

* * * * *

(i) Acting on behalf of the Attorney General with respect to sections 4(b), 4(c) and 4(d) of the National Cooperative Production Amendments of 1993, Pub. L. No. 103–42, 107 Stat. 117 (15 U.S.C. 4305 note).

* * * * *

(k) Acting on behalf of the Attorney General with respect to section 6 of the National Cooperative Research and Production Act of 1984, Pub. L. 98–462, 98 Stat. 1815, as amended by the National Cooperative Production Amendments of 1993, Pub. L. No. 103–42, 107 Stat. 117 (15 U.S.C. 4305).

Dated: March 15, 1994.

Janet Reno,

Attorney General.

[FR Doc. 94–6992 Filed 3–24–94; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9 and 86

[AMS–FRL–4854–6]

Amended Heavy-Duty Averaging, Banking, and Trading Credit Accounting Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This final rule makes two changes to the existing Averaging, Banking, and Trading (ABT) regulations for manufacturers of heavy-duty engines, under EPA's motor vehicle emission control program. Beginning with the final reports due in 1993 for the 1992 model year engines, heavy-duty engine manufacturers participating in the ABT program are required to use credits scheduled to expire in the earliest model year before using credits that would expire in later model years. EPA has concluded that the benefits intended to be derived from the ABT program are more likely to be realized by this credit accounting method than by the credit accounting method in the existing regulations. Therefore, the intent of this change is to correct an unintended effect in the existing regulations. This action also extends the reporting period for final reports from 180 days to 270 days after the end of the model year. This extension of reporting time will provide manufacturers additional time to collect sales data for calculating ABT credits and thus improve the accuracy of the credit information submitted to EPA.

EFFECTIVE DATE: This final rule is effective on April 25, 1994.

ADDRESSES: Materials relevant to this rule are contained in Public Docket No. A–92–30 at the following address: U.S. Environmental Protection Agency, 401 M Street SW., Washington DC 20460. The docket is available for public inspection from 8:30 a.m. until 12 noon and from 1:30 p.m. until 3:30 p.m. Monday through Friday. A reasonable fee may be charged for copying docket materials.

FOR FURTHER INFORMATION CONTACT: Ms. Paulina Chen, U.S. EPA, Manufacturers Operations Division (6405J), 401 M Street SW., Washington DC, 20460, Telephone: (202) 233–9249.

SUPPLEMENTARY INFORMATION:

I. Introduction

The ABT program was developed to provide flexibility for manufacturers to use a mix of emission control technology and minimize the costs associated with meeting increasingly stringent emission standards. This flexibility in turn creates environmental benefit by providing incentive in the form of credits for the earlier introduction of cleaner engines into the market. In addition, environmental benefits are derived from a 20 percent discount on all banked and traded credits. As an additional environmental safeguard, credit life is limited to assure adequate in-use overlap between credit-generating and credit-using vehicles.

The Averaging, Banking, and Trading (ABT) program regulations promulgated on July 26, 1990 prohibit heavy-duty engine manufacturers from banking and withdrawing emission credits from the same averaging set in the same model year. See 40 CFR 86.091–15(a)(2)(iii). According to the credit accounting method in the regulations, a manufacturer must first combine all transactions for an averaging set in a given model year. The manufacturer could then bank any excess credits or withdraw credits if there is a credit shortfall. This is similar to the last-in-first-out inventory accounting system (LIFO), because the most recently generated credits must be used first to average before older credits can be withdrawn from the bank. This provision has been a source of confusion for some members of the regulated industry. On May 29, 1992, the Engine Manufacturers Association (EMA) met with EPA to explain why its members thought that § 86.091–15(a)(2)(iii) allowed them to both withdraw previously banked credits and deposit new credits in the same model year and averaging set. In addition, EMA suggested that LIFO credit accounting removed a certain amount of expected flexibility from the ABT program and reduced the incentives for earlier introduction of cleaner engine technology. EPA subsequently informed EMA that § 86.091–15(a)(2)(iii) clearly provided for LIFO credit accounting, but that the Agency would review its previous decision and consider implementing a first-in-first-out (FIFO) credit accounting method as suggested by EMA.

After comparing the two credit accounting methods, EPA has concluded that the benefits intended to be derived from the ABT program are more likely to be realized under the FIFO credit accounting method, and that LIFO credit accounting may reduce the program's effectiveness in providing these benefits.

Today's action amends the credit accounting method used in the ABT program such that manufacturers must